

**2016-2018 HAZARDOUS MATERIALS EMERGENCY
PREPAREDNESS GRANT PROGRAM (HMEP)
(24th Year Funding)**

Local Guidance Package

**Applications will be accepted until all funds are
obligated**

Funded through:

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

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INTRODUCTION

The State Emergency Response Commission (SERC) participation in the U.S. Department of Transportation's Hazardous Materials Emergency Preparedness (HMEP) grant program, which the Ohio Emergency Management Agency (EMA) administers on the SERC's behalf.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER:

The CFDA number for the HMEP 2016-2018 Grant is 20.703. Any expenditure and reimbursement from the grant must be reported by your auditor on the federal reporting schedule.

PERIOD OF PERFORMANCE

The performance period for this grant is **October 1, 2016 through September 30, 2018**. No funds shall be spent on activities that occur outside of the performance period. All costs that are incurred before or after the award's period of performance ends are not chargeable to the award and will be disallowed per *2 CFR 200.309 Period of Performance*.

Since this is a three year grant with conditions, we will send out a new application in April 2018 for the final year budget application. If funds are available and approved, we will then create an amendment to the original grant agreement increasing the award with an extension for one more year.

Lack of progress in years' one and two, could result in the overall award from USDOT/PHMSA being reduced in the third year; therefore, all reimbursement requests must be submitted no less than quarterly.

PURPOSE

The Hazardous Materials Transportation Uniform Safety Act of 1990 (P.L. 101-615), authorized DOT to provide assistance to public sector employees through training and planning grants to States, Territories, and federally recognized 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 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. The HMEP program is authorized under 49 United States Code (U.S.C.) § 5116 and is governed by program regulations at 49 Code of Federal Regulations (CFR) part 110 and Federal grants administration regulations at 2 CFR part 200.

On December 4, 2015, The Fixing America's Surface Transportation (FAST) Act was signed into law (Public Law No: 114-94). The FAST Act reauthorized the HMEP Grant Program through Fiscal Year (FY) 2020. Also, Title VII, Section 7203 of the FAST Act amended 49 U.S.C. § 5116 to combine planning and training grants into Section 5116 (a). Therefore, beginning in FY16 HMEP applicants are no longer required to separately apply and account for planning and training funds. Under 49 U.S.C. § 5116, Training and Planning Grants are available to:

(1) Develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. § 11001 et seq.), including ascertaining flow patterns of hazardous material on lands under the jurisdiction of a State or Native American tribe, and between lands under the jurisdiction of a State or tribe and lands of another State or tribe.

(2) Train public sector employees to respond to accidents and incidents involving hazardous material incidents. To the extent that a grant is used to train emergency responders, the applicant must ensure that the emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations.

DEVELOPMENT

Training and Planning components for the grant program are funded by a special national registration fee program and awarded to Ohio EMA in that way for sub-grants. New this year, planning and training activities will be one award; however, you will need to track activities and expenses separately for reporting purposes.

LOCAL REQUIREMENTS and FUNDING PRIORITIES

Due to limited funding, the Pipeline Hazardous Materials Safety Administration (PHMSA) encourages sub-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, such as:

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. Ensure 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.

When drafting applications, Ohio EMA encourages applicants to consider the following topics:

- Current risk involving transport by all modes of energy products such as crude oil, ethanol, and liquefied natural gas (LNG);
- Current state of operational readiness/capability
- Familiarity with bulk shippers emergency response plans/procedures;
- Available training resources (sources, accessibility, gaps in training; and
- Needs of emergency responders/public safety agencies.

For more information on the Safety Transportation of Energy Products (STEP) and HMEP regulations, please visit the PHMSA website at <http://www.phmsa.dot.gov/hazmat/osd/calltoaction>.

Applications must thoroughly identify and assess the needs of the jurisdiction as it relates to preparedness for hazmat transportation incidents; develop detailed, allowable and measurable project activities to address those needs; and submit a comprehensive and clear project and budget narrative as part of the grant application.

