AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE	PAGE OF PAGES
	1 | 1

2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. *(If applicable)*
000001			

6. ISSUED BY CODE PHA-30

Acquisition Services Division
US DOT/PHMSA/PHA-30
1200 New Jersey Avenue, SE
E22-317
Washington DC 20590-0001

7. ADMINISTERED BY *(If other than Item 6)* CODE

8. NAME AND ADDRESS OF CONTRACTOR *(No., street, county, State and ZIP Code)*

CODE FACILITY CODE

(x) 9A. AMENDMENT OF SOLICITATION NO. DTPH5614SN000003

x 9B. DATED *(SEE ITEM 11)* 01/31/2014

10A. MODIFICATION OF CONTRACT/ORDER NO.

10B. DATED *(SEE ITEM 13)*

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☒ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☒ is extended, ☐ is not extended.
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended , by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted ; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER If by virtue of this amendment you desire to change an offer already submitted , such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA *(If required)*

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: *(Specify authority)* THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.

B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES *(such as changes in paying office, appropriation date, etc.)* SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).

C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:

D. OTHER *(Specify type of modification and authority)*

E. IMPORTANT: Contractor ☐ is not, ☐ is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION *(Organized by UCF section headings, including solicitation/contract subject matter where feasible.)*

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The CLOSING DATE for Applications for PHMSA Funding Opportunity Announcement (FOA) #DTPH5614SN000003, "2014 Technical Assistance Grants", is being extended to MARCH 31, 2014.

See Attachment 1, for details of this amendment.

Note that all changes are highlighted in light gray background.

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER *(Type or print)*		16A. NAME AND TITLE OF CONTRACTING OFFICER *(Type or print)*	
		CYNTHIA D. BARZEY	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
(Signature of person authorized to sign)		Cynthia D. Barzey *(Signature of Contracting Officer)*	3/14/2014

U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Grant Opportunity

Pipeline Safety Information Grants to Communities - Technical Assistance Grants (TAG)

Fiscal Year 2014

Closing Date: March 31, 2014

Catalog of Federal Domestic Assistance Number (CFDA)
20.710 "Technical Assistance Grants"

PHMSA Funding Opportunity Announcement (FOA)

DTPH5614SN000003

Table of Contents

Program Summary……..3
Article I. Funding Opportunity Description.....4
Section 1.01 Statement of Purpose 4
Section 1.02 Program Authority 4
Section 1.03 Background..... 4
Article II. Award Information.....4
Section 2.01 Funding..... 4
Section 2.02 Cost Sharing 4
Section 2.03 Period of Performance 5
Section 2.04 Type of Award..... 5
Article III. Eligibility Information.....5
Section 3.01 Eligible Applicants 5
Article IV. Registration and Application Submission Information..... 5
Section 4.01 Registration and Getting Started..... 5
Section 4.02 Application Content..... 6
Section 4.03 Submission Dates and Times..... 8
Article V. Application Review Information 8
Section 5.01 Evaluation Criteria..... 8
Section 5.02 Scoring Guideline 9
Section 5.03 Review and Selection Process 9
Article VI. Award Administration Information.....9
Section 6.01 General..... 9
Section 6.02 Award Notice..... 10
Section 6.03 Administrative and National Policy Requirements 10
Section 6.04 Expected Program Outputs and Reporting Requirements..... 10
Article VII. PHMSA's Strategic Plan …….....11
Section 7.01 Mission and Vision.....11
Section 7.02 Challenges and Strategies.....11
Article VIII. Agency Contact Information 11

Program Summary

Federal Agency Name:	U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA)
Federal Agency Contact:	PHMSA Acquisition Services Division 1200 New Jersey Avenue, SE, E22-230 Washington, D.C. 20590 Attn: Mahua Mazumdar
Funding Opportunity Title:	"Pipeline Safety Information Grants to Communities - Technical Assistance Grants (TAG)"
Announcement Type:	Initial announcement.
Funding Opportunity Number:	DTPH5614SN000003
CFDA Number:	20.710
Eligible Applicants:	Applicants for Technical Assistance Grants must be local communities or groups of individuals (not including for-profit entities) relating to the safety of pipeline facilities in local communities, other than facilities regulated under Public Law 93-153 (43 U.S.C. 1651 et seq.). Eligible applicants include cities, towns, villages, counties, parishes, townships, and similar governmental subdivisions, or consortiums of such subdivisions.
Dates:	Grant Opportunity Issue Date: January 31, 2014. Application Due Date: March 31, 2014, 11:59 PM Eastern Time.
Questions on how to apply:	Carrie Winslow (757) 689-3168 carrie.winslow@dot.gov
Grant Related Questions:	Mahua Mazumdar (202) 366- 1282 mahua.mazumdar@dot.gov
Grants.gov Questions:	Grants.gov Contact Center (800) 518-4726 support@grants.gov

Article I. Funding Opportunity Description

Section 1.01 Statement of Purpose

The Pipeline and Hazardous Materials Safety Administration (PHMSA), through the U.S. Department of Transportation (DOT), hereby requests applications from local communities and groups of individuals (not including for-profit entities) to obtain funding for technical assistance in the form of engineering or other scientific analysis of pipeline safety issues affecting the local community or to help promote public participation in official proceedings (excluding non-official proceedings) pertaining to pipeline safety issues.

Section 1.02 Program Authority

49 U.S.C. 60130, Pipeline Safety Information Grants to Communities, also known as Technical Assistance Grants (TAG).

Section 1.03 Background

Experience shows that informed communities play a vital role in the safety and reliability of pipeline operations. The Technical Assistance Grants (TAG) program, first authorized in the Pipeline Safety Improvement Act of 2002 (Act) (P. L. 107-355, codified at 49 U.S.C. 60130), offers new opportunities to strengthen the depth and quality of public participation in pipeline safety matters. Section 9 of the Act, titled: "Pipeline Safety Information Grants to Communities" authorized the Secretary of Transportation to make grants to local communities and organizations for technical assistance relating to pipeline safety issues. The TAG program has been amended by Section 5 of the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 (PIPES Act of 2006) (P.L. 109-468) and the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90).

