

2012 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT PROGRAM Additional Federal Terms and Conditions

The requirements in this document provide a summary of some of the additional federal requirements which apply to these grant funds.

1. **Federal Regulations and Circular:** The LEPC shall comply with the following federal Program Statute and Regulations, Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to U.S. DOT grants are listed below:
 - A. Program Statute and Regulations: Authorizing language of 49 USC 5101 *et seq.* and 49 CFR Part 110, “Hazardous Materials Public Sector Training and Planning Grants”.
 - B. Administrative Requirements: 49 CFR Part 18, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”.
 - C. Cost Principles: 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments.
 - D. Audit Requirements: OMB Circular A-133, Audits of State, Local Governments, and Non-Profit Organizations.
2. **U.S. DOT Grant Award and Agreement:** Attachment A of this document.
3. **U.S. DOT Hazardous Materials Emergency Preparedness (HMEP) Grant Program, Application Kit and Program Reporting Guidance Document:** Attachment B of this document.
4. **Federal Assurances – Non-Construction Programs:** Attachment C of this document.
5. **Federal Combined Assurance:** Attachment D of this document.
6. **Assurance of Compliance with Title VI of the Civil Rights Act of 1964:** Attachment E of this document.

ATTACHMENT A - U.S. DOT Grant Award and Agreement

 U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration		<h1 style="font-size: 2em;">Grant Agreement</h1>	
1. RECIPIENT NAME AND ADDRESS INDIANA DEPARTMENT OF HOMELAND SECURITY GRANTS DIVISION 302 W Washington St Indianapolis, IN 46204-4701		2. AGREEMENT NUMBER: HM-HMP-0250-11-01-00	3. AMENDMENT NO. 0
		4. PROJECT PERFORMANCE PERIOD: FROM 09/30/2011 TO 09/30/2012	
		5. FEDERAL FUNDING PERIOD: FROM 09/30/2011 TO 09/30/2012	
1A. IRS/VENDOR NO. 35-6000158	6. ACTION New		
1B. DUNS NO. 087173519	FUNDING	TOTAL	
7. CFDA#: 20.703	9. TOTAL FEDERAL AMOUNT OF THIS AGREEMENT		537,270
8. PROJECT TITLE Hazardous Materials Emergency Preparedness (HMEP) Training and Planning Grants	10. TOTAL MATCHING AMOUNT OF THIS AGREEMENT		134,318
	11. TOTAL AMOUNT OF THIS AGREEMENT		671,588
12. GRANTEE PROGRAM MANAGER Mr. John Steel	12A. GRANTEE PROGRAM MANAGER EMAIL jsteel@dhs.in.gov		
	12B. GRANTEE PROGRAM MANAGER PHONE NUMBER 317-233-6519		
12C. GRANTEE PROGRAM MANAGER ADDRESS 302 West Washington, E208 Indianapolis, IN 46204			
13. GRANT PROGRAM OFFICER Kyra Stewart	13A. GRANT PROGRAM OFFICER EMAIL HMEP.Grants@dot.gov		
	13B. GRANT PROGRAM OFFICER PHONE NUMBER 202-366-1109		
14. INCORPORATED ATTACHMENTS			
15. STATUTORY AUTHORITY FOR GRANT/COOPERATIVE AGREEMENT Federal Hazardous Materials Transportation Law , 49 U.S.C. 5101 et seq			
16. REMARKS Award Amounts: Federal Share: Planning \$252,490 + Training \$284,780 = Fed Total \$537,270 Non-Federal Share: Planning \$63,123 + Training \$71,195 = Non-Fed Total \$134,318 Total Budget: \$671,588			
GRANTEE ACCEPTANCE		AGENCY APPROVAL	
17. NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL <i>Joseph E. Wainwright, Jr. EXEC Director</i>		19. NAME AND TITLE OF AUTHORIZED PHMSA OFFICIAL Dr. Magdy El-Sibaje, Associate Administrator OHMS	
18. SIGNATURE OF AUTHORIZED GRANTEE OFFICIAL <i>[Signature]</i>	18A. DATE 10/3/11	20. SIGNATURE OF AUTHORIZED PHMSA OFFICIAL <i>[Signature]</i>	20A. DATE 3 OCT 2011
AGENCY USE ONLY			
21. OBJECT CLASS CODE: 41000		22. ORGANIZATION CODE: 50D0308EP0	
23. ACCOUNTING CLASSIFICATION CODES			
DOCUMENT NUMBER	FUND	BY	BPAC
HM-HMP-0250-11-01-00	5282XXDXDA0	2011	EGEPR010
			AMOUNT
			537,270

AWARD ATTACHMENTS

INDIANA DEPARTMENT OF HOMELAND
SECURITY

HM-HMP-0250-11-01-00

1. HMEP_Terms_and_Conditions_2011-2012

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Hazardous Materials Emergency Preparedness Grant Program

Catalog of Federal Domestic Assistance Program No. 20.703

TERMS AND CONDITIONS

PROGRAM YEAR 2011-2012

October 1, 2011 – September 30, 2012

General Terms and Conditions of Award

This award by the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) 1200 New Jersey Avenue, SE Washington, D.C. 20590 is made pursuant to Funding Opportunity Title: "2012 PHMSA HMEP States & Territories," Funding Opportunity Number: HM-HMP-12-001.

1. Effect of Award

The Recipient, which is the organization named in block 1 of the Notice of Grant Award (NGA), is legally responsible for and accountable to PHMSA for the funds provided. By acceptance of this award, which is accomplished by the signature of the authorized Recipient official shown in blocks 17 and 18 of the NGA, the Recipient agrees to comply with the terms and conditions detailed or referenced below.

The award may be modified only by the PHMSA Agreement Officer, either at PHMSA's initiation, with Recipient acceptance, as appropriate, or upon the request of, and subsequent approval by, the Agreement Officer. This includes any request by a Request to deviate from non-statutory provisions of 49 CFR 110.

If the Recipient materially fails to comply with the terms and conditions of this award, whether stated in full text herein or incorporated by reference, the Agreement Officer may suspend, terminate, or take other remedies as may be legally available and appropriate in the circumstances as provided in 49 CFR 18.43.

2. Award information

The total amount of HMEP funding is shown in block 9 of the NGA. It must be matched in the amount shown in block 10; however, the amounts for planning and training are considered two separate grants and must be accounted for and reported on separately. Those separate

amounts and the required matching share are shown in the Remarks section (block 14 of the NGA).

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

3. Incorporation of approved application by reference

The Recipient's application, including the narrative and budget as approved by PHMSA prior to award, is incorporated by reference in this award. Changes to the approved application are governed by 49 CFR 18.30 and paragraph 15 of these terms and conditions.

4. Governing statutes and regulations

The administration of this award by PHMSA and the Recipient will be based on the following federal statutory and regulatory requirements:

- the authorizing language of 49 U.S.C. 5101 *et seq.*
- program regulations found at 49 CFR 110, Hazardous Materials Public Sector Training and Planning Grants. 49 CFR 110 is available at http://www.access.gpo.gov/nara/cfr/waisidx_04/49cfr110_04.html
- administrative regulations at 49 CFR 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, and Local, and Tribal Governments. 49 CFR 18 is available at <http://www.dot.gov/ost/m60/grant/49cfr18.htm> (unless 49 CFR 19 (<http://www.dot.gov/ost/m60/grant/49cfr19.htm>) applies as provided in paragraph 11 of these terms and conditions)
- the cost principles in 2 CFR 225, Cost Principles for State, Local and Indian Tribal Governments, which are incorporated by reference in 49 CFR 18 (and available at http://www.access.gpo.gov/nara/cfr/waisidx_07/2cfr225_07.html) or other applicable cost principles (see paragraphs 10 and 11 of these terms and conditions)
- Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, which is incorporated by reference in 49 CFR 18. (see paragraph
- any other applicable federal statutes and regulations, including, but not limited to the following:

The Recipient must comply with *49 CFR 20, "New Restrictions on Lobbying."* 49 CFR 20 is incorporated by reference in this award. 49 CFR 20 is available at: <http://www.dot.gov/ost/m60/grant/49cfr20.htm>

The Recipient must comply with *Title VI of the Civil Right Act of 1964*, which prohibits discrimination on the basis of race, color, and national origin in programs and activities 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 in this award. 49 CFR 21 is available at http://www.access.gpo.gov/nara/cfr/waisidx_02/49cfr21_02.html

The Recipient must comply with *49 CFR 32, "Government wide Requirements for Drug-Free Workplace (Financial Assistance),"* which implements the requirements of Public Law 100-690, Title V, Subtitle D, "Drug-Free Workplace Act of 1988." 49 CFR 32 is incorporated by reference in this award. 49 CFR 32 is available at: <http://www.dot.gov/ost/m60/grant/regs.htm>.

No term or condition of this award is intended to require the Recipient to violate any applicable State or Territorial law.

