



**U.S. Department
of Transportation**

Pipeline and Hazardous
Materials Safety
Administration
(PHMSA)

Funding Opportunity Announcement (FOA)

Pipeline Safety Research Competitive Academic Agreement Program (CAAP)

Fiscal Year 2014

**Closing Date: May 9, 2014
Closing Time: 11:59pm Eastern Time**

**Catalog of Federal Domestic Assistance Number (CFDA)
20.724**

**PHMSA Funding Opportunity Number
DTPH5614SN000006**

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Program Summary

Federal Agency Name: U.S. Department of Transportation (DOT)
Pipeline and Hazardous Materials Safety Administration (PHMSA)

Federal Agency Contact: U.S. DOT/PHMSA
Acquisition Services Division, PHA-30
1200 New Jersey Avenue, SE
Room E22-302
Washington, DC 20590
Attn: Jackie Naranjo

Funding Opportunity Title: “Pipeline Safety Research Competitive Academic Agreement Program (CAAP) – FY 2014”

Announcement Type: Initial Announcement

Funding Opportunity Number: DTPH5614SN000006

CFDA Number: 20.724

Eligible Applicants: Applicants must be non-profit institutions of higher education located in the United States or a U.S. territory or possession.

Dates: FOA Issue Date: March 25, 2014
Question Deadline: April 15, 2014
Application Due Date: May 9, 2014 at 11:59pm ET

Agreement-Related Questions: Jackie Naranjo
(202) 366-4429
jackie.naranjo@dot.gov

Grants.gov Questions: Grants.gov Contact Center
1-800-518-4726
support@grants.gov

DOT/PHMSA Management Information System (MIS) Questions: rdsupport@cyclac.com (for technical support issues only)

Article I. Funding Opportunity Description

Section 1.01 Statement of Purpose

The Pipeline and Hazardous Materials Safety Administration (PHMSA), through the U.S. Department of Transportation (DOT), hereby requests applications from non-profit institutions of higher education to obtain funding for researching innovative solutions to pipeline corrosion and other known pipeline integrity challenges.

Section 1.02 Program Authority

The authority for PHMSA's Pipeline Safety Research and Development Program comes from the Pipeline Safety Improvement Act of 2002 (P. L. 107-355, December 17, 2002). Further, the authority to enter into cooperative agreements under the CAAP initiative is codified at 49 U.S.C. §60117(k), Authority for Cooperative Agreements.

Section 1.03 Background

Section 1.03-1 Background on Pipelines and PHMSA's Pipeline R&D Program

The pipeline infrastructure in the United States (U.S.) is the primary means of transporting natural gas and the majority of hazardous liquids from production basins and ports to areas of consumption. The importance of energy pipelines to the U.S. economy and our standard of living requires that these assets be safely maintained and appropriately expanded to sustain demand.

Research must play a larger role in finding the solutions to national, regional and local pipeline operational safety and environmental challenges. Some of these challenges involve operators' having the best technology to efficiently and effectively meet or exceed federal and state regulatory requirements on the safety and integrity of pipelines. Other challenges are in keeping critical industry consensus standards fresh with the latest knowledge and know-how so that people, property and the environment are protected.

PHMSA's core pipeline research program involves all stakeholders in a time-tested process for generating success. However, this program, whose modern inception was in 2002, is focused on the near-term with demonstrating and deploying technology development and commercialization. Additional information on the existing Pipeline Safety Research and Development (R&D) Program is available at: <https://primis.phmsa.dot.gov/rd/index.htm>.

This research enterprise is having a tangible impact toward developing technology, strengthening consensus standards and creating and promoting general knowledge to decision makers. More performance details are available at PHMSA's Pipeline Safety Research website <http://primis.phmsa.dot.gov/rd/performance.htm>.