These grants will allow communities and groups of individuals to obtain funding for technical assistance in the form of engineering or other scientific analysis of pipeline safety issues and help promote public participation in official proceedings. For purposes of grants eligibility, communities are defined as cities, towns, villages, counties, parishes, townships, and similar governmental subdivisions, or consortiums of such subdivisions. A nongovernmental group of individuals is eligible for a grant under the TAG program if its members are affected or potentially affected individuals who are incorporated as a non-profit organization in the state where they are located.

Article II. Award Information

Section 2.01 Funding

The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 has authorized up to $1,500,000 per year for the TAG program (49 U.S.C. 60130 (d)). The amount of any grant may not exceed $50,000 for a single grant recipient. However, total available funding and the maximum award amount are contingent upon an enacted budget appropriating funding for the program.

The funds authorized for these grants may not be derived from user fees collected under 49 U.S.C. 60301.

Section 2.02 Cost Sharing

There are no cost-sharing requirements.

Section 2.03 Period of Performance

PHMSA anticipates the period of performance to be twelve (12) months from the date of award for each grant.

Section 2.04 Type of Award

Subject to an enacted budget, PHMSA intends to award multiple Technical Assistance Grants as a result of this grant opportunity. The number of awards will depend on the quality of applications, the number of applications received, and the dollar amounts requested. Submission of an application is not a guarantee of award. PHMSA may award a grant based on an application in its entirety, award only portions of a grant application, or not award an application at all.

Article III. Eligibility Information

Section 3.01 Eligible Applicants

Applicants for Technical Assistance Grants must be local communities or groups of individuals, (communities and non-profit groups) relating to the safety of pipeline facilities in local communities, other than facilities regulated under Public Law 93-153 (43 U.S.C. 1651 et seq.). For-profit entities are not eligible for Technical Assistance Grants. Eligible applicants include cities, towns, villages, counties, parishes, townships, and similar governmental subdivisions, or consortiums of such subdivisions.

Article IV. Registration and Application Submission Information

Section 4.01 Registration and Getting Started

PHMSA has developed a step-by-step online wizard in a web application called FedSTAR to guide applicants through the process of answering questions relevant to the "evaluation criteria," detailed in Section 5.01, of this funding opportunity announcement (FOA). FedSTAR will build the application package, including all required forms, for final submission through Grants.gov. Therefore, **applicants must submit an application through FedSTAR**.

To begin the process, applicants must be registered at both FedSTAR and www.grants.gov to submit an application online as required. It is highly recommended that applicants begin the registration process as soon as possible to avoid delays. **Failure to comply with the prescribed application requirements as described in this section will result in an application not being reviewed.**

Accessing Grants.gov:
For new users, go to http://www.grants.gov/web/grants/register.html, or go to the main page at http://www.grants.gov/ and click on "Register." **Please note that new user registrations for Grants.gov can take up to two weeks to complete.** For additional questions on how to register, contact Grants.gov support. Carrie Winslow may also be able to help answer questions on applying for Grants.gov usernames/passwords as they specifically relate to the TAG program.

Accessing FedSTAR:
Using your web browser, go to https://fedstar.phmsa.dot.gov. For new users, or if you need

assistance with your current username or password or technical support, please contact: Carrie Winslow at: (757) 689-3168 (carrie.winslow@dot.gov).

Additional instructions on completing the application wizard and submitting your application are provided later in this FOA, in Section 4.02, Application Content.

Section 4.02 Application Content

Applicants must apply only for funding that can reasonably be spent within 12 months of the time of award. TAG recipients from previous years are eligible to apply for a 2014 TAG. The performance period of a project must be 12 months or less. Recipients may request up to 50% of the total federally funded amount upon complete execution of the grant award. The remaining amount may be requested upon receipt and approval (by the PHMSA Agreement Officer and Agreement Officer's Representative) of a mid-year progress report.

Use of Funds

Prohibition: Funds provided under a grant award may not be used in direct support of litigation, lobbying, or for direct advocacy for or against a pipeline construction or expansion project.

Changes in project scope, budget, objectives, project period, or key personnel will require advance written approval by PHMSA Agreement Officer.

While operators of municipal pipeline systems are considered communities and are eligible for a TAG, **the funds may not be used for activities associated with regulatory compliance or typical operations and maintenance of pipeline facilities. This restriction includes compliance with pipeline safety integrity management regulations.**

When applying for projects that may include the purchase of equipment, applicants are encouraged to use the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) authorized equipment list found at https://www.llis.dhs.gov/knowledgebase/lists.cfm. Equipment purchases must specifically relate to pipeline safety risk assessment. New or novel equipment may still be used or included, but additional explanation or justification may be required by PHMSA before the expenditure can be approved.

See **Attachment 1: Terms and Conditions** of this announcement for a list of statutes and regulations that discuss allowable uses of funds.

PHMSA will only review applications from municipal pipeline operators that propose project work that clearly exceeds what is required of pipeline operators under existing pipeline safety regulations. Examples of eligible project work include, but are not limited to:

- Adopting Pipelines and Informed Planning Alliance (PIPA) recommended practices (more information at http://www.pipa-info.com);
- Increasing awareness of "811 – Call Before You Dig" program;
- Developing of information or technologies that could aid in pipeline emergency response, pipeline excavation damage prevention, risk-informed land use

planning, community awareness, public education, and engineering (except activities already required by existing regulations); and
- Understanding and filling data needs to improve data analysis.