The Recipient must immediately notify the PHMSA Agreement Administrator of any change in local law, conditions, or any other event, including any litigation challenging the validity of, or seeking interpretation of, any federal law or regulation applicable to the federal hazmat program, which may significantly affect the Recipient's ability to perform the program in accordance with the terms of this award. The Recipient must also immediately notify the AA of any decision pertaining to the Recipient's conduct of litigation that may affect DOT interests.

5. 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:

- The federal statute authorizing this award or any other federal statutes, laws, regulations or directives directly affecting performance of this award.
- Any special terms and conditions of this award
- General terms and conditions of this award.

6. General PHMSA responsibilities

Authorizing Official/Agreement Officer (AO)

The AO is the individual who signed this award on behalf of PHMSA (blocks 19 and 20 of the NGA) and is the only PHMSA official

- with authority to obligate the Government to the expenditure of federal funds under this award.
- authorized to make formal changes to the award, e.g., through approval of post-award requests for a change to the scope, approved budget, schedule, or any other terms or conditions of this award.

The AO is:

Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety
U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE, E21-316 Washington, D.C. 20590-0001
Telephone: (202) 366-0656
Fax: (202) 366-3753
E-mail: magdy.el-sibaie@dot.gov

Agreement Administrator/Grants Management Specialist

The Agreement Administrator named in block 13 of the NGA is responsible for oversight and monitoring of the award. The Agreement Administrator is the point of contact for recipients for submission of required reports and requests for advice and interpretation of these terms and conditions. The Agreement Administrator is not authorized to make any commitments that obligate the Government or authorize changes which affect the award budget, period of performance, or other terms and conditions of the award. This can be done only by the Agreement Officer.

7. General 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, and regulations governing grants and cooperative agreements, these general terms and conditions, and any special conditions included in this award.

The Recipient is responsible for monitoring grant, subaward, and contractual activities under this award to ensure compliance with federal requirements and that performance objectives are being achieved.

The Recipient is required to advise subrecipients of requirements imposed on them by federal laws, regulations, and the terms and conditions of this award. These include grant administrative requirements, audit requirements under OMB Circular A-133, and the applicable federal cost principles according to recipient type (see paragraphs 10, 11, and 19 of these terms and conditions for additional detail).

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

Recipient Program Manager

The Recipient's Program Manager (PM) is the individual designated by the recipient and approved by PHMSA who is responsible for the technical direction of the project. The PM is considered a key person under this award and, pursuant to 49 CFR 18.30(d)(3), cannot be replaced without prior written approval of the PHMSA Agreement Officer.

Under the terms of this award, the recipient, through the Recipient's PM, is responsible for

- accomplishing the objectives and, tasks specified in the approved application within the approved budget amounts (federal plus matching)
- providing required reports that are complete, accurate, and timely.

8. Central Contractor Registration and Universal Identifier Requirements (Appendix A to 2 CFR 25)

Requirement for Central Contractor Registration (CCR)

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

Requirement for Data Universal Numbering System (DUNS) Numbers

If you are authorized to make subawards under this award, you:

- Must notify potential subrecipients that no entity (see definition below) may receive a subaward from you unless the entity has provided its DUNS number to you.
- May not make a subaward to an entity unless the entity has provided its DUNS number to you.

Definitions

For purposes of this award term:

Central Contractor Registration (CCR) means the federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).

Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

Entity, as it is used in this award term, means all of the following, as defined at 2 CFR Part 25, subpart C:

- A Governmental organization, which is a State, local government, or Indian Tribe;
- A foreign public entity;
- A domestic or foreign nonprofit organization;
- A domestic or foreign for-profit organization; and
- A federal agency, but only as a subrecipient under an award or subaward to a non-federal entity.

Subaward

- This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

Subrecipient means an entity that:

- Receives a subaward from you under this award; and
- Is accountable to you for the use of the federal funds provided by the subaward.

9. Government wide Debarment and Suspension (Non-procurement)

The Recipient must comply with 2 CFR 1200, "Nonprocurement Suspension and Debarment " which generally prohibits entities that have been debarred, suspended, or voluntarily excluded from participating in federal non-procurement transactions either through primary or lower-tier covered transactions. 2 CFR 1200 is incorporated by reference in this award and is available at www.gpoaccess by clicking on 2 CFR 1200.

Before entering into subaward or contract under the grant, the Recipient must verify that the entity/individual is not excluded or disqualified from participation in federal nonprocurement or procurement programs. This can be done by:

- Checking the Excluded Parties List System (<http://www.epls.gov>), or
- Collecting a certification from that entity/individual, or
- Adding a clause or condition to the covered transaction with that entity/individual.

The Recipient must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of the OMB guidelines in 2 CFR 180, as supplemented by 2 CFR 1200.

The Recipient must inform the PHMSA Agreement Officer when the Recipient suspends or debars a contractor or subrecipient.

10. Allowable costs

The allowability of costs incurred by the Recipient will be determined using the OMB cost principles in 2 CFR 225 (OMB Circular A-87) and HMEP-specific program requirements. If 2 CFR 225 specifies that a direct cost requires prior approval of the awarding agency and the cost was included in the approved budget, no additional PHMSA approval is required. Otherwise, prior approval is required as specified in paragraph 15 of these terms and conditions.

11. Flow-Down of Requirements under Subawards

The requirements of this award that apply to the Recipient also apply to subrecipients, i.e., entities that are carrying out part of the substantive programmatic activity, unless an exception is specified.

In making subawards under the award, the Recipient shall apply the federal cost principles applicable to the particular type of organization concerned. Therefore, if a subaward is to a governmental unit (other than a college, university or hospital), 2 CFR 225 shall apply; if a subaward is to a college or university, 2 CFR 220 (OMB Circular A-21) shall apply; if a

subaward is to another type of non-profit organization, 2 CFR 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122), shall apply.

The administrative requirements that must be flowed down to subrecipients are those that apply to the type of organization concerned. Therefore, if a subaward is made to a university, the requirements of 49 CFR 19 rather than 49 CFR 18 apply.

12. Matching requirement

The Recipient must provide 20 percent of the allowable direct and indirect costs of all activities covered under this award from non-federal sources. Recipients may either use cash (hard match), in-kind (soft-match) contributions, or a combination of both to meet this requirement. The types of contributions allowed are listed in 49 CFR 110.60. Matching costs and contributions also must meet the requirements of 49 CFR 18.24, including that the costs must meet the same requirements of allowability as apply to HMEP funds.

Federal funds may be expended before non-federal matching funds, provided that total program costs at completion of the program year reflect the 80 percent federal/20 percent non-federal allocation of costs. The matching requirement is in addition to the maintenance of effort required of Recipients of HMEP awards under 49 U.S.C. 5116(a)(2)(A) and (b)(2)(A) and 49 CFR 110.30(b)(2) and (c)(2).

13. Performance and financial reporting requirements

Progress Reports

Quarterly reports

Each Recipient is required to submit a quarterly program progress report, documenting the activities completed during the reporting quarter and in progress, based on the approved application and any changes approved by PHMSA subsequent to award.

The report may not exceed two pages and may be in any format pending PHMSA's distribution of a required reporting format. Quarterly reports are due no later than 30 days after the end of each reporting quarter, i.e., January 31, April 30, and July 31, and are required to cover only that reporting quarter.

Any quarterly progress report that is not submitted by the required date may affect the processing of payment requests.

Final report

Each Recipient is required to submit a final program progress report within 90 days after the end of the program year, i.e., not later than December 31, that describes the results of all activities undertaken as a result of the grant, including required matching.

Any final progress report that is not submitted by the required date may affect the processing of payment requests or the next year's award.

Federal Financial Reports

Quarterly reports

Each recipient is required to submit a quarterly Federal Financial Report (SF 425) to report the status of funds in the approved budget (federal plus matching) as of the end of the reporting quarter. This report is cumulative. Quarterly reports are due no later than 30 days after the end of each reporting quarter, i.e., January 31, April 30, and July 31.

Final report

Each recipient is required to submit a final Federal Financial Report within 90 days after the end of the program year, i.e., not later than December 31, that provides the financial results of the award, including the expenditure of both HMEP funds and required matching.

Address for submission

Each required report must be submitted by e-mail to the Agreement Administrator named in Block 13 of the NGA.

Requests for extension and effect of late reporting

A request for extension of the due date for a quarterly report must be made in writing by the Recipient's PM to the Agreement Administrator no later than 30 days before the end of the reporting quarter. The request must include the reason for the request and the requested due date. Approval is not automatic.

A request for extension of the due date for a final report must be made in writing by the Recipient's PM to the Agreement Administrator no later than 30 days before the end of the performance period. The request must include the reason for the request and the requested due date. Approval is not automatic.

Failure to provide required reports by the due dates specified above or any extended due date approved by PHMSA may result in a delay in processing payment requests, delay in the award of new funding, or, as appropriate, an enforcement action.