MATCHING FUNDS

For both training and planning, local emergency planning committees (LEPCS) must contribute a minimum of 20% matching funds to the total cost of the grant project. For example, if the total cost of the project is \$50,000, the LEPC must provide at least \$10,000, and HMEP will provide no more than \$40,000. Funds used for matching purposes under any other federal grant or cooperative agreement may not be used for matching purposes.

PLANNING GRANT GUIDANCE AND ACTIVITIES

The primary objective of the HMEP Planning Grant is to develop, improve, and implement emergency plans. To accomplish these objectives, LEPCs should examine the existing system and identify gaps within the system to develop specific activities that will improve emergency planning and coordination within the jurisdiction.

Please remember technical staff utilized to support the planning grant cannot be diverted to support other requirements of EPCRA or LEPC operational activities. This grant cannot pay for LEPC organizational staff time or time attending exercises and courses. The costs can only be for the update of plans and coordination of exercises.

To apply for planning grant funds, project applications should include a narrative of the project and explain the goals and objectives of your HMEP program activity which **directly ties into Hazardous Material Transportation**. It should also include a detailed list of anticipated costs including detail regarding the required match, for an overall project total. The application must be signed by an official with signatory authority. The following is a list of approved planning activities. This is not an exhaustive list and all other planning activities must be pre-approved. Please consult the PHMSA HMEP Expenditures Guide for a complete list of possible allowable expenses.

Approved planning activities and expenses we anticipate funding this year include:

1. Development, improvement, and implementation of emergency plans which specifically tie into hazmat transportation plans and all other plans such as evacuation plans, special needs, and any plan which directly ties into hazmat transportation response. Enhance emergency plans to include hazards analysis and response procedures for emergencies involving transportation of hazardous materials which include staff/contractors to support the planning effort and printing/supply costs to reproduce the developed/updated plans.
2. Plan and conduct drills and exercises that test emergency plans, response and mitigation of hazmat incidents to include expendable supplies such as paper, markers, maps, and drill materials needed. All the expenses must be incurred and the exercise must occur within the performance period of the grant. Please specify whether you will be doing a full scale exercise, functional, tabletop, or drill and what the chemical used for the scenario will be in the application. Emergency Operations Center Leadership Exercises are an unallowable use of the grant. All supplies must be pre-approved by

Ohio EMA. Costs for Exercise and Training may include room rental, maps, printing, foam, fog machine rental and portable toilet rental.

3. Update of local flow patterns of hazardous materials to include costs of contractor time.
4. Updates of information systems to keep hazmat flow pattern information current to include updating information to CAMEO, GIS, and Aloha software systems as part of the response plan.
5. Assessments of the regional hazardous materials emergency response teams and local response capabilities for personnel and contractor time.
6. Site visits completed to assist in a hazard analysis, mapping, and to update the chemical response transportation plan.
7. CAMEO Courses
8. Approved Conferences and Workshops
 - Hotzone Conference
 - International Association of Fire Chiefs Annual Conference
 - Ohio Hazmat Teams Conference
 - State LEPC Conference

TRAINING GRANT GUIDANCE AND ACTIVITIES

Training grants are made available for training public sector employees to respond safely and efficiently to accidents and incidents involving the transportation of hazardous materials.

Eligible activities under the HMEP Training Grant anticipated to be funded are:

Delivery of preparedness and response training to public sector employees to include, student and instructor course materials and manuals to include printing costs, student tuition, travel, and per diem costs, instructor costs, and training facility rental at a reasonable cost. Supplies must be pre-approved by Ohio EMA which may include Foam, Tanker Truck Simulator Rental, Portable Toilet Rental, Spill Containment Material, and Maps. The following is a list of approved training. This is not an exhaustive list and all other training courses must be pre-approved by PHMSA. Please consult the PHMSA HMEP Expenditures Guide for a complete list.

All courses shall meet the NFPA 472 Standards and be a reasonable cost for the number of students in attendance.