Questions regarding the eligibility of specific activities may be directed to Mahua Mazumdar.

For summaries of past TAG projects, including all final reports that have been submitted to PHMSA to date, visit http://primis.phmsa.dot.gov/tag. Please note that in the first two years of the TAG program (2009 and 2010), the FOA did not explicitly prohibit the use of funds for regulatory compliance or operations and maintenance by municipal operators.

Each application must consist of the following:

A. As part of the FedSTAR wizard, applicants will be asked to provide the following information:
   1. Provide a clear and concise description of the work this grant will fund;
   2. Describe the proposed project scope, goals, and objectives that focus on areas where a pipeline failure could pose a significant risk to people or to unusually sensitive environmental areas (see definition in 49 C.F.R. 195.6);
   3. Describe the specific concerns the proposed project will address, including the range of risks that affected pipelines pose to the affected geographic area and the risks pipelines pose to the community;
   4. Describe how the proposed project will foster open communication with affected pipeline operators and partnerships with other key members of the community to ensure project success;
   5. Describe how the proposed project is designed to improve performance and safety over time and align with the challenges and strategies in PHMSA's Strategic Plan in areas such as engineering, damage prevention, land use, public education, emergency response, and/or community awareness;
   6. Describe the specific project plan including resources, milestones, and estimated project costs that align with proposed project goals and objectives;
   7. Describe how proposed project results and deliverables will be measured, evaluated and disseminated to affected stakeholders; and
   8. Describe how the proposed project provides the potential for learning or technology transfer to other groups and communities.

B. Additional information, including the following:
   1. Complete applicant information (i.e., legal name, Employer/Taxpayer Identification Number (EIN/TIN), DUNS number, address, etc.);
   2. Any attachments that support the budget request, such as vendor quotes and past invoices (optional); and
   3. Certification regarding lobbying activities.

   [**NOTE**:
   - If your budget estimate includes ***indirect costs***, please attach a copy of your ***approved indirect cost rate agreement*** along with your proposal. If your entity does not have an approved indirect cost rate agreement, please include a statement to that effect in your budget request.
   - If your budget includes ***personnel costs***, please include a complete breakdown, including *personnel title/position, hourly rate, and the*

number of hours expected to be spent by each personnel on the proposed project.

- If your proposal includes ***travel costs***, please include adequate details on how the cost has been calculated including travel fare, etc.
- If your proposal includes ***equipment costs***, please include adequate details on how the cost has been calculated, including information on each specific equipment piece(s) required and their individual costs.]

Each applicant will be prompted to enter the information described above through the FedSTAR wizard. The FedSTAR wizard will automatically complete and submit the SF-424, SF-424A, and the lobbying forms based on the applicant's responses.

Section 4.03 Submission Dates and Times

Complete applications must be received electronically through FedSTAR and Grants.gov by 11:59 PM Eastern Time on March 31, 2014. Applicants will receive an automated receipt of the date and time of application submission.

Article V. Application Review Information

Section 5.01 Evaluation Criteria

PHMSA developed TAG evaluation criteria to be used to rate and select among competing applications. Each criterion will be weighted equally and is intended to align with the challenges and strategies in PHMSA's Strategic Plan, Section 7.02. Submission of an application is not a guarantee of award. PHMSA may award a grant based on an application in its entirety, award only portions of a grant application, or not award an application at all.

Applications will be evaluated against the evaluation criteria below:

1. The extent to which the Applicant's project scope establishes clear goals and objectives that focus on areas where a pipeline failure could pose a significant risk to people or to unusually sensitive environmental areas (see definition in 49 C.F.R 195.6);
2. The extent to which the Applicant's project scope identifies specific pipeline safety concerns or risks to address in affected geographic areas to stakeholders and/or communities;
3. The extent to which the proposal demonstrates the Applicant's experience with and commitment to foster open communication with affected operators and other key members of the community to ensure project success;
4. The extent to which the Applicant's project aligns with the challenges and strategies in PHMSA's Strategic Plan and seeks to improve performance and safety over time in areas such as engineering, damage prevention, land use, public education, emergency response, and community awareness;
5. The extent to which the Applicant's project plan clearly establishes resources, milestones, and estimated project costs that align with project goals and objectives;
6. The extent to which the Applicant's project plan identifies measureable results and deliverables and specifies how results will be evaluated and disseminated to affected stakeholders; and
7. The extent to which the Applicant's project scope provides the potential for learning or technology transfer to other groups and communities.

In addition, PHMSA expects the proposed results of the projects to be factual, unbiased, verifiable, and repeatable to the extent practicable. Applicants should also be aware that a grant award will not convey any authority to grant recipients to secure information or cooperation from pipeline operators.

Section 5.02 Scoring Guideline

Scoring Guideline	
Exceptional	The application demonstrates that the requirements of the funding opportunity announcement (FOA) are very well understood and the approach will likely result in a very high quality performance. The application clearly addresses and exceeds requirements with no weaknesses. The application contains outstanding features that meet or exceed on multiple dimensions the expectations of the Government. **The risk of poor performance is very low.**
Acceptable	The application demonstrates that the requirements of the funding opportunity announcement (FOA) are understood and the approach will likely result in satisfactory performance. The application addresses and meets requirements with some minor but correctable weaknesses. The application demonstrates requisite experience, qualifications, and performance capabilities. **The risk of poor performance is no more than moderate.**
Unacceptable	The application does not meet the requirements of the funding opportunity announcement (FOA). The application fails to address requirements or, although it addresses and may partially satisfy some requirements; major weaknesses and/or deficiencies are noted. The application could not satisfy critical requirements without a major revision and/or a rewrite of the application or a major redirection effort. **The risk of poor performance is high.**

Section 5.03 Review and Selection Process

PHMSA will conduct an initial administrative review of each completed application to determine if it is complete and meets the eligibility and responsibility requirements. A team composed of representatives from local, state, and the Federal Government with expertise in pipeline safety will review and evaluate each completed application that meets the eligibility requirements and provide recommendations on awards. Final award decisions will be made by PHMSA and Departmental Leadership after taking into consideration the recommendations made by the technical and business evaluation team. Note: All Federal award recipients are required to register and maintain an active status in the System for Award Management (SAM) which can be accessed at https://www.sam.gov/portal/public/SAM/#1. PHMSA will review potential grant recipients' status in SAM to make a responsibility determination.