Section 1.03-2 Background on the CAAP Initiative

PHMSA's Pipeline Safety R&D Program was congressionally mandated by the Pipeline Safety Improvement act of 2002, which tasked DOT and other designated federal agencies with "carry[ing] out a program of research, development, demonstration and standardization to ensure the integrity of pipeline facilities." Specifically, the program's mission is to sponsor research and development projects focused on providing near-term solutions that will improve the safety, reduce the environmental impact, and enhance the reliability of the Nation's pipeline transportation system. The goals and objectives of the CAAP initiative, as discussed below,

directly support both the mission and the congressional mandate of PHMSA's Pipeline Safety R&D Program.

The CAAP initiative is intended to spur innovation by enabling an academic research focus on high-risk and high pay-off solutions for the many pipeline safety challenges. It will potentially deliver solutions that can be "hand-offs" to PHMSA's core research program of demonstration and deployment. The goal would be to validate proof of concept of a thesis or theory all the way to commercial penetration into the market.

Further, the pipeline industry and federal/state regulators are experiencing low numbers of applicants to entry level positions that are technically focused. As such, another goal of the CAAP program is to expose graduate and PhD research students to subject matter that is common to pipeline safety challenges and to illustrate how their engineering or technical disciplines are highly needed in the field. The ultimate benefit would be to cultivate new talent in all aspects of pipelining, similar to how programs at other Federal Agencies and non-profit organizations have encouraged talent to consider a career in a certain field.

The intention for the CAAP program is to award approximately five research agreements per year to non-profit institutions of higher education in the U.S. or U.S. territories or possessions in a total *federal* amount not to exceed \$100,000 per award. The research to be conducted under the agreements will include a wide set of solutions for corrosion and other pipeline integrity challenges. PHMSA anticipates the period of performance of each agreement to be between 18 and 24 months.

Section 1.04 Research Topics

PHMSA is soliciting proposals in research and development focus areas based on technical gaps identified at PHMSA's July 2012 Pipeline Research Forum. Applicants may visit the event website at https://primis.phmsa.dot.gov/rd/mtg_071812.htm to review presentation materials, working group summaries, and other reporting to determine if any of these topics resonate with institutional interests.

PHMSA will consider proposals that address technical gaps within the pipeline safety program areas listed below. The focus areas are intentionally ambitious and broad to allow for the acceptance of a wide spectrum of specific proposals that strategically support PHMSA's mission in pipeline safety. Proposals are to be focused on high technical risk and high pay-off solutions for the many pipeline safety challenges. Again, anticipated outcomes will potentially deliver solutions that can be handed off to PHMSA's core research program.

Proposals must identify which one of the following primary pipeline safety program areas they fall under:

- 1) Threat Prevention
- 2) Leak Detection & Mitigation
- 3) Anomaly Detection & Characterization
- 4) Anomaly Repair & Remediation
- 5) Design, Materials and Welding-Joining Valves

Section 1.05 Deliverables

The following deliverables will be required for all awarded agreements. Report templates and guidance will be provided when necessary.

- Kick Off Meeting (held in person at the institution)
- Performance Progress Reports (format/content in accordance with SF-RPPR)
 - *Note: Reporting period begins on the effective date of the cooperative agreement.
 - Quarterly progress reports via email and uploaded to MIS – Due NLT 30 days after reporting period ends
 - Final Progress Report via email and uploaded to MIS – Due NLT 90 days after agreement expiration
- Mid-Term Summary (conference call; discussion topics to be provided by PHMSA)
- Draft Final Research Report (template will be provided)
- Public Final Research Report (once reviewed and comments incorporated)
- Internet-Based Presentation (held remotely; template will be provided by PHMSA)

Article II. Award Information

Section 2.01 Funding

Subject to the availability of funds, the amount of *federal* funding for each agreement may not exceed \$100,000 at award. Applicants may submit more than one application, but each individual application must not exceed \$100,000 in federal funding.

Section 2.02 Cost Sharing

There is a mandatory 30% cost-sharing requirement for this agreement. Additional resource sharing above the mandatory 30% is strongly encouraged. The Federal government will fund no more than 70% (up to \$100,000) of the total cost of each project. For instance, if the *total* project cost (including Federal and non-Federal funding) is \$130,000, then the applicant must propose no less than \$39,000 in non-Federal funding (30%) and PHMSA will fund no more than \$91,000 (70%).