Approved Courses in which local LEPCs can apply for grant funds and must meet the 20% match include:

1. Hazmat Awareness
2. Hazmat Operations
3. Hazmat Operations Refresher
4. Technician Training
5. Technician Refresher
6. Chlorine Emergencies
7. Ammonia Specialist Training
8. Incident Safety Officer Training
9. Hazmat Branch Director and Safety Officer Course
10. Alternate Fueled Vehicles
11. Hazmat IQ 2-Day Training
12. Hazmat IQ Above/Below the Line
13. HM IQ First Responder Offensive
14. HM IQ Advance Training
15. HM IQ Air Monitoring
16. HM IQ Tox Medic
17. HM IQ Refresher
18. Propane Response
19. Low Pressure Cargo Tank Emergencies
20. Managing Gas Emergencies for First Responders: Awareness of Pressurized Cylinders and Tanks
21. Operations Section Chief Course
22. Hazmat Decon Operations
23. Decon 4 hour Awareness
24. Rail Car Awareness
25. Rail Car Operations
26. Railcar Advanced Class

LEPCs must certify that training courses meet the NFPA 472 Standards and have a minimum of 15 students unless otherwise approved based on course requirements and pre-approved by EMA.

Students must follow their local travel policy but not exceed federal per diem amounts. Per Diem rates can be located at <http://www.gsa.gov>.

Ineligible Planning and Training Grant Expenses

1. Overtime
2. Time to attend a conference, workshop or training
3. Expenses not directly related to Hazardous Materials Transportation
4. Expenses claimed and or reimbursed by another program
5. Expenses counted as match funds toward another program
6. Expenses that supplant existing funds/programs
7. Entertainment costs
8. Food provided during exercises or training
9. Any costs disallowed or stated as ineligible in 2 CFR 200.
10. Software with the exception of CAMEO
11. Software to manage Title III materials
12. Excessive costs for office supplies, printing and copying
13. Operational Equipment
14. Weapons of Mass Destruction Courses
15. Any items/activities not pre-approved by Ohio EMA on application or budget modification form
16. Compliance and Organizational Activities
17. EOC Leadership Exercises
18. Training which does not meet the NFPA 472 Core Competency Standards
19. Trainings for people other than on-scene responders such as hospital personnel or federal employees

APPLICATION AND REPORTING REQUIREMENTS

Applications will be collected for initial grant awards and granted based on applications for eligible projects on a first come, first serve basis as funds are available. Once awards are made, recipients will receive a grant agreement. The Sub-recipient must return the completed original signed grant agreement within 30 days of receipt by mail. When all initial program documentation is received, approved, and the grant agreement returned with official signature and dated, the recipient will be able to begin encumbering funds. Any changes to the scope of your project must first be approved by Ohio EMA.

In the application, the Project Description form should outline how progress will be made toward achieving the project goals and objectives, needs and shortfalls; identify specific planning tasks that will be completed to include the time and personnel needed to develop and or revise those plans; costs that will be incurred for trainings; a total project cost; and should outline how the LEPC plans to spend the award funds broken out by federal and match (detailed anticipated expenditures).

Should the jurisdiction wish to do planning or training activities not approved initially, a budget modification will need to be submitted to Ohio EMA for approval before funds can be encumbered.

The State Fire Academy Staff will review all training applications.

It is necessary for each grant sub-recipient to submit a quarterly report on the progress toward completion of their grant projects. This report must be completed and submitted by the 15th day of the month following the end of the quarter. (Jan 15th, Apr 15th, July 15th, and Oct 15th) These quarterly reports will be collected until the funds are completely exhausted/de-obligated or the grant period ends. All reimbursement from the grant awards may be frozen until the sub-recipient comes into compliance with this reporting requirement.

A completed final programmatic summary report will be required which outlines accomplishments and should be included with the final cash reimbursement request. A template will be provided with the grant agreement. The summary report must be completed to receive future HMEP Grant Funds.

REIMBURSEMENT REQUESTS

When cash requests are made, LEPCs are required to submit copies of timesheets which break out daily hours by funding source for the contractor. You will need a copy of the contract and invoice for those that are paid a specific amount for a specific deliverable and the progress made towards accomplishing the objective stated in an applicant's project. Example of the time sheet is included with application packet. A contractor can be paid a lump sum; however, it must be for a specific measurable deliverable. HMEP Planning and Training hours should be broken out separately to properly report training and planning fund activities.