Article VI. Award Administration Information

Section 6.01 General

Based on the availability of a current fiscal year appropriation and enacted budget, PHMSA's awarding official will make grants to those responsible, eligible applicants whose applications are judged most meritorious under the procedures set forth in this FOA. All funds granted by PHMSA under this FOA must be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, regulations, terms and

conditions of the award, applicable Federal cost principles, and the Department's assistance regulations. Funds may not be used in direct support of litigation, lobbying, or for direct advocacy for or against a pipeline construction or expansion project.

Section 6.02 Award Notice

The award document will provide pertinent instructions and information including, at a minimum, the following:

1) The Legal name and address of performing organization or institution;
2) Title of project;
3) Name(s) of key personnel chosen to direct and control approved activities;
4) Identifying award number assigned by the Department;
5) Project period, specifying the amount of time the Department intends to support the project;
6) Total amount of Departmental financial assistance approved for the project period;
7) Legal authority (ies) under which the award is issued;
8) Appropriate Catalog of Federal Domestic Assistance (CFDA) number;
9) Applicable award terms and conditions attached with the grant award at the time of award notification;
10) Approved total budget for categorizing allocable project funds to accomplish the stated purpose of the award; and
11) Other information or provisions deemed necessary by PHMSA to carry out its respective awarding activities or to accomplish the purpose of a particular award.

Section 6.03 Administrative and National Policy Requirements

Several Federal statutes and regulations apply to grant applications considered for review and grants awarded under this program. See **Attachment 1: Terms and Conditions** of this announcement for a list of statutes and regulations that are applicable to this funding opportunity.

Section 6.04 Expected Program Outputs and Reporting Requirements

During the performance of the grant, each recipient must provide a written mid-year progress report to PHMSA, half-way through the grant performance period, as outlined in the grant agreement. Recipients may request up to 50% of the total federally funded amount of the award upon complete execution of the grant agreement. The remaining amount may be requested upon receipt and approval (by the PHMSA Agreement Officer and Agreement Officer's Representative) of the mid-year progress report. The mid-year report must include the following:

1. A comparison of actual accomplishments to the objectives established for the period;
2. Where the output of the project can be quantified, a computation of the cost per unit of output; and
3. The reasons for slippage if established objectives were not met.

Each grant recipient must provide a final report to PHMSA demonstrating completion of the work as outlined in the grant agreement. Further, each recipient of a grant must ensure that:

1) The technical findings made possible by the grants are made available to the relevant pipeline operators; and
2) Open communication is maintained between the grant recipients, local operators, local communities, and other interested parties.

<u>In total, four (4) reports (a mid-year progress report, federal financial status report, a final</u>

report, and a final financial report, SF-425) on the deliverables funded by the grant will be required.

Article VII. PHMSA's Strategic Plan

PHMSA released its Strategic Plan for 2012-2016 that outlines how it will achieve its mission in the coming years to support the Secretary's Strategic goals for State of Good Repair, Economic Competitiveness, and Livable Communities.

Section 7.01 Mission and Vision

Our mission is to protect people and the environment from the risks of hazardous materials transportation by pipeline and other modes of transportation. To accomplish this, we establish national policy, implement and enforce standards, educate, and conduct research to prevent incidents. We also support the efforts of the public and first responders to reduce consequences if an incident does occur.

Our vision is that no harm to people and communities results from hazardous materials transportation. We do not accept death as an inevitable consequence of transporting hazardous materials, so we will work continuously to find innovative ways to reduce risk toward zero deaths, injuries, environmental and property damage, and transportation disruptions.

Section 7.02 Challenges and Strategies

Some of the key challenges we expect to address over the next 5-10 years include the following:

- Changes in risk exposure
- Aging/obsolete pipeline infrastructure
- Excavation and other outside force damage to pipelines
- Human error and poor safety culture
- Understanding and targeting risk
- Mitigation and response
- Shared responsibility and collaboration with others
- Advances in technology
- Public perceptions of risk

Our general strategies include the following:

- Better understanding and targeting risks
- Strengthening our standards
- Strong enforcement
- Promoting strong safety culture and safety management systems
- Expanding public education/awareness
- Collaborating with others
- Leveraging technology & research

Article VIII. Agency Contact Information

Questions Regarding How to Apply

Carrie Winslow
Phone: (757) 689-3168
Email: carrie.winslow@dot.gov

Grant Related Questions

Primary Point of Contact:
Mahua Mazumdar, Agreement Administrator
Acquisition Services Division
Pipeline & Hazardous Materials Safety Administration
United States Department of Transportation
1200 New Jersey Avenue, SE, E22-305
Washington, D.C. 20590
Phone: (202) 366-1282
Email: mahua.mazumdar@dot.gov

Secondary Point of Contact:
Warren Osterberg, Agreement Officer
Acquisition Services Division
Pipeline & Hazardous Materials Safety Administration
United States Department of Transportation
1200 New Jersey Avenue, SE, E22-317
Washington, D.C. 20590
Phone: (202) 366-6942
Email: warren.osterberg@dot.gov

Grants.gov Questions
Grants.gov Contact Center
Phone: (800) 518-4726
Email: support@grants.gov

Department of Transportation
Pipeline and Hazardous Materials Safety Administration (PHMSA)