14. Reporting Subawards and Executive Compensation

Reporting of first-tier subawards

Unless you are exempt as provided in the paragraph entitled "Exemptions" of this award term, you must report each action that obligates \$25,000 or more in federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Public Law 111-5) for a subaward to an entity (see paragraph entitled "Definitions," in this award term).

Where and when to report

You must report each obligating action described in the previous paragraph of this award term to <http://www.fsrs.gov>.

For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

What to report

You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

Reporting Total Compensation of Recipient Executives

Applicability and what to report

You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

- i. the total federal funding authorized to date under this award is \$25,000 or more;
- ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

- iii. 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>.)

Where and when to report

You must report executive total compensation described in the paragraph entitled "Applicability and what to report" for recipient executives of this award term:

- As part of your registration profile at <http://www.ccr.gov>.
- By the end of the month following the month in which this award is made, and annually thereafter.

Reporting of Total Compensation of Subrecipient Executives

Applicability and what to report

Unless you are exempt as provided in the paragraph entitled "Exemptions," of this award term below, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts), and federal financial assistance subject to the Transparency Act (and subawards); and

ii. 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>.)

Where and when to report

You must report subrecipient executive total compensation described in “applicability and what to report” for subrecipient executives of this award term:

- To the recipient.
- By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- Subawards, and
- The total compensation of the five most highly compensated executives of any subrecipient.

Definitions

For purposes of this award term:

Entity means all of the following, as defined in 2 CFR 25:

- A Governmental organization, which is a State, local government, or Indian tribe;
- A foreign public entity;
- A domestic or foreign nonprofit organization;
- A domestic or foreign for-profit organization;
- A federal agency, but only as a subrecipient under an award or subaward to a non-federal entity.

Executive means officers, managing partners, or any other employees in management positions.

Subaward

- This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ___ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

Subrecipient means an entity that:

- Receives a subaward from you (the recipient) under this award; and
- Is accountable to you for the use of the federal funds provided by the subaward.

Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- Salary and bonus.
- Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- 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.
- Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- Above-market earnings on deferred compensation which is not tax-qualified.
- 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.

15. Changes to the approved application and budget

The Recipient shall submit a written request and receive formal approval before making any of the changes for non-construction grants specified in 49 CFR 18.30. The request must be signed by the Recipient's Program Manager and submitted to the Agreement Administrator no later than 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 performance period.

The actions requiring prior approval include, but are not limited to the following:

- Any revision that would result in the need for additional funding
- Cumulative transfers among direct cost categories, or, if applicable, among separately budgeted programs, projects, functions, or activities which exceed or are expected to exceed ten percent of the current total approved budget, whenever the awarding agency's share exceeds \$100,000.
- Changes in the scope or objectives in the approved application. If a Recipient has an question about whether a change represents a change in scope
- Change in the performance period, which must be requested no later than 30 calendar days prior to the end of the project period.
- Rebudgeting of HMEP funds from training to planning
- Change in the Recipient Program Manager.

If the proposed change affects the approved budget, the Recipient must submit a revised budget using the SF 424 budget form. If the request is for an extension of the period of performance, the Recipient must indicate the planned use of all unexpended funds during the extension period.

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. If a request is approved, the approval may be by letter or, if necessary, a formal amendment to this award signed by the Agreement Officer.

16. Title to Equipment

Title to equipment purchased or fabricated under this award vests in the Recipient or subrecipients, respectively, upon acquisition except that DOT reserves the right to require the Recipient or subrecipient to transfer title to items of equipment to the federal government or a third party named by DOT, when such a third party is otherwise eligible under existing statutes. Such transfers are subject to the standards contained in 49 CFR 18.32.

17. Copyrights

PHMSA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for federal government purposes:

- The copyright in any work developed under a grant, subaward, or contract under a grant or subaward; and
- Any rights of copyright to which a Recipient, subrecipient or a contractor purchases ownership with grant support.

18. Payment

Request for Advance or Reimbursement

Payment to a Recipient may be made in advance, consistent with 49 CFR 18 and 31 CFR 205. To obtain an advance, the Recipient must comply with the requirements of 49 CFR 110.70(c). If these conditions are not met, payment will be made by reimbursement.

Subject to the requirements in 49 CFR 18.21, payments will be made after receipt of a "Request for Advance or Reimbursement" (SF 270). Each request must be submitted electronically via the HMEP Grant Portal: <https://hazmatgrants.phmsa.dot.gov/sf270.asp>. PHMSA will promptly review the request and, upon approval, forward it to the Payment Office for disbursement. PHMSA reserves the right to request supporting documentation upon receipt of payment requests. Failure to comply can result in a denial of payment.

Electronic funds transfer

The Government will make all payments under this agreement by electronic funds transfer (EFT) unless the Recipient is notified to the contrary. As used in this clause, the term "EFT" refers to the funds transfer and may also include the payment information transfer.

The Government will make payment to the Recipient using the EFT information contained in the CCR database. If the EFT information changes, the Recipient is responsible for providing the updated information to the CCR database. If the Recipient's EFT information in the CCR database is incorrect, the Government is not obligated to make payment to the Recipient until the correct EFT information is entered into the CCR database.

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 210.

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.

If an uncompleted or erroneous transfer occurs because the Government used the Recipient's EFT information incorrectly, the Government remains responsible for making a correct payment and recovering any erroneously directed funds.

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 award term 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, will be considered incorrect EFT information.

19. Audit requirements

OMB Circular A-133, "Audits of States, Local Governments, and Nonprofit Organizations," includes specific guidance for conducting financial and compliance audits. The threshold for requiring an A-133 audit is \$500,000 in expenditures of federal funds in an entity's fiscal year. This amount is the aggregate of funds from all federal sources. OMB Circular A-133 is incorporated by reference into this award and is available at <http://www.whitehouse.gov/sites/default/files/omb/circulars/a133/a133.pdf>

20. Record retention and access to records

Grant-related financial and programmatic records, supporting documents, statistical records, and other records of Recipients or subrecipients shall be maintained as provided in 49 CFR 18.42(a) through (d) (or 49 CFR 19.53, if applicable)

Site visits, desk audits, or other reviews

PHMSA, through its staff or authorized representatives, may make site visits, at reasonable times; to review project accomplishments, management control systems and provide guidance as may be requested or required. If a site visit is made on the premises of the Recipient, the Recipient must provide reasonable facilities and assistance to PHMSA representatives in the performance of their duties.

PHMSA, through its authorized representatives, may request a desk audit, at reasonable times; to review project accomplishments, management control systems and provide guidance as may be requested or required. If a desk audit is conducted, the Recipient is required to provide; electronically or via postal service all records requested by PHMSA representatives. All desk audits and reviews will be performed in a manner to not unduly delay work activity under the award.

If PHMSA requires access to the records of a subrecipient or contractor under the grant, whether as part of a site visit or for another type of review, PHMSA will coordinate the request with the Recipient..

All site visits and evaluations will be performed in a manner to not unduly delay work activity under the award or other activities of the Recipient, subrecipient, or contractor.

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

DOT's policy is 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 contracts under DOT grants or cooperative agreements.

The Recipient and any subrecipients 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. The Recipient shall include this award term in all subawards.

Affirmative steps include:

- Placing qualified small and minority-disadvantaged businesses, women owned business enterprises, veteran-owned and HUBZone business firms on solicitation lists;
- Ensuring that small and minority businesses, women's business enterprises, veteran-owned and HUB Zone business firms are solicited whenever they are potential sources;
- 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;
- 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
- Using the services and assistance of the Small Business Administration and the DOT Office of Small and Disadvantaged Business Utilization, as appropriate.

22. 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 government-owned, 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 1-888221-0045 or visit its website at www.trafficsafety.org.

23. Texting While Driving

In accordance with Executive Order, 13513, recipients, subrecipients, and their contractors are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or government-owned vehicles, or while driving personally owned vehicles when on official Government business or when performing any work for or on behalf of the Government. These efforts may include conducting education, awareness, and other outreach for employees about the safety risks associated with texting while driving and should encourage voluntary compliance with the entity's text messaging policy while off duty.

24. Information Collection

Under the Paperwork Reduction Act (PRA), if a Recipient collects the same information from 10 or more respondents as part of carrying out this award, the Recipient is prohibited from representing to its respondents that information is being collected for, or in association with, the federal government unless the Recipient is conducting the collection of information at the specific request of the agency; or the terms and conditions of the grant require specific approval by the agency of the collection of information or collection procedures. In those cases, the OMBPRA clearance procedures contained in 5 CFR 1320 must be followed. However, nothing in this award requires Recipients to collect information on PHMSA's behalf or to obtain PHMSA approval of any information collection a Recipient might deem necessary under this award.