For exercises, we will need a brief scenario included and list what chemical was used in the scenario. **We will need a copy of all of the contracts with the request for reimbursement to include attendance sheets.**

For Training Reimbursement for classes held: class rosters and discipline, invoices, receipts, and an agenda or overview of course must be included.

For travel, the local travel policy should be included with request, and that policy must be followed as long as rates do not exceed federal per diems as outlined at www.gsa.gov.

All reimbursements for expenses over \$3,500 must be accompanied with the procurement documentation to include request for quotes, and 3 quotes or the complete bid package.

Reimbursement requests shall be submitted quarterly. _All decisions by Ohio EMA are final and not subject to review should something be denied for inadequate documentation or ineligible activity.

Any funds not requested by deadline, for which insufficient documentation was provided will be de-obligated and the remaining funds will be returned to US DOT, PHMSA.

MONITORING

The grant recipient is subject to both programmatic and fiscal monitoring visits. Ohio EMA shall advise the county in advance of the intent to complete a monitoring visit. The monitoring visit may include but is not limited to ensuring the proper records are on file with the county to track expenditures, contracts and the county adheres to local, state, and federal procurement requirements, found in OMB Circular A-133; 2 CFR 200, and 49 CFR as outlined in guidance and the grant agreement. Discrepancies will be resolved during the monitoring visit or Ohio EMA will provide follow-up recommendations or requirements in a letter within 30 days of the visit.

FINANCIAL REQUIREMENTS

Grant recipients are responsible for any commitments or expenditures incurred in excess of the funds provided by the award. Expenditures incurred prior to the start date of the performance period or after the performance period are not eligible.

All funds are held by US DOT for dispersal through Ohio EMA to Grant Recipients. Funds will not be paid in advance to grant recipients but rather will be disbursed over time as eligible project costs are paid by the jurisdiction. This is a reimbursement grant.

As a reminder, grant spending is authorized based on the LEPC's approved budget worksheets. If the LEPC incurs a cost which was not previously listed in the approved project description, the LEPC must first submit a revised project description and explanation as to the need of the change to Ohio EMA for review and written approval.

LEPCs are required to establish and maintain accounting systems and financial records to accurately account for funds awarded to them as established in 2 CFR 200.302.

- The recipient must permit the pass-through entities and auditors to have access to the records and financial statements as necessary for the entity to meet the requirements of 2 CFR 200.331 in a timely manner.

- The recipient must comply with 2 CFR 200.333 Retention requirements for records and 2 CFR 200.336 Access to records.

As required by 2 CFR 200.501 Audit requirements recipients that expend \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of the regulation. Recipients are expected to review and fully comply with the audit requirements formerly located at A133 and is now located at 2 CFR part 200. Subpart F.

Sub-grantees must include all required documents supporting "proof of cost" in order to be reimbursed 80% of eligible activities. Documentation includes a copy of personal service contracts, contracts between the LEPC and EMA, Invoices, class sign in sheets, time and effort sheets which must be signed by individual and supervisor and provide information on the progress of activities.

You must have open competitive procurement procedures. Procurement cannot occur before October 1, 2016, and all activities/services must conclude by September 30, 2018. You must follow all local, state, and federal requirements. In cases where they differ, the strictest applies. Purchasing from GSA or State Term Contract/Schedule does not meet open competitive procurement. You must receive 3 quotes for a cost that exceeds \$3,500 in a year or complete the bid process (based on the threshold requirements) for all goods and services. **All contracts for activities and services must follow procurement standards outlined in 2 CFR 200 318-326.**

PROCUREMENT

The procurement process is one of, if not the most, scrutinized aspect of the federal grant programs. It is important to follow the proper procedures to safeguard your grant expenditures. The agency must comply with 2 CFR 200.318-326 with emphasis on how procurements are made in that "all procurement transactions be conducted in a manner providing full and open competition with the standards of [2 CFR 200.319]". Additionally, sub-grantees must ensure that they meet the procurement requirements of the Ohio Revised Code and local procurement regulations. All sub-grantees are strongly urged to seek out their procurement department/individual to seek guidance on implementing the grant requirements into the procurement of any grant funded item or service. In accordance with this requirement, sub-grantees will be required to document actions that demonstrate compliance with the "full and open" regulation. The determination of which means of procurement to utilize should be made based on the most stringent threshold requirement between local, State, and Federal. The following guidance is provided in an effort to help sub-grantees navigate the requirements of procurement:

- **Procurement by micro-purchases**
Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,500 (or \$2,000 in the case of acquisitions for construction

subject to the Davis-Bacon Act). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotes if the non-Federal entity considers the price to be reasonable.

- **Procurement by small purchase procedures**

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that range in cost from \$3,000 to the most stringent bid threshold between local, State, and Federal. If small purchase procedures are used, price or rate quotes must be obtained from at least 3 qualified sources. Quotes from State Term Contract must be supported by solicited quotes from at least 2 other vendors outside of the state term listing.

- Procurements that exceed the most stringent bid threshold established by local, State or Federal procurement policies must select the most appropriate of the following methods of acquisition.

- **Procurement by Sealed Bids (formal advertising)**

Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c) (1) of this section apply.

- **Procurement by Competitive Proposals**

The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.

- **Procurement by noncompetitive proposals. (Sole Source)**

If the procurement process is followed and the sub-grantee identifies that there is a lack of competition or the item is only available from one source, the purchase must be pre-coordinated and pre-approved with Ohio EMA. As the purchase will be considered “non-competitive” it must be documented in a specific manner. Procurements that are completed outside of the competitive process without pre-coordination and pre-approval by Ohio EMA will not be reimbursed. Procurement by noncompetitive proposals is procurement through solicitation of a quote, bid, or proposal from only one source and may be used only after solicitation of a number of sources, competition is determined inadequate.

*****Sole Source Procurement cannot be justified due to the end of a performance period.**

Sub-grantees should note that the following situations are considered to be restrictive of competition and should be avoided:

- Placing unreasonable requirements on firms in order for them to qualify to do business,
- Requiring unnecessary experience and excessive bonding,
- Noncompetitive pricing practices between firms or between affiliated companies,

- Noncompetitive awards to consultants that are on retainer contracts,
- Organizational conflicts of interest,
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance of other relevant requirements of the procurement, and
- Any arbitrary action in the procurement process.

Sub-grantees will maintain records sufficient to detail the significant history of any procurement. These records will include, but are not necessarily limited to the following: request for quote, rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Records must be contemporaneous to the procurement process, and not obtained after the procurement. Sub-grantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements.

GOVERNING STATUTES AND REGULATIONS

The administration of this award is based on the following federal statutory and regulatory requirements:

- 49 U.S.C. 5116 et seq.
- Administrative regulations at 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards is available <http://www.ecfr.gov/cgi-bin/text-idx?SID=56883575b1924af61326b2958fd50d6d&mc=true&node=pt2.1.200&rgn=div5>
- 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
- Procurement regulations for proper acquisition of contracts, goods, and services at **All contracts for activities and services must follow procurement standards outlined in 2 CFR 200 318-326.**
- Cost Principles in 2 CFR 200 Subpart E - Cost Principles for State, Local and Indian Tribal Governments, which are incorporated by reference in 49 CFR 18 (and available at <http://www.ecfr.gov/cgi-bin/text-idx?SID=56883575b1924af61326b2958fd50d6d&mc=true&node=pt2.1.200&rgn=div5>)
- Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, which is incorporated by reference in 2 CFR 200 Subpart F – Audit Requirements.
- Any other applicable federal statutes and regulations, include, but not limited to the following:

- ❖ 49 CFR 20, “New Restrictions on Lobbying.” 49 CFR 20 is incorporated by reference in this award. 49 CFR 20 is incorporated by reference in this award. 49 CFR part 20 is available at www.gpoaccess.gov/ecfr/ by clicking on Title 49 CFR 20.
 - ❖ 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. 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 available at http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr21_main_02.tpl
 - ❖ 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 available at: <http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=49:1.0.1.1.25>
- Recipients of this award must comply with 2 CFR 1200, “Non-procurement 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. The website is available at <http://www.ecfr.gov/> by clicking on 2 CFR 1200.
 - The recipient must immediately notify Ohio EMA 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 ability to perform the program in accordance with the terms of this award. Recipient must also immediately notify Ohio EMA of any decision pertaining to the conduct of litigation that may affect DOT interests.