Terms and Conditions

Table of Contents

1. Definitions 2
2. Recipient Responsibilities 2
3. Compliance with Award Terms and Conditions 2
4. Order of Precedence 2
5. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards……3
6. Restrictions on Use of Funds for Lobbying or in Support of Litigation 3
7. Nondiscrimination 3
8. Governmentwide Debarment and Suspension (Non-procurement)..... 3
9. Drug-Free Workplace……..3
10. eInvoicing …..……..4
11. Payments 5
12. Adherence to Original Project Objectives and Budget Estimates 7
13. Prior Approvals 7
14. Contracting with Small and Minority Firms..... .7
15. Seat Belt Use Policies and Programs..... 8
16. Ban on Text Messaging While Driving..... .8
17. Rights in Technical Data 9
18. Notice of News Releases, Public Announcements, and Presentations…….....9
19. Violation of Award Terms……9
20. Fraud, Waste, or Abuse……9
21. Reporting Grantee Executive Compensation, and First Tier Sub-Awards……....9
22. Call Before You Dig Program…….....12
23. Access to Electronic and Information Technology……..13

1. Definitions

- **a) Recipient** – An organization receiving financial assistance directly from Federal awarding agencies to carry out a project or program.
- **b) Agreement Officer (AO)** – The AO has full authority to negotiate, administer, and execute all business matters of the award. Further, should any changes to the scope, budget, schedule, or any other terms become necessary, only the AO has the authority to amend the award.
- **c) Agreement Administrator (AA)** – The AA is responsible for the daily administration of the award. The AA is NOT AUTHORIZED to change the scope, budget, specifications, and terms and conditions as stated in the award, to make any commitments that otherwise obligates the Government or authorize changes which affect the award budget, delivery schedule, period of performance, or other terms and conditions.
- **d) Agreement Officer's Representative (AOR)** – The AOR assists in monitoring the work under the award. The AOR will oversee the technical administration of the award and will act as a technical liaison with the performing organization. The AOR is NOT AUTHORIZED to change the scope, budget, specifications, and terms and conditions as stated in the award, to make any commitments that otherwise obligate the Government or authorize changes which affect the award budget, delivery schedule, period of performance, or other terms and conditions.
- **e) Principal Investigator (PI)** – The PI is the individual designated by the Recipient and approved by PHMSA who is responsible for the technical direction of the project. The PI cannot be changed or become someone substantially less involved than was indicated in the Recipient's proposal, without prior written approval of the Agreement Officer.

2. Recipient Responsibilities

In accepting a PHMSA financial assistance award (grant or cooperative agreement), the Recipient assumes legal, financial, administrative, and programmatic responsibility for administering the award in accordance with the laws, rules, regulations, and Executive Orders governing grants and cooperative agreements, and these Award Terms and Conditions, including responsibility for complying with any provisions included in the award.

Failure to comply with these requirements may result in suspension or termination of the award and PHMSA recovery of funds.

3. Compliance with Award Terms and Conditions

Submission of a signed Request for Advance or Reimbursement (payment request) form constitutes the Recipient's agreement to comply with and spend funds consistent with all the terms and conditions of this award.

4. Order of Precedence

Any inconsistency or conflict in the terms and conditions specified in this award will be resolved according to the following order of precedence:

- **a)** The Federal statute authorizing this award or any other Federal statutes, laws, regulations or directives directly affecting performance of this award.
- **b)** Terms and Conditions of this award.

5. **Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200)**
The recipient (and any subrecipients) must comply with these requirements including the cost principles which apply to the recipient, and the audit requirements the recipient must follow. A recipient which expends $750,000 or more of federal funds, in the recipient's fiscal year, must have an audit conducted.

2 CFR 200 is incorporated by reference into this award, and may be viewed at: http://www.ecfr.gov/cgi-bin/text-idx?SID=36766b4d82ebca47caae047cb4606343&node=2:1.1.2.1.1&rgn=div5

6. **Restrictions on Use of Funds for Lobbying or in Support of Litigation**
The Recipient may not conduct political lobbying, as defined in the statutes, regulations, and 2 CFR 225– "Lobbying," within the Federally-supported project. The Recipient may not use Federal funds for lobbying specifically to obtain grants and cooperative agreements. The Recipient must comply with 49 CFR 20, U.S. Department of Transportation "New Restrictions on Lobbying." Also, under 49 U.S.C. 60134 (g) the Recipient is prohibited from using funds provided under this agreement in direct support of litigation.

49 CFR 20 is incorporated by reference into this award.

7. **Nondiscrimination**
The Recipient must comply with Title VI of the Civil Right Act of 1964, which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, be subject to discrimination under any program or activity receiving Federal financial assistance. The Recipient must comply with 49 CFR 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964"

49 CFR 21 is incorporated by reference into this award.

8. **Government-wide Debarment and Suspension (Non-procurement)**
The Recipient must review the "list of parties excluded from federal procurement or non-procurement programs" located on the Excluded Parties List System (EPLS) website before entering into a sub-award. https://www.sam.gov/portal/public/SAM/

The Recipient must comply with the provisions of EO 12549, "Debarment and Suspension."

2 CFR 1200 "Non-procurement Suspension and Debarment" is incorporated by reference into this award.

The Recipient must inform the AO if the recipient suspends or debars a sub-awardee.

9. **Drug-Free Workplace**

The Recipient must comply with the provisions of Public Law 100-690, Title V, Subtitle D, "Drug-Free Workplace Act of 1988," which require the Recipient to take steps to provide a drug-free workplace. The Recipient must comply with **49 CFR 32**, "Government-wide Requirements for Drug Free Workplace (Financial Assistance)" which is incorporated by reference into this award.

10. eInvoicing (PHMSA July 2012)

Recipients of PHMSA grants, cooperative agreements, and other transaction agreements (OTA) must use the Delphi eInvoicing System.