Firm letters of commitment for resource sharing must be provided with the proposal. *Award will not be made to a recipient without having all commitment letters.*

See [Section 5.02](#) for additional information regarding budget/cost proposals.

Section 2.03 Period of Performance

PHMSA anticipates the period of performance to be between 18 and 24 months from the date of award for each agreement. Modifications within the scope of the cooperative agreement will be handled on a case-by-case basis with the prior agreement of all parties. PHMSA anticipates awarding the agreements during the fourth quarter of fiscal year 2014.

Section 2.04 Type of Award

Subject to the availability of funds, PHMSA anticipates awarding approximately five (5) agreements as a result of this FOA; federal funding for each agreement may not exceed \$100,000 at the time of award.

Article III. Eligibility Information

Section 3.01 Eligible Applicants

Applicants must be non-profit institutions of higher education located in the United States or a U.S. territory or possession. PHMSA will consider an application from an eligible higher education institution that partners with other eligible recipients, pipeline industry and/or with any private organization, as long as the cost for the proposed partnership does not exceed 50% of the proposed amount of Federal contribution to the project (which may be up to \$100,000). In other words, at least half of the Federal funding provided under the resulting cooperative agreement (up to \$50,000) must go toward the educational institution that is the primary party to the agreement.

Section 3.02 Minimum Requirements

The following are minimum requirements that all applicants must meet to be considered. Failure to meet these requirements at any time pre- or post-award will result in either removing an application from further consideration or grounds for termination of the agreement. The application must include a letter on the submitting institution's letterhead that certifies these minimum requirements are understood and will be met. The letter must be signed by the Dean or equivalent level of that college, department or program and inserted as Appendix A to the technical application (first page of the Appendix).

1. Eligible applicants are non-profit institutions of higher education located in the United States or a U.S. territory or possession.
2. The academic research agreement will be with the institution and not with individual students.
3. The research scope must be executed by undergraduate, graduate and/or PhD research students. Institution faculty/staff should design the scope and oversee student execution of the scope. *Applications that do not propose student involvement will be deemed non-responsive and will be removed from consideration.*
4. Institution faculty, staff and students that are proposed to be involved with the research agreement must be U.S. citizens, permanent residents, or possess current visas that will allow them to remain in the country long enough to complete the research project.
5. Federal funding is solely for allowable charges such as institution overhead and the procurement of expendables and any required labor necessary for executing the research scope. Furnishing of new or existing testing equipment will not be permitted with Federal funds. Also, Federal funding cannot be used toward construction of new facilities or refurbishing of existing facilities. Post-delivery financial audits may occur. See [Section 7.07](#) for more information on the applicable federal cost principles.
6. Applications must meet the cost sharing requirements stipulated at [Section 2.02](#); failure to meet the required cost sharing threshold (30%) may result in an application being removed from consideration.

Article IV. Registration and Application Submission Information

Failure to comply with the requirements described in this section may result in an application not being reviewed.

Section 4.01 Application Submission Medium

Applicants are required to submit their *complete* applications through two portals: (1) Grants.gov; and (2) PHMSA's Pipeline Safety R&D Management Information System (MIS). Submitted applications must be identical in both portals; PHMSA will not be responsible for any discrepancies between applications. The following sections describe the registration/application process for Grants.gov and MIS.

Section 4.02 Grants.gov Registration

To submit an application, applicants must be registered at www.grants.gov. For new users, go to http://www.grants.gov/applicants/get_registered.jsp, or go to the main page at <http://www.grants.gov/> and click on "Register" in the top right hand corner. **Please note that new user registrations for Grants.gov can take up to two weeks to complete.** For additional questions on how to register, contact grants.gov support.

Section 4.03 Pipeline Safety R&D Management Information System (MIS) Registration

Prior to submitting a proposal, applicants must complete a User Access Registration Form at <https://primis.phmsa.dot.gov/matrix/RfpInfo.rdm?rfp=48>. **User access will be granted within 48 hours of registration;** applicants should consider this lead time during their planning process.