25. 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 telephone number is: (800) 424-9071. The mailing address is:

DOT Inspector General

1200 New Jersey Avenue, SE West Bldg 7th Floor
Washington, DC 20590 Phone: 1.800.424.9071

Email: hotline@oig.dot.gov

Web: <http://www.oig.dot.gov/Hotline>

ATTACHMENT B



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration**

**Hazardous Materials Emergency Preparedness (HMEP) Grant Program
Application Kit and Program Reporting Guidance**

*Hazardous Materials Public Sector
Training and Planning Grants for States and Territories*

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HMEP Grant Guidance for States and Territories

Preparation of Application for Assistance
Hazardous Materials Emergency Preparedness (HMEP) Grant

Application Kit

This document is intended to guide States and Territories in applying for training and planning grants under the Hazardous Materials Emergency Preparedness (HMEP) program (49 CFR Part 110).

For further information, contact the HMEP Grants Program group at HMEP.Grants@dot.gov or call (202) 366-1109.

Purpose of this Grant Program

The Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 authorizes the U.S. DOT to provide assistance to public sector employees through training and planning grants to States, Territories, and Native American tribes for emergency response. The purpose of this grant program is to increase State, Territorial, Tribal, and local effectiveness in safely and efficiently handling hazardous materials accidents and incidents, enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations.

Proposal Development

Training and planning are two parts of the comprehensive national grant program. State and Territory applicants are encouraged to request funds to conduct one or both parts in a single application package (if both are included in one package, separate budgets for training and planning must be included). DOT/PHMSA will simplify the grant process by awarding funds for both parts in one grant document.

Because training and planning components for the grant program are funded separately by a special national registration fee program, DOT/PHMSA has a fiduciary responsibility to obligate and account for training and planning funds separately. Therefore, separate accounts for costs must be established for each in the application and grantee records.

Training and Planning Application Requirements

A training and planning grant application from a State or Territory must be accompanied by a letter from the Governor designating an entity to receive Federal funds if it has not already been provided to PHMSA. DOT encourages the designated entity to obtain substantive knowledge of the status of training and planning under EPCRA, familiarity with State and local emergency preparedness and response capabilities and training needs. Also required is a statement that all members of the State Emergency Response Commission (SERC) have been given an opportunity to review the grant application.

To be approved for a planning grant, a State or Territory must agree that it is complying with Sections 301 and 303 of EPCRA and the National Incident Management System (NIMS). With respect to Section 301, the State or Territory must state that a SERC has been established, emergency planning districts have been designated, and Local Emergency Planning Committees (LEPC) have been appointed by the SERC. The State or Territory also must describe the status of the LEPCs' emergency response plans and their compliance with Section 303. In addition, the State or Territory must agree that the aggregate expenditure of funds (as defined by the State or Territory), exclusive of Federal funding, for planning activities will not fall below its average expenditure for its last 5 fiscal years. The State or Territory also must agree to make available to LEPCs at least 75 % of the Federal planning grant funds provided.

To be eligible for a training grant, a State or Territory must agree that it is complying with Sections 301 and 303 of EPCRA. With respect to Section 301, the State or Territory must state that a SERC has been established, emergency planning districts have been designated, and LEPCs have been appointed by the SERC. The State or Territory also must describe the status of the LEPCs' emergency response plans and their compliance with Section 303. In addition, the State or Territory must agree to make at least 75 % of the awarded Federal funds available for the purpose of training employees either employed or used by political subdivisions. The State or Territory also must agree that it will maintain a 2-fiscal-year average of its own aggregate level of expenditures (as defined by the State or Territory) for training public sector employees and volunteers to respond to accidents and incidents involving hazardous materials and agree to use courses consistent with the National Curriculum Guidelines developed under HMEP.

HMEP Funding Priorities

Due to limited funding, PHMSA encourages grantees to use HMEP funds on activities that maximize transportation safety benefits to the community. The HMEP grant program prioritizes efforts that lead to the prevention of serious hazmat transportation related incidents, principally those of high consequence to people and the environment.

1. Training conducted IAW NFPA 472 core competencies.
2. Training conducted IAW NFPA 472 mission specific training based on assessed hazmat transportation safety risks.
3. Increase availability of hazmat training to accommodate volunteer organizations.
4. Conduct drills and exercises to test State and County emergency response capabilities and to identify gaps in training and planning needs.
5. Ensure State, Federal, and local emergency planning and preparedness is established, integrated, and mutually supportive.
6. Community, industry, State and Federal disaster plans are integrated under a single unified Incident Command System (ICS). Plans are reviewed and updated as necessary annually.
7. Conduct appropriate hazard assessments and gap analysis to determine the level of hazmat safety risks within a jurisdiction, state, or region.
8. Improve interagency interoperability to better respond and mitigate hazmat incidents.

Project and Budget Periods

Funding will be provided on the basis of approximately one-year budget periods. Each budget period will be funded according to a specifically defined budget and statement of work.

Matching Funds

For both training and planning grants, States must contribute a minimum of 20 % matching share to the total cost of the grant project. Thus, if the total cost of the project is \$50,000, the State or Territory must provide at least \$10,000, and DOT will provide no more than \$40,000. The matching requirement must be satisfied by costs incurred by the grantee or by the value of in-kind contributions. Funds or costs used for matching purposes under any other Federal grant or

cooperative agreement may not be used for matching proposes. The 2-year averaged non-Federal aggregate amount cannot be used for matching (in other words, the State's or Territory's matching share must be new money, either new State or Territory funds or new in-kind contributions).

Grant Target Amounts

The letter transmitting the continuation application kit advises applicants of the target amount of Federal funds available that may be applied for. The scope of work and the budget (Federal and non-Federal funds) should reflect the proposed activities to be conducted during the continuation grant period.

For planning grants, approved applicants who include all required information and agree to comply with Sections 301 and 303 of EPCRA will receive an amount determined by using the following key factors: (1) number of 302 facilities filing to date (Section 302 of the Superfund Amendments and Reauthorization Act of 1987 [SARA], Title III, requires any facility with one or more emergency hazard sites above a threshold quantity to identify itself to the SERC and the LEPC. In turn, the LEPC must develop a comprehensive emergency plan that includes all covered 302 facilities and transportation routes as well as other hazardous materials risks); (2) population; and (3) hazardous materials truck miles within the State or Territory.

For training grants, approved applicants who include all required information will receive an amount determined by using, the following key factors: (1) population; (2) the number of chemical facilities listed in the summary provided by the Bureau of Census, Bureau of Economic Analysis; and (3) highway miles (within the State or Territory).

Application Submission Requirements

PHMSA is posting grant opportunities and collecting application packages through the grant store-front system called Grants.gov. Separate specific instructions on completing the application package will be provided with the grant package in Grants.gov.

1. A complete application package must be submitted electronically in Grants.gov by June 1 to assure funding on or before October 1.
2. A signed hard copy package (one original, one copy) must be mailed within seven business days of the electronic submittal to:

HMEP Grants Manager
USDOT
Pipeline and Hazardous Materials Safety Administration
East Building Second Floor PHH-50
1200 New Jersey Ave SE
Washington, DC 20590

Grant Specialists Contacts

Grant Content and Program Inquiries:

Email: HMEP.Grants@dot.gov

Windy Hamilton - DOT (202) 366-8007
FAX (202) 366-3753

Grants.gov Application Processing:

Carrie Winslow – DOT (617) 494-3318
FAX 617-494-3770

Progress Reporting

The HMEP grant program, supporting State, Territorial and Tribal planning and training to enhance the response procedures for emergencies involving transportation of hazardous materials has relied heavily on recipient organizations to operate the best possible program for their jurisdiction. The latitude given grant recipients has resulted in a rapid increase, by all accounts received to date, in both planning and training.

It is important that we assess at all jurisdictional levels what has been accomplished just as you are continuing your assessments of planning and training needs.

Your insight and cooperation would be appreciated in developing a relatively concise and easy reporting scheme that will provide data that can be used to support all hazardous materials projects.