A. **Recipients' Requirements**:

Recipients must:

- have internet access to register and submit payment requests through the Delphi eInvoicing system.
- submit payment requests electronically, and receive payment electronically.

B. **System User Requirements**:

- Contact the PHMSA Agreement Administrator directly to sign up for the system. PHMSA will provide the recipient's name and email address to the DOT Financial Management Office. The DOT Financial Management Office will then invite the recipient to sign up for the system.
- DOT will send the recipient a form to verify identity. The recipient must complete the form, and present it to a Notary Public for verification. The recipient will return the notarized form to:

DOT Enterprise Service Center
FAA Accounts Payable, AMK-316
PO Box 25710
Oklahoma City, OK 73125

- DOT will validate the information on the form and email a user ID and password to the recipient. Contact the PHMSA Agreement Administrator with any changes to the recipient's system information.

Note: Additional information, including access forms and training materials, can be found on the DOT eInvoicing website (http://www.dot.gov/cfo/delphi-einvoicing-system.html)

C. **Waivers**

DOT Financial Management officials may, on a case by case basis, waive the requirement to register, and use, the electronic payment system. Waiver request forms can be obtained on the DOT eInvoicing website (http://www.dot.gov/cfo/delphi-einvoicing-system.html) or by contacting the PHMSA Agreement Administrator. Recipients must explain why they are unable to use or access the internet to register and enter payment requests.

All waiver requests should be sent to:

- Director of the Office of Financial Management, U.S. Department of Transportation, Office of Financial Management, B-30, Room W93-431, 1200 New Jersey Avenue SE, Washington DC 20590-0001, DOTElectronicInvoicing@dot.gov. The Director of the DOT Office of Financial Management will confirm or deny the request within approximately 30 days.
- A copy of the form should also be sent to U.S. Department of Transportation, PHMSA, Acquisition Services Division (PHA-30), Agreement Officer, 1200 New Jersey Avenue SE, Washington DC 20590-0001, Warren.Osterberg@dot.gov

If a recipient is approved for a waiver, the recipient should submit all hard-copy invoices directly to:

U.S. Department of Transportation
Federal Aviation Administration, MMAC
Financial Operations, AMK-316
P.O. Box 269039
Oklahoma City, Oklahoma 73126-9039
ATTN: Ms. Margaret Gorman
(405) 954-7468

11. Payments (PHMSA July 2012)

Recipients, upon receipt of the fully executed award document, may request up to 50% of the total federally funded amount of the award. The remaining amount may be requested, upon receipt and approval, (by the PHMSA Agreement Officer) of the "Mid-Term Report."

Advance payments or Reimbursement payments will be made after the electronic receipt via iSupplier of "Request for Advance or Reimbursement" (Standard Form SF-270).

a) Method of payment.

i) The Government will make all payments under this agreement by electronic funds transfer (EFT), except as provided by paragraph (a)(ii) of this clause. As used in this clause, the term "EFT" refers to the funds transfer and may also include the payment information transfer.

ii) If the Government is unable to release one or more payments by EFT, the Recipient agrees either to –

(a) Accept payment by check or some other mutually agreeable method of payment; or

(b) Request the Government to extend the payment due date until such time as the Government can make payment by EFT (but see paragraph d. of this clause).

b) Recipient's EFT information. The Government will make payment to the Recipient using the EFT information contained in the System for Award Management (CCR) database. If the EFT information changes, the Recipient is responsible for providing the updated information to the CCR database, which is in the System for Award Management (SAM) at: https://www.sam.gov/portal/public/SAM/

c) Mechanisms for EFT payment. The Government may make payment by EFT through either the Automated Clearing House (ACH) network, subject to the rules of the National Automated Clearing House Association, or the Fedwire Transfer

System. The rules governing Federal payments through the ACH are contained in 31 CFR Part 210.

d) Suspension of payment. If the Recipient's EFT information in the CCR database is incorrect, the Government is not obligated to make payment to the Recipient under this agreement until the correct EFT information is entered into the CCR database. An invoice or agreement-financing request is not a proper invoice for the purpose of prompt payment under this agreement.

e) Recipient EFT arrangements. If the Recipient has identified multiple payment receiving points (i.e., more than one remittance address and/or EFT information set) in the CCR database, and the Recipient has not notified the Government of the payment receiving point applicable to this agreement, the Government will make payment to the first payment receiving point (EFT information set or remittance address as applicable) listed in the CCR database.

f) Liability for uncompleted or erroneous transfers.

- **i)** If an uncompleted or erroneous transfer occurs because the Government used the Recipient's EFT information incorrectly, the Government remains responsible for –
  - (a) Making a correct payment;
  - (b) Paying any prompt payment penalty due; and
  - (c) Recovering any erroneously directed funds.
- **ii)** If an uncompleted or erroneous transfer occurs because the Recipient's EFT information was incorrect, or was revised within 30 days of Government release of the EFT payment transaction instruction to the Federal Reserve System, and –
  - (a) If the funds are no longer under the control of the payment office, the Government is deemed to have made payment and the Recipient is responsible for recovery of any erroneously directed funds; or
  - (b) If the funds remain under the control of the payment office, the Government will not make payment, and the provisions of paragraph d. of this clause apply.

g) EFT and prompt payment. A payment will have been made in a timely manner in accordance with the prompt payment terms of this agreement if, in the EFT payment transaction instruction released to the Federal Reserve System, the date specified for settlement of the payment is on or before the prompt payment due date, provided the specified payment date is a valid date under the rules of the Federal Reserve System.