Additional instructions regarding the preparation and submission of the applications – along with individual questions and answers – are available on the website identified above. In the case of a conflict of information between Grants.gov and MIS, the information in Grants.gov takes precedence.

Section 4.04 Question Deadline

All questions regarding this FOA must be emailed to Ms. Jackie Naranjo (jackie.naranjo@dot.gov) with a copy to Mr. Warren Osterberg (warren.osterberg@dot.gov). Applicants may not contact any other PHMSA personnel during the solicitation phase. All questions must be received on or before **Tuesday, April 15, 2014** to be considered. Answers to all questions will be posted in Grants.gov as a modification to the initial announcement.

Section 4.05 Application Submission Deadline

Complete applications must be received electronically through Grants.gov *and* MIS by **11:59pm Eastern Time on Friday, May 9, 2014**. Applicants will receive an automated receipt from Grants.gov of the date and time of application submission. If the timeliness of a submission comes into question, the date and time recorded in Grants.gov will take precedence over that of MIS.

Article V. Application Content & Format

Section 5.01 Technical Proposal

In preparing their technical proposal, applicants must utilize the technical application template attached to this opportunity (**Attachment A**). The attachment includes instructions regarding required content and information. Applicants must only apply for funding that can *reasonably* be spent within the proposed period of performance.

The following Technical Application requirements are summarized below but elaborated upon in the provided template. Failure to follow these requirements may result in the removal of your application from consideration.

1. All information supporting the evaluation criteria must be contained within 20 pages, which does *not* include the Cover Page, the Technical Application Information Page or the Appendix.
2. The Certification Letter of Minimum Requirements must be the first page in the Appendix.
3. The Appendix may include additional information; however, this information will not be used by reviewers in evaluating the proposal (except to determine that each applicant has submitted a certification letter regarding minimum requirements; ref: [Section 3.02](#)).
4. Times New Roman 12-pt font and 1.15 line and paragraph spacing for text body.

*Technical proposals in the format prescribed by **Attachment A** (including the Appendix) must be uploaded to the “Project Narrative” section of the Grants.gov application.*

Section 5.02 Budget/Cost Proposal & Budget Narrative

Applicants must use Standard Form (SF) 424A through Grants.gov to submit their budget/cost proposal. The budget should reflect the applicant’s best terms from a cost and technical standpoint to perform the work. No fee or profit should be proposed, as this is a resource sharing arrangement.

Additional budgetary information, broken out as described in subparagraphs a. through h. below, must provide detailed information on each cost element, consistent with the applicant's cost accounting system. **The amounts requested for each budget category must be justified in a Budget Narrative document and uploaded to the “Budget Narrative” section of the application.** Budget Narratives must address the following items:

- a. Personnel: List individually all personnel and include for each, the requested hours to be funded and the respective compensation rates (salary/wages and fringe benefits). This section of the Budget Narrative must include the following information:
 - i. Supplemental schedule identifying the number of hours, hourly rates, and cost by labor classification for each budget year
 - ii. Basis/explanation for the proposed number of hours and hourly rates (for instance, number of hours could be based on past experience, an engineering estimate, etc. and hourly rates could be actual rates for the individuals who will perform the work, an average labor rate for the labor classification, or a departmental average rate).
 - iii. In cases where an individual’s salary/wage increases between budget years, explain the basis for the increase and provide substantiating documentation, if available.
- b. Fringe Benefits: Applicants must provide a copy of the university’s policy stating the appropriate fringe rates for each labor classification (or a web link to where the information is located).