For example, planning should at least reflect the following:

1. Quantitative and qualitative assessment of development, improvement and implementation of emergency plans
2. Systems to determine and maintain information on flow patterns of hazardous materials
3. Need for regional response teams
4. Local response capabilities
5. Plans for conducting drills and exercises
6. Description of progress made toward meeting planning objectives as stated in your application
7. Description of unmet planning objectives and proposed approach to meet the objectives

Examples of training should at least reflect the following:

1. Number of public sector employees needing training
2. Training delivered to public sector employees
3. Training drills and exercises completed and planned
4. Description of progress made toward meeting training objectives as stated in your application
5. Description of unmet training objectives and proposed approach to meet the objectives

Checklist for Grant Application Preparation

ITEMS TO BE SUBMITTED VIA GRANTS.GOV BY STATES AND TERRITORIES FOR HMEP GRANTS

- Application for Federal Assistance (SF-424)
- Budget Information for Non-Construction Programs (SF-424A)
- Assurances for Non-Construction Programs (SF-424B)
- Combined Assurances (ED-80-0013)
- Written narrative in electronic format following the outline in the next section

Narrative Outline

Your written narrative in electronic format must follow the following outline:

All Grant Applications – Items Required:

1. Agency Identification *{Please indicate the agency name and address, and Agency Director's name}*
2. Transportation Fees *{Explain whether the State/Territory assesses and collects fees on the transportation of hazardous materials and whether such assessments or fees are used solely to carry out purposes related to the transportation of hazardous materials}.*
3. Contact Information *{State the designated project manager including the name, position, address, email address, and telephone number of that individual who will be responsible for coordinating the funded activities with other agencies and organizations}.*

4. Report of Progress

- Planning Grant – *{Report progress made toward achieving the project objectives stated in the preceding budget periods for the Planning Grant.}*
- Training Grant – *{Report progress made toward achieving the project objectives stated in the preceding budget periods for the Training Grant.}*

5. Report of Changes in Program Goals and Objectives. *{Report any proposed changes to the previously approved project goals and objectives.}*

6. Statement of Work for upcoming budget period

- Planning Grant - *{Provide a statement of work for the upcoming budget period that describes and sets priorities for the activities and tasks to be conducted, the costs associated with each activity, the number and types of deliverables and products to be completed, and a schedule for implementation.}*
- Training Grant - *{Provide a statement of work for the upcoming budget period that describes and sets priorities for the activities and tasks to be conducted, the costs associated with each activity, the number and types of deliverables and products to be completed, and a schedule for implementation.}*

7. SERC and LEPC Involvement. *{Provide a statement detailing appropriate SERC and LEPC involvement}*

8. Supplies and Equipment. *{Provide a description of supplies and equipment needed to implement the statement of work and justification for these needs.}*

Planning Grant – Items Required (Items below may be referenced above or attached as a separate document (such as spreadsheets, scanned images, etc.))

1. State compliance with the EPCRA, Sections 301 and 303. *{Provide an explanation of how the State or Territory is complying with Sections 301 and 303 of EPCRA.}*
2. State compliance agreement with NIMS. *{Provide an explanation of how the State or Territory is complying with NIMS.}*
3. SERC review of grant application. *{Provide a statement indicating that all members or the SERC were provided the opportunity to review the grant application.}*
4. Emergency planning activities being conducted by adjacent States and Native American Tribes. *{Provide a description of the coordination with emergency planning activities being conducted by adjacent States and Native American Tribes.}*

5. Statement of aggregate expenditures. *{Provide a written statement specifying the aggregate expenditure of funds by the State or Territory, exclusive of Federal funds, for each of its last 2 fiscal years (as defined by the State or Territory) for developing, improving, and implementing emergency plans under EPCRA. A written certification that the applicant's aggregate expenditure of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last 2 fiscal years.}*
6. Statement of at least 75% of funds for LEPCs. *{Provide a statement agreeing to provide at least 75% of funds granted to the State or Territory to LEPCs established pursuant to Section 301 (c) of EPCRA by the State Emergency Response Commission.}*
7. Goals and Objectives. *{Provide a project narrative statement describing the goals and objectives of the proposed project, see page 17 for details to include.}*
8. Long-term goals and objectives. *{Provide a statement describing the applicant's long-term goals and objectives with respect to:*

The current abilities and authorities of the applicant's program for preparedness planning;

The need to sustain or increase program capability;

The current degree of participation in or intention to assess the need for a regional hazardous materials emergency response team;

The impact that the grant will have on the program;

A discussion of whether the applicant knows, or intends to assess, transportation flow patterns of hazardous materials within the State and between the State and another State;

A schedule for implementing the proposed grant activities; and

A statement describing the ways in which planning will be monitored by the recipient.}

Training Grant – Items Required (Items below may be referenced above or attached as a separate document (such as spreadsheets, scanned images, etc.))

1. State compliance with the EPCRA, Sections 301 and 303. *{Provide an explanation of how the State or Territory is complying with Sections 301 and 303 of EPCRA.}*
2. State compliance agreement with NIMS. *{Provide an explanation of how the State or Territory is complying with NIMS.}*
3. Statement: SERC review of grant application. *{Provide a statement indicating that all members or the SERC were provided the opportunity to review the grant application.}*
4. Statement of aggregate expenditures. *{Provide a written statement specifying the aggregate expenditure of funds by the State or Territory, exclusive of Federal funds, for each of its last 2 fiscal years (as defined by the State or Territory) for developing, improving, and implementing emergency plans under EPCRA. A written certification that the applicant's*

aggregate expenditure of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last 2 fiscal years.}

5. Statement of at least 75% of funds for training of public sector employees. *{Provide a statement agreeing to provide at least 75% of funds for training of public sector employees.}*
6. Point of Contact for coordinated training, and designation of location for course materials. *{Provide the designation of a primary point of contact for coordinating training funded under this program, and identify a single repository for copies of course materials delivered under this grant.}*
7. Training Plan. *{To ensure that proposed training activities are part of a broader and coordinated training effort for a State or Territory, a project narrative statement describing the State's or Territory's overall training plan and changes anticipated during the upcoming budget period should be submitted. This statement should include the following information:*
 - a) *Short- and long-range goals and objectives of each proposed project and of overall program;*
 - b) *A description of the overall training needs of the jurisdiction, quantified in terms of number of persons needing training and the number of persons currently trained in the different disciplines and planning and response functions (e.g., number of firefighters, EMTs, EMSs to be trained with grant funds);*
 - c) *An explanation of the ways in which the training grant will support the diversity of needs in the jurisdiction, such as decentralized delivery of training to meet the needs and time considerations of local responders or how the grant program will accommodate the different training needs for rural versus urban environments; and*
 - d) *An explanation of quality control measures, including but not limited to random examinations, inspections, and audits of training, to maximize the cost effectiveness and impact of the program.}*
8. Course Information. *{Provide information on the individual courses for which funding is being requested in the grant application, including confirmation that the course is compliant with the guidelines.}*
9. Training activities Schedule. *{Provide a schedule for implementing the proposed training grant activities in the upcoming budget period.}*
10. Estimate of levels of training and funds. *{Provide a general estimate of the levels of training and funds that might be needed to fully address the State's or Territory's training requirements during the project period. This estimate will probably involve projected annual expenditures and grant requests that are greater than the amount allocated for a jurisdiction in the previous budget period of the grant program.}*

Planning Grant Guidance

The purpose of this planning grant guidance is to help you make better informed decisions regarding your grant application. In addition to providing an outline of the information needed in your application, it identifies technical assistance materials that can provide useful information for selecting grant-eligible activities. Examples of transportation-related projects undertaken by SERCs and LEPCs across the country also are included.

The primary objective of the planning grants program is to develop, improve, and implement emergency plans under EFCRA as well as determine the need for regional hazardous materials emergency response teams. To accomplish these objectives, specific activities that will improve planning have been identified by Congress as those that are eligible for funding. Among these are conducting commodity flow assessments, hazards analysis, drills and exercises; assessing local response capabilities; and enhancing emergency plans.

The general guidance document suggests the development of a multiyear program strategy. If you did not set out a clear multiyear strategy in your previous application, you should consider doing so as part of your continuation application. To implement a multiyear application strategy, you should know where your State currently stands in the planning process and how HMEP funds will be prioritized and made available for use by LEPCs. You can then build a revised program mission, chart the priority activities for the coming years, and begin your continuation application project narrative statement. What are your broad program objectives? How can you supplement the previous activities? For example, if you focused attention on certain LEPCs during the previous years, do you plan to continue with that strategy, or will you pinpoint a different group during each budget period?

Beginning the Process

Several questions should be considered to determine where the State is in the planning process. What percentage of the population is covered by emergency plans? Are these emergency plans based on technically-sound hazards analyses? To what degree is transportation-related risk considered in these plans? Have the plans been tested by conducting exercises?

Establishing Priorities

HMEP funds will be provided to the State, but according to the statute, at least 75 % of those funds must be passed through to LEPCs. Because each State has unique risks and unique planning organizations associated with it, each State should consider prioritizing the uses of its HMEP allocation. Depending on the circumstances in your State, it might make the most sense to allocate an equal amount of money to each LEPC. Another option is to provide larger sums to specific areas with the greatest need. Questions to consider when making this determination include: Are there certain geographical areas that are of particular concern, especially considering transportation-related concerns? Is there a way to distribute HMEP funds based on the presence of specific high-risk, high-priority chemicals?

What Should the Planning Project Narrative Include?