h) EFT and assignment of claims. If the Recipient assigns the proceeds of this agreement, the Recipient must require, as a condition of any such assignment, that the assignee register in the CCR database and be paid by EFT in accordance with the terms of this clause. In all respects, the requirements of this clause will apply to the assignee as if it were the Recipient. EFT information that shows the ultimate recipient of the transfer to be other than the Recipient, in the absence of a proper assignment of claims acceptable to the Government, is incorrect EFT information within the meaning of paragraph d. of this clause.

i) Liability for change of EFT information by financial agent. The Government is not liable for errors resulting from changes to EFT information made by the Recipient's financial agent.

j) Payment information. The payment or disbursing office will forward to the Recipient available payment information that is suitable for transmission as of the date of

release of the EFT instruction to the Federal Reserve System. The Government may request the Recipient to designate a desired format and method(s) for delivery of payment information from a list of formats and methods the payment office is capable of executing. However, the Government does not guarantee that any particular format or method of delivery is available at any particular payment office and retains the latitude to use the format and delivery method most convenient to the Government. If the Government makes payment by check in accordance with paragraph a. of this clause, the Government will mail the payment information to the remittance address contained in the CCR database.

(End of Provision)

12. Adherence to Original Project Objectives and Budget Estimates

a) The Recipient is responsible for any commitments or expenditures it incurs in excess of the funds provided by an award. Expenditures incurred prior to the effective date of an award cannot be charged against an award unless provided for in the award.

b) The Recipient must submit any proposed change that requires PHMSA's written approval 30 days prior to the requested effective date of the proposed change. PHMSA will not approve any change to the award during the last 30 days of the award period.

13. Prior Approvals

a) The following expenditures require the AO's advance written approval:

- **i)** Changes in the scope, objective, or key personnel referenced in the Recipient's proposal.
- **ii)** Change in the project period. PHMSA must receive this request no later than 30 calendar days prior to the end of the project period. The Recipient must submit a revised budget indicating the planned use of all unexpended funds during the extension period.

b) The Recipient must submit a revised financial estimate and plan for i) and ii) above.

c) The AA will notify the Recipient in writing within 30 calendar days after receipt of the request for revision or adjustment whether the request has been approved.

14. Contracting with Small and Minority Firms, Women's Business Enterprises, Veteran-Owned, and HubZone Area Firms

a) It is the Department of Transportation (DOT) policy to award a fair share of contracts to small minority business, women-owned, and HubZone firms. DOT is strongly committed to the objectives of this policy and encourages all Recipients of its Grants and Cooperative Agreements to take affirmative steps to ensure such fairness on the awarding of any subcontracts.

b) The Recipient and any Sub-recipients are encouraged to take all necessary affirmative steps to assure that small, women-owned, minority disadvantaged businesses, veteran, and HUBZone business firms are used when possible.

c) Affirmative steps include:

- **i)** Placing qualified small and minority-disadvantaged businesses, women owned business enterprises, veteran-owned and HUBZone business firms on solicitation lists;

ii) Assuring that small and minority businesses, women's business enterprises, veteran-owned and HUBZone business firms are solicited whenever they are potential sources;

iii) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority businesses, women's business enterprises, veteran-owned, and HUBZone business firms;

iv) Establishing delivery schedules, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority business, women's business enterprises, veteran-owned, and HUBZone business firms; and

v) Using the services and assistance of the Small Business Administration and the Office of the Small and Disadvantaged Business Utilization of the Department of Transportation, as appropriate.

15. Seat Belt Use Policies and Programs

In accordance with Executive Order 13043, the Recipient is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this presidential initiative. For information on how to implement such a program or for statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.nhtsa.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in Washington, D.C. dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to help with technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 85 percent seat belt use. NETS can be contacted at 1-888-221-0045 or visit its website at www.trafficsafety.org.

16. Ban on Text Messaging While Driving

a) *Definitions.* The following definitions are intended to be consistent with the definitions in DOT Order 3902.10 and the E.O. For clarification purposes, they may expand upon the definitions in the E.O.

"Driving"-

(1) Means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.

(2) It does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

"Text messaging" --- means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a

telephone number to make an outgoing call or answer an incoming call, unless the practice is prohibited by State or local law.

(b) In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, financial assistance recipients and subrecipients of grants and cooperative agreements are encouraged to:

(1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving--
(i) Company-owned or -rented vehicles or Government-owned, leased or rented vehicles; or
(ii) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.
(2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as-
(i) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
(ii) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

(c) *Assistance Awards.* All recipients and subrecipients of financial assistance to include: grants, cooperative agreements, loans and other types of assistance, shall insert the substance of this clause, including this paragraph (c), in all assistance awards.

17. Rights in Technical Data
Rights to intangible property under this agreement are governed in accordance with 49 CFR 19, Sec. 19.36, "Intangible Property."

18. Notice of News Releases, Public Announcements, and Presentations
The Recipient must have the AO's prior approval for all press releases, formal announcements, or other planed written issuance containing news or information concerning this Agreement before issuance. The Recipient must provide two copies of the document to the AO and AOR for review prior to release. Also, the AO must approve any planned presentations/briefings related to this Agreement, as well as the actual presentation (e.g. slides/vu-graphs) to be used.

19. Violation of Award Terms
If the Recipient has materially failed to comply with any term of the award, the Agreement Officer may suspend, terminate, or take other remedies as may be legally available and appropriate in the circumstances.

20. Fraud, Waste, or Abuse
The DOT Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. Such reports are kept confidential and callers may decline to give their names if they choose to remain anonymous. The number is: (800) 424-9071.

The mailing address is:

DOT Inspector General Hotline
1200 New Jersey Ave SE
West Bldg 7th Floor
Washington, DC 20590
Email: hotline@oig.dot.gov
Web: http://www.oig.dot.gov/Hotline

21. Reporting Grantee Executive Compensation, and First Tier Sub-Awards (PHMSA October, 2010)

(a) ***Definitions***. As used in this provision:

"Executive" means an officer or any other employee in a management position.