- c. Travel: Proposed travel must be directly related to the performance of the project. In the Budget Narrative, state the reason(s) for travel, the type and duration of the travel, and its relation to the project. Provide an itemized list of associated travel costs.
- d. Equipment/Supplies: Provide an itemized list of each piece of proposed equipment/supplies. Include individual costs for each item exceeding \$1,000 and the basis for estimating the cost (e.g., vendor quotes, catalog prices, prior invoices, etc.). Reference [Section 3.02](#), Item 5, where it states that “Furnishing of new or existing testing equipment will *not* be permitted.”
- e. Contractual (Consultants/Subcontractors): List the names of consultants and describe the activities to be performed, duration of the service, and the compensation involved. Provide the hourly or daily rate along with the basis for the rate. Furnish resumes or similar information regarding qualifications and experience. Provide at least two invoices reflecting hourly or daily rates charged to customers other than the Government. A statement signed by the consultant certifying his or her availability and salary must be provided. If travel or incidental expenses are to be charged, give the basis for these costs. For proposed subcontractors, provide their total cost per year. Detailed subcontractor costs should appear in the subcontractor’s budget explanation. The total cost of consultants and/or subcontractors should not exceed 50% of the proposed amount of Federal contribution to project.
- f. Other Direct Costs: Provide an itemized list with associated costs for any other item proposed as a direct cost that is not included in another category. State the basis for each proposed item.
- g. Indirect Charges: Provide a copy of the university’s negotiated indirect rate agreement (or a web link to where the information is located). Explain/demonstrate how the total indirect charges were calculated.
- h. Resource Sharing, In-House Contributions: Cost/budget proposals must show the breakout between Federal and non-Federal funding sources, and the Budget Narrative must explain what the non-Federal sources are comprised of and how the associated values were derived. Non-Federal contributions may include cash, personnel, donated goods/services (provided that the market value of the good/service is substantiated by a letter or other form of evidence from the provider of the good/service), equipment, and other resources. All resource sharing or matching contributions, including cash and third party contributions must meet the following criteria which can be found in 2 CFR §200.306 “Cost sharing or matching:”
 - i. Are verifiable from the non-Federal entity’s records;
 - ii. Are not included as contributions for any other Federal award;
 - iii. Are necessary and reasonable for accomplishment of project or program objectives;
 - iv. Are allowable under Subpart E – Cost Principles of this part;
 - v. Are not paid by the Federal government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;
 - vi. Are provided for in the approved budget when required by the Federal awarding agency; and
 - vii. Conform to other provisions of this part, as applicable.

Article VI. Application Review Information

Section 6.01 Evaluation Criteria

PHMSA will use the following evaluation criteria to rate and select among competing applications. These criteria are intended to identify projects that target high-risk areas; offer well-defined plans; and produce results that are measurable and transferable to further investigations in the CAAP program or PHMSA’s core research program.

The two (2) technical evaluation criteria are as follows:

Criterion 1: Scientific Merit and Quality

1. To what extent does the proposed project suggest/explore creative and original concepts and/or scientific/engineering principles?
2. To what extent does the proposed research describe how the output/result advances a potential solution toward an identified pipeline challenge(s)?
3. To what extent does the proposed research describe how the quality of results will be peer reviewed?
4. Does the proposed research involve pipeline industry related companies to validate/demonstrate scientific results and/or quantify engineering principles?

Criterion 2: Feasibility of Management Plan, Budget and Schedule

1. How well are the research goals or objectives defined?
2. How well are the scope of work, tasks and milestones defined?
3. Does the institution have access to appropriate facilities to conduct the proposed work?
4. How appropriate are costs to address objectives and deliver reporting within the proposed timeline?
5. How well is the project schedule defined and tied to the management plan?
6. Are the students regularly overseen by academic organization faculty/staff having the relevant knowledge and experience in the proposed area?

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

Section 6.02 Scoring Guidelines

The following rating definitions will be used to evaluate the applicant’s proposal in accordance with Criterion 1 – Scientific Merit and Quality and Criterion 2 – Feasibility of Management Plan, Budget and Schedule:

Rating	Criterion	Description
Outstanding	1	Proposed project meets requirements and demonstrates an exceptional level of scientific merit and quality. No weaknesses or deficiencies are identified.
	2	Management plan, budget and schedule demonstrate no potential to cause disruption of schedule, increased cost or degradation of performance. Normal recipient effort and normal Government monitoring will likely be able to overcome any difficulties. The risk of poor performance is low.