The project narrative required sets out the goals and objectives of your HMEP program. You should update and include changes to the following elements for each major activity you are proposing:

- *Background Statement.* This is the long-term goals and objectives for the program and should include:
 - *Current Authorities.* Describe your State legislation and the funding mechanism(s) that provide the structure to your program.
 - *Increasing Program Capability.* What are your State's primary planning needs? By linking your needs with the grant-eligible activities, you will justify your proposal.
 - *Regional Hazardous Materials Teams.* Does your State presently participate in regional hazardous materials emergency response teams? Do you see a need for such involvement in the future?
- *Impact on the Program.* What impact will HMEP have in your State? How will it fit into your overall plan to implement EPCRA?
- *Transportation-Related Work.* What is the potential for problems associated with transportation flow patterns of hazardous materials within your State and between your State and others? If commodity flow information is not available, do you plan to assess these patterns? This type of study can provide you with valuable information on potential transportation accidents within your State.
- *Time Line.* Include a realistic schedule for implementing the activities you have proposed. This could include a single-year or multiyear plan.
- *Monitoring Efforts.* How do you intend to monitor the program? Describe the types of mechanisms required by your State and within your agency for financial and programmatic monitoring.
- *Coordination of Planning.* Include a description of how planning under the grant will be coordinated with emergency planning conducted by adjacent States and Indian Tribes.

Eligible Project Activities for Continuation Planning

Planning grants may be made to reimburse States and Territories for (1) developing, improving, and implementing emergency plans under the EPCRA; (2) determining the flow patterns of hazardous materials within a State or between one State and another State; and (3) determining the need for regional hazardous materials emergency response teams.

States are required to pass through at least 75 % of the grant amount to LEPCs.

An application should reflect how these funds were passed through from the applicant's current grant to the LEPCs and the applicant's proposed actions for use of continuation grant funds.

The following specific activities continue to be eligible for planning grants:

- Development, improvement, and implementation of emergency plans required under EPCRA as well as exercises that test the emergency plans. Enhancement of emergency plans to include hazards analysis as well as response procedures for emergencies involving transportation of hazardous materials, including radioactive materials;
- Management activities associated with the pass-through of funds to the LEPCs;
- An assessment to determine flow patterns of hazardous materials within a State or between one State and another State, Territory or Native American land; also development and maintenance of a system to keep such information current;
- An assessment of the need for regional hazardous materials emergency response teams;
- An assessment of local response capabilities;
- Conducting emergency response drills and exercises associated with emergency preparedness plans;
- Technical staff to support the planning effort staff funded under planning grants cannot be diverted to support other requirements of EPCRA; and
- Additional activities that the DOT Associate Administrator for Hazardous Materials Safety deems appropriate to implement the scope of work for the proposed project.

An application should reflect progress made toward accomplishing the objectives stated in an applicant's previous award documents. Should the applicant wish to modify its project, the applicant must identify the changes wanted, establish specific outputs to be achieved during the upcoming budget period, and reflect the proposed revised activities in the upcoming budget period.

Training Grant Guidance

Eligible Project Activities for Continuation Training

Training grants will be made available to States and Territories for training public sector employees to respond safely and efficiently to accidents and incidents, including those involving transportation of hazardous materials. Training may be designed for public officials who are not responders but who perform activities associated with emergency response plans developed under EPCRA. **Operational equipment to be used in response to hazmat exercises is excluded from consideration for funding under this grant program.**

States and Territories must ensure that at least 75 % of training grant funds are used to benefit public sector employees. The continuation application should reflect how the current grant is being used to benefit public sector employees and how the applicant expects to accomplish this goal using continuation grant funds. The following training delivery options may be used by the State or Territory to meet the 75 % requirement:

- Develop and deliver training to the public sector employees according to the priority needs and requests of the LEPCs;
- Distribute training grant funds directly to the LEPCs to support public sector employee training delivered by any provider; and
- Distribute training grant funds directly to the public sector employees so that the employees can attend approved training courses.

The following activities are also eligible for HMEP training grant support:

- Training audience assessment to determine the number of public sector employees employed or used by a political subdivision who need the proposed training and to select courses consistent with the National Curriculum guidelines;
- Delivery of comprehensive preparedness and response training to public sector employees to include design of preparedness and response training to meet specialized needs; student and instructor course materials and manuals; student tuition, travel, and per diem costs; instructor costs; training facility rental; and equipment rental necessary to deliver an approved course. For training grants, equipment purchases for use as props for training may be approved with a proper justification. Costs for such equipment will be determined as reasonable based on a review by DOT;
- Training by a person (including a department, agency, or instrumentality of a State, Territory, or political subdivision thereof or a Native American tribe) and activities necessary to monitor such training including examinations, critiques, and instructor evaluations;

- Management of the training effort to achieve increased benefits, proficiency, and rapid deployment of public service employees who respond to accidents and incidents involving hazardous materials;
- Emergency response drills and exercises associated with training, a course of study, and tests and evaluation of emergency preparedness plans; and
- Additional activities that the DOT Associate Administrator for Hazardous Materials Safety deems appropriate to implement the scope of work for the proposed project and that are approved in the grant.

Examples of Allowable Training Grant Expenses

Reasonable costs required to accomplish "eligible project activities" and reflected in the continuation application and grant agreement are allowable. States will be given the option to award subcontracts, supported in their applications, to another entity, such as an institution of higher education or a private contractor.

A charge for student tuition will be allowable as long as the proceeds are used for HMEP training activities. If the course is provided at no cost to the student, costs incurred to provide the course are allowable.

On request, participating Federal agencies will provide States "camera-ready" copies of Federal course materials needed for training, which States can duplicate themselves. Such duplication costs will be allowable expenses under HMEP. Materials purchased from the private sector also will be allowable expenses.

Non-allowable Training Grant Expense

Overtime for participation in exercises is not an allowable personnel expense.

Examples of Ineligible Grant Expenses

Unallowable expenses are listed below, they are not inclusive of all unallowable expenses using HMEP grant funds.

1. Expenses not related to hazardous materials
2. Expenses claimed and or reimbursed by another program
3. Expenses counted as match funds toward another program

4. Expenses that supplant existing funds/programs
5. Entertainment costs/ food provided during exercises
6. Any costs disallowed or stated as ineligible in 49 CFR part 110 Final Rule
7. Software with the exception of Cameo
8. Software to manage Title III materials
9. Excessive costs for general office supplies, equipment, computer software, printing and copying
10. Operational equipment
11. National Incident Management Systems (NIMS) courses
12. Weapons of Mass Destruction (WMD) courses

CURRICULUM GUIDANCE

Background

In 1994, DOT first provided the Guidelines for Public Sector Hazardous Materials Training to HMEP grantees to assist in the curriculum management of the training programs funded by the HMEP grant program.

In addition, in an ongoing effort, DOT coordinated with the HMEP grantees the self-assessment of response training courses for public sector employees. The list of courses that have been assessed for compatibility with the HMEP curriculum guidelines includes the State, Federal and professional association programs used by the HMEP grantees in their respective training curriculums. The results of the response course self-assessment program are provided to the HMEP grantees in the document HMEP List of Assessed Response Courses, which is enclosed with this grant guidance. The HMEP assessment of response training courses will be an on-going process, and new or updated courses will continuously be assessed and added to the *HMEP List of Assessed Response Courses*. Therefore, this catalog will be regularly updated and updates provided to HMEP grantees as additional course assessments are made available.

Current Training Grant Curriculum Directions

Planning and Prevention Training

For planning and prevention training to be reimbursed under the HMEP training grant program, grantees should review the current edition of the Guidelines for Public Sector Hazardous

Materials Training and should ensure that proposed training courses are within the scope and focus of the curriculum guidance for these training areas.

Response Training

For response training to be reimbursed under the HMEP training grant program, the courses used should be assessed using the HMEP response course self-assessment materials. The HMEP grant program maintains the policy of supporting each grantee's independent authority over their respective training curriculums. To both continue this policy and ensure that response courses assessed, grantees are asked to either:

1. **Use response courses that have been assessed** for compliance with guidelines and are so indicated in the enclosed HMEP List of Assessed Response Courses. Later editions of courses on the list are acceptable if the grantee judges that the updated edition does not significantly alter the substance and scope of the training course. The list of assessed hazmat courses is available from FEMA/USFA, 301-447-1009.

OR

2. **Provide a completed self-assessment** to FEMA/USFA, 301-447-1009 for courses not in the current *HMEP List of Assessed Response Courses*.

HMEP curriculum guidance materials

- Current Guidelines for Public Sector Hazardous Materials Training
- HMEP List of Assessed Response Courses
- HMEP Hazardous Materials Response Course Self-Assessment Kit

Closeout, Payment Reporting Guidance

CLOSEOUT OF GRANT AWARD

Background

When PHMSA awards an HMEP grant, the agreement defines a specific "budget period" during which the funds are available to the grantee. For HMEP grants each budget period will be approximately 1 year. A financial status report and a progress report are required at the end of each budget period

The recipient uses the award agreement as its authority to enter into its own obligations for internal expenses, contracts, etc., to carry out agreed-on activities during the approved budget period. The grant agreement serves as the document that obligates DOT funds for purposes of accomplishing project objectives during an approved budget period. At the end of each quarter the recipient must provide to PHMSA a Financial Status Report (Form 425). If the fourth quarter

report is not a “final” report, then the recipient must provide a final report showing obligations and liquidations for the covered grant period.