"First-tier sub-award" means an award issued directly by the prime Awardee to a sub-awardee to provide support for the performance of any portion of the substantive project or program for which the award was received. A sub-award includes an agreement that the prime Awardee or a sub-awardee considers a contract.

"Total compensation" means the cash and noncash dollar value earned by the executive during the Awardee's preceding fiscal year and includes the following:

(1) Salary and bonus.

(2) Awards of stock, stock options, and stock appreciation rights.

(3) Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

(4) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

(5) Above-market earnings on deferred compensation which is not tax-qualified.

(6) Other compensation, if the aggregate value of all such other compensation (*e.g.*, severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

(b) ***Central Contractor Registration (CCR).*** As a recipient of a Federal award you are required to register in the CCR which is within the System for Award Management (SAM) at: https://www.sam.gov/portal/public/SAM/

(c) ***Notification to Sub-Awardees.*** Awardees are required to report information on sub-awards. The law requires all reported information be made public; therefore, the Awardee is responsible for notifying its sub-awardees that the required information will be made public.

(d) ***Reporting of First-Tier Sub-Awards.*** By the end of the month following the month of award of a first-tier sub-award with a value of $25,000 or more, the Awardee shall report the information below at http://www.fsrs.gov for each first-tier sub-award. (The Awardee shall follow the instructions at http://www.fsrs.gov to report the data.) If the Awardee, in the previous tax year, had gross income from all sources under $300,000, the Awardee is exempt from the requirement to report subcontractor awards. If a sub-awardee, in the previous tax year had gross income from all sources under $300,000, the Awardee does not need to report awards made to that sub-awardee.

(1) Unique identifier (9-digit Data Universal Numbering System (DUNS) number) for the sub-awardee receiving the award, and for the sub-awardee's parent company, if the sub-awardee has a parent company.
(2) Name of the sub-awardee.
(3) Amount of the sub-award.
(4) Date of the sub-award.
(5) A description of the effort being provided under the sub-award, including the overall purpose and expected outcome or result of the sub-award.
(6) Sub-award number (assigned by the Awardee).
(7) Sub-awardee's physical address including street address, city, state, country, 9-digit zip code, and congressional district.
(8) Sub-awardee's primary performance location including street address, city, state, country, 9-digit zip code, and congressional district.
(9) The prime award number (assigned by PHMSA)
(10) Awarding agency name. (PHMSA)
(11) Funding agency name. (PHMSA)
(12) Government awarding office code. (56)
(13) Treasury account symbol (TAS) as reported in FAADS.
(14) The applicable North American Industry Classification System (NAICS) code.

(e) ***Reporting Executive Compensation of Awardee.*** If the Awardee, in the previous tax year, had gross income from all sources under $300,000, the Awardee is exempt from the requirement to its executive compensation.

By the end of the month following the month of receipt of a prime award, and annually thereafter, the Awardee shall report the names and total compensation of each of the five most highly compensated executives for the Awardee's preceding completed fiscal year at https://www.sam.gov if, in the Awardee's preceding fiscal year, the Awardee received:

(1) 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub-awards), cooperative agreements, other transaction agreements; and

(2) $25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub-awards), cooperative agreements, other transaction agreements; and

(3) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal

Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

(f) ***Reporting Executive Compensation of Sub-Awardees.*** If the Awardee, in the previous tax year, had gross income from all sources under $300,000, the Awardee is exempt from the requirement to report the executive compensation of sub-awardees. If a sub-awardee, in the previous tax year had gross income from all sources under $300,000, the Awardee does not need to report the executive compensation of that sub-awardee.

By the end of the month following the month of a first-tier sub-award with a value of $25,000 or more, and annually thereafter, the Awardee shall report the names and total compensation of each of the five most highly compensated executives for each first-tier sub-awardee for the sub-awardee's preceding completed fiscal year at http://www.fsrs.gov, if in the sub-awardee's preceding fiscal year, the sub-awardee received:

(1) 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub-awards), cooperative agreements, other transaction agreements; and

(2) $25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub-awards), cooperative agreements, other transaction agreements; and

(3) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

(End of provision)

22. Call Before You Dig Program (PHMSA SEP 2012)

Damage to pipelines during excavation is a leading cause of accidents resulting in serious injuries and fatalities, but these accidents are preventable, and you can help in preventing them.

811 is designated as the national call-before-you-dig number. Every state has a one-call law requiring excavators to have underground utilities marked before digging.

There are five steps to safer digging:

1. Make a free call to 811 a few days before digging.

2. Wait the required time – which is prescribed in state law but generally two to three days.

3. Locate/mark the utilities accurately. (This step applies to underground facility/utility owners.)

4. Respect the marks.

5. Dig with care.

The recipient is encouraged to adopt the "Call Before You Dig" program for its employees when digging on company-owned, leased, or personally-owned property. For information on how to implement such a program please visit the *811 – Call Before You Dig* section of Pipeline and Hazardous Materials Safety Administration's (PHMSA's) website at www.phmsa.dot.gov. The contractor is also encouraged to have its employees participate in a quick and easy safety initiative known as 'The 811 Promise' at http://www.The811Promise.com .

(End of provision)

23. Access to Electronic and Information Technology (PHMSA DEC 2013)

Each Electronic and Information Technology (EIT) product or service, furnished under this grant, must be in compliance with the Electronic and Information Technology Accessibility Standard (36 CFR 1194), which implements Section 508 of the Rehabilitation Act of 1973, codified at 29 U.S.C. § 794d. The PHMSA Office of Civil Rights (Code PH-20) will respond to any questions, and will certify Section 508 compliance for the requirement. You can reach the PHMSA Office of Civil Rights at phmsa.civilrights@dot.gov, or 202-366-9638.

(End of provision)