Very Good	1	Proposed project meets requirements and demonstrates an above-average level of scientific merit and quality. Proposal contains strengths which outweigh any weaknesses.
	2	Management plan, budget and schedule demonstrate minimal potential to cause disruption of schedule, increased cost or degradation of performance. Normal recipient effort and normal Government monitoring will minimize or prevent issues. The risk of poor performance is moderately low.
Acceptable	1	Proposed project meets requirements and demonstrates an adequate level of scientific merit and quality. Strengths and weaknesses are offsetting or will have little or no impact on contract performance.
	2	Management plan, budget and schedule present a manageable potential to cause disruption of schedule, increased cost or degradation of performance. Special recipient emphasis and close Government monitoring will likely be able to overcome or prevent difficulties. The risk of poor performance is no more than moderate.
Unacceptable	1	Proposed project does not meet requirements and contains one or more major weaknesses and/or deficiencies. Application is unacceptable for award.
	2	Management plan, budget and schedule are likely to cause significant disruption of schedule, increased cost or degradation of performance. Recipient is unlikely to overcome any difficulties, even with special emphasis and close Government monitoring. The risk of poor performance is high.

Section 6.03 Review and Selection Process

PHMSA will conduct an initial administrative review of each application to determine if it is complete and meets the minimum eligibility requirements per Article III, Eligibility Information. A team composed of PHMSA representatives and, potentially, industry experts will then conduct a review to evaluate and rate each application against the evaluation criteria (see [Section 6.01](#)) and to evaluate the acceptability of the proposed budget. Cooperative agreements will be awarded to applicants having the highest merit until the available funding is exhausted.

Article VII. Award Terms and Conditions

Should an applicant be awarded a cooperative agreement, the following terms and conditions will be incorporated as part of the award. They are provided in advance solely for informational purposes. Should an applicant take exception to any of the terms and conditions stated below, they must state so in the Appendix of their proposal and explain the reason(s) for taking exception.

Section 7.01 General

Within the limit of funds available for such purpose, the awarding official of PHMSA must enter into agreements with those responsible, eligible applicants whose applications are judged most meritorious under the procedures set forth in this RFA. All funds provided by PHMSA under the resulting agreements must be expended solely for the purpose for which the funds are

granted in accordance with the approved application and budget, regulations, terms and conditions of the award, applicable Federal cost principles, and the Department's assistance regulations. Funds may not be used for lobbying or in direct support of litigation.

Section 7.02 Award Notice

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

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

Section 7.03 Definitions

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

Section 7.04 Recipient Responsibilities

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

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

Section 7.05 Compliance with Award Terms and Conditions

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

Section 7.06 Order of Precedence

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

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

Section 7.07 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200)

The recipient (and any sub-recipients) must comply with these requirements including the cost principles which apply to the recipient and the audit requirements the recipient must follow. A recipient which expends \$750,000 or more of federal funds in the recipient's fiscal year must have an audit conducted.

2 CFR 200 is incorporated by reference into this award, and may be viewed at:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=36766b4d82ebca47caae047cb4606343&node=2:1.1.2.1.1&rgn=div5>.

Section 7.08 Restrictions on Use of Funds for Lobbying or in Support of Litigation

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

[49 CFR 20](#) is incorporated by reference into this award.

Section 7.09 Nondiscrimination

The Recipient must comply with Title VI of the Civil Right Act of 1964, which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, be subject to discrimination under any program or activity receiving Federal financial assistance. The Recipient must comply with 49

CFR 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964”

[49 CFR 21](#) is incorporated by reference into this award.

Section 7.10 Government-wide Debarment and Suspension (Non-procurement)

The Recipient must review the “list of parties excluded from federal procurement or non-procurement programs” located on the System for Award Management (SAM) website before entering into a sub-award. <https://www.sam.gov>

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

[2 CFR 1200](#) “Non-procurement Suspension and Debarment” is incorporated by reference into this award.