State and Territorial recipients of HMEP training and planning grants should be aware of grant policy regarding closeout of each grant award and disposition of any unused funds awarded to carry out projects authorized by HMEP. Often, particularly in the early stages of a project, expenditures of grant funds do not proceed as planned. This situation may occur for many reasons; for example, inability to hire a staff person, inability to conduct or schedule training sessions prior to the end of a budget period, changing priorities, or modifications to the initially proposed scope of work. For whatever reason, there are many instances when a recipient has not obligated significant amounts of its Federal grant funds at the conclusion of a budget period. This section clarifies procedures for disposing of unobligated balances and closing out the financial accounting for each grant award.

One aspect of financial closeout is the payment of grantee outlays. All recipients are encouraged to request reimbursement for the Federal share of outlays as needed or as soon as possible after completion of each budget period. Standard Form 270, Request for Advance or Reimbursement, (see page 28) is to be used for requesting payments. If balances are not drawn down, they may be deobligated and will no longer be available for grantee use.

GENERAL FINANCIAL CLOSEOUT PROCEDURES

Closeout Reporting Requirements

Both program progress and financial status reports must be submitted for each budget period. The progress report must be submitted to the HMEP Grants Manager no later than 90 days after the budget period is completed. See page 9 for guidance on progress reporting.

The Financial Status Report (FSR), Standard Form 425, must be used to complete financial reporting for each grant period funded. Copies of the FSR may be made or may be requested from the HMEP Grants Manager. A final FSR should be submitted to the HMEP Grants Manager within 90 days of the completion of each budget period.

Zero Balance Closeout

When all Federal funds and all required matching non-Federal funds have been used for purposes approved in the grant, line 10.m. of the FSR will be zero. This zero unobligated balance of Federal funds authorizes DOT to close out the funding period identified by the FSR, subject only to a future audit.

Decreases in Obligation Amounts

Unobligated balances of funds may exist at the end of a grant period and a determination must be made by the grantee that the unused funds should be decreased from the grant funds available. Usually these situations involve relatively small amounts of grant funds; however, decreases may be needed for many reasons, and thus the amount of the decrease, if any, will vary from grant to grant. The amount of the decrease will be identified on line 10.m. of the final FSR. Any recovery of grant unobligated balances will be considered a recovery to the registration fee fund and will be used to accomplish HMEP objectives.

SF-270 – Request for Advance or Reimbursement

REQUEST FOR ADVANCE OR REIMBURSEMENT <small>(See instructions on back)</small>		OMB APPROVAL NO. 0348-0004		PAGE 1 OF 1 PAGES	
1. FEDERAL SPONSORING AGENCY AND ORGANIZATION ELEMENT TO WHICH THIS REPORT IS SUBMITTED		1. TYPE OF PAYMENT REQUESTED a. "X" one or both boxes <input type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT b. "X" the applicable box <input type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL		2. BASIS OF REQUEST <input type="checkbox"/> CASH <input type="checkbox"/> ACCRUAL	
6. EMPLOYER IDENTIFICATION NUMBER		7. RECIPIENT ACCOUNT NUMBER OR IDENTIFYING NUMBER		8. PERIOD COVERED BY THIS REQUEST FROM (month, day, year) TO (month, day, year)	
9. RECIPIENT ORGANIZATION Name Number and Street City, State and ZIP Code		10. PAYEE (Where check is to be sent if different than item 9) Name Number and Street City, State and ZIP Code			
11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED					
	(a)	Planning	(b) Training	(c)	(d) TOTAL
PROGRAMS/FUNCTIONS/ACTIVITIES ▶					
a. Total program outlays to date (As of date)					
b. Less: Cumulative program income					
c. Net program outlays (Line a minus line b)					
d. Estimated net cash outlays for advance period					
e. Total (Sum of lines c & d)					
f. Non-Federal share of amount on line e					
g. Federal share of amount on line e					
h. Federal payments previously requested					
i. Federal share now requested (Line g minus line h)					
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1 st month				
	2 nd month				
	3 rd month				
12. ALTERNATE COMPUTATION FOR ADVANCES ONLY					
a. Estimated Federal cash outlays that will be made during period covered by the advance					
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period					
c. Amount requested (Line a minus line b)					
AUTHORIZED FOR LOCAL REPRODUCTION			(Continued on Reverse)		STANDARD FORM 270 (Rev. 7-97) Prescribed by OMB Circulars A-102 and A-110
13. CERTIFICATION					
I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.	SIGNATURE OF AUTHORIZED CERTIFYING			DATE REQUEST SUBMITTED	
	TYPED OR PRINTED NAME AND TITLE			TELEPHONE (AREA CODE, NUMBER, EXTENSION)	

This form may be obtained online here: <http://www.whitehouse.gov/omb/grants/sf270.pdf>
 or it can be submitted electronically at <https://hazmatgrants.phmsa.dot.gov>

SF- 425 – Financial Status Report

FEDERAL FINANCIAL REPORT

(Follow form instructions)

1. Federal Agency and Organizational Element to Which Report is Submitted		2. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment)		Page	1	of	
3. Recipient Organization (Name and complete address including Zip code)							
4a. DUNS Number	4b. EIN	5. Recipient Account Number or Identifying Number (To report multiple grants, use FFR Attachment)		6. Report Type		7. Basis of Accounting	
				<input type="radio"/> Quarterly <input type="radio"/> Semi-Annual <input type="radio"/> Annual <input type="radio"/> Final		<input type="radio"/> Cash <input type="radio"/> Accrual	
8. Project/Grant Period From: (Month, Day, Year)		To: (Month, Day, Year)		9. Reporting Period End Date (Month, Day, Year)			
10. Transactions						Cumulative	
<i>(Use lines a-c for single or multiple grant reporting)</i>							
Federal Cash (To report multiple grants, also use FFR Attachment):							
a. Cash Receipts							
b. Cash Disbursements							
c. Cash on Hand (line a minus b)							
<i>(Use lines d-o for single grant reporting)</i>							
Federal Expenditures and Unobligated Balance:							
d. Total Federal funds authorized							
e. Federal share of expenditures							
f. Federal share of unliquidated obligations							
g. Total Federal share (sum of lines e and f)							
h. Unobligated balance of Federal funds (line d minus g)							
Recipient Share:							
i. Total recipient share required							
j. Recipient share of expenditures							
k. Remaining recipient share to be provided (line i minus j)							
Program Income:							
l. Total Federal program income earned							
m. Program income expended in accordance with the deduction alternative							
n. Program income expended in accordance with the addition alternative							
o. Unexpended program income (line l minus line m or line n)							
11. Indirect Expense	a. Type	b. Rate	c. Period From	Period To	d. Base	e. Amount Charged	f. Federal Share
				g. Totals:			
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation:							
13. Certification: By signing this report, I certify that it is true, complete, and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)							
a. Typed or Printed Name and Title of Authorized Certifying Official				c. Telephone (Area code, number and extension)			
				d. Email address			
b. Signature of Authorized Certifying Official				e. Date Report Submitted (Month, Day, Year)			
14. Agency use only:							

Standard Form 425
 OMB Approval Number: 0348-0061
 Expiration Date: 10/31/2011

Paperwork Burden Statement
 According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is 0348-0061. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0060), Washington, DC 20503.

HMEP Grant Accountability Questions

Beginning with the application for FY 2008 funds, applicants will be asked to respond to the following additional questions:

Part 1 Reporting of Authorized Expenditures

Please complete the table on the funds spent on planning and training grants. The totals should account for 100 percent of the funds granted to a State, Territory, or Tribal government.