General Recipient Responsibilities:

- Before entering into and accepting a PHMSA award, 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, the general terms and conditions and any other special conditions outlined in the award.
- Failure to comply with these requirements may result in suspension or termination of the award and possibly recovery of funds.

When entering into a contract under the grant, the recipient must verify that the entity/individual is not excluded or disqualified from participation in federal non-procurement or procurement programs. This is done by:

- ❖ Checking the Excluded Parties List System at <https://www.sam.gov> or
 - ❖ Collecting a certification from the entity/individual or
 - ❖ Adding a clause or condition to the covered transaction with that entity or individual.
 - ❖ You must comply with subpart C of the OMB guidelines in 2 CFR 180 as supplemented by 2 CFR 1200.
- The allow ability of costs incurred will be determined using the cost principles in 2 CFR 200, Subpart E Cost Principles for State, Local, and Indian Tribal Governments and HMEP specific program requirements.

Contracting with Small and Minority Firms, Women’s Business Enterprises, Veteran Owned, and HubZone Area Firms

- The recipient must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible in keeping with 2 CFR 200.3

REPORTING OF FIRST-TIER SUB-AWARDS

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 sub-award 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 sub-award 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, 2016, the obligation must be reported by no later than December 31, 2016.)

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 sub-contracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and sub-awards); and
 - (B) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and sub-contracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and sub-awards); 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 SUB-RECIPIENT 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 sub-recipient under this award, you shall report the names and total compensation of each of the sub-recipient’s five most highly compensated executives for the sub-recipient’s preceding completed fiscal year, if –

- i. In the sub-recipient’s preceding fiscal year, the sub-recipient received –
 - (A) 80 percent or more of your annual gross revenues from federal procurement contracts (and sub-contracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and sub-awards); and
 - (B) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and sub-contracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and sub-awards); 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 sub-recipient executive total compensation described in “applicability and what to report” for sub-recipient executives of this award term:

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

- Sub-awards, and
- The total compensation of the five most highly compensated executives of any sub-recipient.

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 non-profit organization;
- A domestic or foreign for-profit organization;
- A federal agency, but only as a sub-recipient under an award or sub-award to a non-federal entity.

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

Sub-Award

- 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 sub-recipient.
- 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 sub-award may be provided through any legal agreement, including an agreement that you or a sub-recipient considers a contract.

Sub-recipient means an entity that:

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

Total Compensation means the cash and noncash dollar value earned by the executive during the recipient’s or sub-recipient’s preceding fiscal year and includes the following (for more information see 17 CFR 229.402©(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.

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

If applicants find any inconsistency or conflict in the terms and conditions in this grant guidance, please contact Ohio EMA for guidance or clarification.

Local LEPC's must track and keep on file all expenditures from the grant for no less than three years from the federal grant end date.

Funds must be tracked separately from other funding and cannot be used in conjunction with other federal grant funds.

Our goal is to help you have a successful program. Should you have any questions, or need assistance such as attendance at an LEPC Meeting, conference call, etc., please contact our office.

APPLICATION SUBMISSION REQUIREMENTS

A complete application package must be submitted by mail (please no fax or emails) and signed by the person with signatory authority.

Please submit application to:

HMEP Grant Application, Attention: Kathleen Nelson, Ohio EMA, 2855 West Dublin Granville Road, Columbus, Ohio 43235.

For Grant Content and Program Inquiries please contact Kathleen Nelson at (614) 799-3836 or Dan Green at (614)799-3820.

ALL APPLICATIONS SHOULD BE RECEIVED BY **All reimbursement requests must be submitted each quarter.**

FORMS - Attached

Project Description Form

Sample Timesheet

Expenditures Guide