ACCOUNTING OF HMEP GRANT FUNDS EXPENDED IN THE REPORTED GRANT YEAR			
Section of 49 CFR	Authorized Activity	Expenditures (Dollars)	Percent of Total Grant
§110.40 (a)	<i>Planning</i>	////////////////	////////////////
§110.40 (a)(1)	Provide total dollar amount expended to develop, improve, and implement emergency plans, as well as exercises which test the plan and enhancements to the plan to include hazard analysis & response procedures to hazmat transportation		
§110.40 (a)(2)	Provide total dollar amount expended to assess flow patterns of hazardous materials within a state and between states		
§110.40 (a)(3)	Provide total dollar amount expended to assess the need for regional hazardous materials emergency response teams		
§110.40 (a)(4)	Provide total dollar amount expended to assess local response capabilities		
§110.40 (a)(5)	Provide total dollar amount expended to conduct emergency response drills and exercises		
§110.40 (a)(6)	Provide total dollar expended for the use of technical staff to support the planning effort		
§110.40 (a)(7)	Provide total dollar amount expended for additional activities the Associate Administrator deems appropriate to implement the scope of work for the proposed project and approved in the grant		
	Provide the total dollar amount expended by grantees to administer the HMEP planning grant to include improvement to emergency response planning; update or complete assessments; conduct exercises; and other authorized planning activities by the grantee to include other authorized expenditures allowed under the law		
	SubTotal Planning Expenditures		

§110.40 (b)	<i>Training</i>	//////////	//////////
§110.40 (b)(1)	Provide total dollar amount expended to assess the number of public sector employees who need proposed training in accordance with the local emergency response plan		
§110.40 (b)(2)	Provide total dollar amount expended on delivery of preparedness and response training to include tuition, travel expenses, room & board		
§110.40 (b)(3)	Provide total dollar amount expended for emergency response drills and exercises, course of study, tests and evaluations of emergency response plans		
§110.40 (b)(4)	Provide total dollar amount expended for expenses associated with giving training and monitoring training to include, but not limited to examinations, critiques and instructor evaluations		
§110.40 (b)(5)	Provide total dollar amount expended for staff to manage the training effort designed to result in increased benefits, proficiency, and rapid deployment of local and regional responders		
§110.40 (b)(6)	Provide total dollar amount expended for additional activities the Associate Administrator deems appropriate to implement the scope of work for the proposed project and approved in the grant		
	SubTotal Training Expenditures		
	Total Planning and Training Expenditures		100%

Part 2
Report of HMEP Grant Accomplishments

The questions below are to be used by grantees to report the accomplishments and successes the HMEP grant program has achieved through the year. These questions address both the planning and training categories of the grant program. Please answer each question to the best of your ability.

Questions Pertaining to Planning

1. Provide the total number of LEPC's and break out the total number of active and inactive LEPC's. Provide the number of LEPCs that received funding and the amount received by each.
2. Provide the number of LEPCs that have identified or further evaluated risks in their communities. Provide a brief description of the methods used by the LEPCs to identify these risks, such as: community meetings; review of Tier 2 reports; commodity flow study; written or windshield surveys; hazard analysis; and vulnerability assessment as part of the emergency operations plan (EOP) process. Provide the number of commodity flow studies and hazard risk analyses accomplished.
3. Provide the methods used to update the emergency plan such as: LEPC meetings; types of infrastructure update information; point of contact lists; location of vulnerable populations; updates of maps; and response capabilities. Provide the number of LEPCs that have updated or written their emergency plan in the past year to be consistent with the changing conditions of the community and the identified risks.
4. Provide the number of LEPCs that exercised their emergency operations plan in the past year. Explain the type and total number of exercises conducted, for example: table top, real world simulation, or multiple jurisdictional drill; the agencies involved; and the number of people who participated. Provide information on whether the exercise involved a fixed facility, a mode of transportation, or a combination of both. If a mode of transportation was involved, indicate whether it was rail, water, road, or air; and whether a hazardous material(s) was used as part of the exercise scenario. If a hazardous material(s) was used, indicate the type(s) of material exercised. How many total exercises were accomplished?
5. Were lessons learned from the exercise incorporated into response planning and the community emergency plan?
6. Provide the number of LEPC members who attend meetings, conferences, or other opportunities for preparedness and response education.
7. Provide the number of LEPCs with the different types of preparedness projects and outreach initiatives they conducted to improve community awareness and safety.

8. For those LEPCs that retained HMEP, funding describe the type of projects that were funded and the cost associated with each along with a description of the process used to award the project (risk analysis, needs assessment, etc.).

9. Provide the total number of hazardous materials response teams located in each of the states/tribe/territory to include industry teams.

Questions Pertaining to Training

10. Did state grantees provide training directly? Did they go through an outside contracted organization to provide training, or a combination of both?

11. If state grantees provided training, how many people (fire, police, EMS, other*) received hazmat training in the past year in accordance with OSHA 1910.120; and to what level of training did they receive: Awareness, Operation, Specialist, Technician and refresher training of these levels. Was the training fully funded or funded in part** by HMEP grant funds?

12. Did people receive ICS or other types of response related training? Examples of other type of training events would be TRANSCAER, regional or national hazmat training conferences etc.

13. Were there classes offered other than those in accordance with NFPA or OSHA standards? If so, how was the offering of the course determined, the number of people trained, and the type of training conducted.

14. For those states that provided funding to LEPCs for training, provide the number of LEPCs to receive funding for training with the amount received for each. Provide the number of people (fire, police, EMS, other) in each level who received hazmat training in the past year in accordance with OSHA 1910.120. Break down the number of people trained in each hazmat level: Awareness, Operation, Specialist, Technician, and annual refresher training by level in accordance with OSHA 1910.120. Provide information on who provided the training, the number trained for each, and the type of training delivered. Was the training fully funded or funded in part** by HMEP grant funds?

15. For those states that provided funding to LEPCs, were classes offered other than those in accordance with NFPA or OSHA standards? If so, how was the offering of the course determined, the number of people trained, and the type of training conducted.

16. Was the training provided based on a change in the emergency plan or lessons learned through exercises? If so, explain.

Name of your State, Territory, or Native American Tribe: _____

Provide your E-mail and Fax number: _____

Please fill in the numbers on the lines provided and email this form back to the HMEP grant Program at HMEP.Grants@dot.gov.

* “Other” may include Public Works, EOC, emergency support functions, liaison officer, safety officer personnel, etc..

** If HMEP funds are used in any way, it counts as in part (e.g. books, prerequisite training, training equipment etc.).

ATTACHMENT C

OMB Approval No.: 4040-0007
Expiration Date: 07/30/2010

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL Caitlin Intermill	* TITLE Executive Director
* APPLICANT ORGANIZATION Indiana Department of Homeland Security	* DATE SUBMITTED 06/01/2011

Standard Form 424B (Rev. 7-97) Back

ATTACHMENT D

Combined Assurance

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Agency determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 --

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

Add Attachment	Delete Attachment	View Attachment
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3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the address provided in the application instructions. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

* Address

302 West Washington Street

* City

Indianapolis

County

* State

IN: Indiana

Zip

Check if there are workplaces on file that are not identified here.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

* NAME OF APPLICANT

Indiana Department of Homeland Security

* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Prefix: * First Name: Joseph

Middle Name:

* Last Name: Wainscott Suffix:

* Title: Executive Director

SIGNATURE

DATE

Caitlin Intermill

06/01/2011

ATTACHMENT E -Assurance of Compliance with Title VI of the Civil Rights Act of 1964

APPENDIX A

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 DEPARTMENT OF TRANSPORTATION

The State/Territory/Native American Tribe of Indiana (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the project:

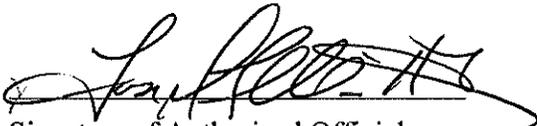
1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4 and Title 49 Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix B of this assurance in every contract subject to the Act and the Regulations.
4. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project.
5. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
6. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, and Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Department of Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipients.

Indiana Dept. of Homeland Security
Recipient


Signature of Authorized Official

5/27/11
Date

APPENDIX B
ASSURANCE OF COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
DEPARTMENT OF TRANSPORTATION

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work preformed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitation for Subcontractors, Including Procurements of Materials and Equipment:

In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State/Territory/Native American Tribe of Indiana or the Pipeline and Hazardous Materials Safety Administration (PHMSA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the State/Territory/Native American Tribe of Indiana or the Pipeline and Hazardous Materials Safety Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the State/Territory/Native American Tribe of Indiana shall impose contract sanctions

as it or the Pipeline and Hazardous Materials Safety Administration may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the contractor under the contract until the contractor complies; and/or
- (b) Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurements as the State/Territory/Native American Tribe of Indiana or the Pipeline and Hazardous Materials Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontract or supplier as a result of such direction, the contractor may request the State/Territory/Native American Tribe of Indiana to enter into such litigation to protect the interests of the State/Territory/Native American Tribe of Indiana, and, in addition the contractor may request the United States to enter into such litigation to protect the interest of the United States.

APPENDIX C

ASSURANCE OF COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
DEPARTMENT OF TRANSPORTATION

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the State/Territory/Native American Tribe of

Indiana

The [grantee, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this [deed, license, lease, permit, etc.] for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the [grantee, licensee, lessee, permittee, etc.] shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of the above non discrimination covenants, State/Territory/Native American Tribe of Indiana shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, State/Territory/Native American Tribe of Indiana shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of State/Territory/Native American Tribe of Indiana and it's assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by State/Territory/Native American Tribe of Indiana.

The [grantee, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her personal representatives successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in case of deeds, and leases add "as a covenant running with the land"] that (1) no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race color, sex, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the [grantee, licensee, lessee, permittee, etc.] shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, State/Territory/Native American Tribe of Indiana shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess aid land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, State/Territory/Native American Tribe of Indiana have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of State/Territory/Native American Tribe of Indiana and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.