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

Section 7.11 Drug-Free Workplace

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

Section 7.12 eInvoicing (PHMSA July 2012)

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

A. Recipients’ Requirements:

Recipients must:

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

B. System User Requirements:

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

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

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

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

C. **Waivers**

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

All waiver requests should be sent to:

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

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

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

Section 7.13 Payments (PHMSA July 2012)

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

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

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

- ii) If the Government is unable to release one or more payments by EFT, the Recipient agrees either to –
 - (a) Accept payment by check or some other mutually agreeable method of payment; or
 - (b) Request the Government to extend the payment due date until such time as the Government can make payment by EFT (but see paragraph d. of this clause).
- b) Recipient's EFT information. The Government will make payment to the Recipient using the EFT information contained in the System for Award Management (SAM) database. If the EFT information changes, the Recipient is responsible for providing the updated information into the System for Award Management (SAM) at: <https://www.sam.gov>.
- c) Mechanisms for EFT payment. The Government may make payment by EFT through either the Automated Clearing House (ACH) network, subject to the rules of the National Automated Clearing House Association, or the Fedwire Transfer System. The rules governing Federal payments through the ACH are contained in 31 CFR Part 210.
- d) Suspension of payment. If the Recipient's EFT information in the SAM database is incorrect, the Government is not obligated to make payment to the Recipient under this agreement until the correct EFT information is entered into the SAM database. An invoice or agreement-financing request is not a proper invoice for the purpose of prompt payment under this agreement.
- e) Recipient EFT arrangements. If the Recipient has identified multiple payment receiving points (i.e., more than one remittance address and/or EFT information set) in the SAM 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 SAM database.
- f) Liability for uncompleted or erroneous transfers.
 - i) If an uncompleted or erroneous transfer occurs because the Government used the Recipient's EFT information incorrectly, the Government remains responsible for –
 - (a) Making a correct payment;
 - (b) Paying any prompt payment penalty due; and
 - (c) Recovering any erroneously directed funds.
 - ii) If an uncompleted or erroneous transfer occurs because the Recipient's EFT information was incorrect, or was revised within 30 days of Government release of the EFT payment transaction instruction to the Federal Reserve System, and –
 - (a) If the funds are no longer under the control of the payment office, the Government is deemed to have made payment and the Recipient is responsible for recovery of any erroneously directed funds; or
 - (b) If the funds remain under the control of the payment office, the Government will not make payment, and the provisions of paragraph d. of this clause apply.
- g) EFT and prompt payment. A payment will have been made in a timely manner in accordance with the prompt payment terms of this agreement if, in the EFT payment transaction instruction released to the Federal Reserve System, the date specified for settlement of the payment is on or before the prompt payment due date, provided the specified payment date is a valid date under the rules of the Federal Reserve System.

- h) EFT and assignment of claims. If the Recipient assigns the proceeds of this agreement, the Recipient must require, as a condition of any such assignment, that the assignee register in the SAM database and be paid by EFT in accordance with the terms of this clause. In all respects, the requirements of this clause will apply to the assignee as if it were the Recipient. EFT information that shows the ultimate recipient of the transfer to be other than the Recipient, in the absence of a proper assignment of claims acceptable to the Government, is incorrect EFT information within the meaning of paragraph d. of this clause.
- i) Liability for change of EFT information by financial agent. The Government is not liable for errors resulting from changes to EFT information made by the Recipient's financial agent.
- j) Payment information. The payment or disbursing office will forward to the Recipient available payment information that is suitable for transmission as of the date of release of the EFT instruction to the Federal Reserve System. The Government may request the Recipient to designate a desired format and method(s) for delivery of payment information from a list of formats and methods the payment office is capable of executing. However, the Government does not guarantee that any particular format or method of delivery is available at any particular payment office and retains the latitude to use the format and delivery method most convenient to the Government. If the Government makes payment by check in accordance with paragraph a. of this clause, the Government will mail the payment information to the remittance address contained in the SAM database.

Section 7.14 Adherence to Original Project Objectives and Budget Estimates

- a) The Recipient is responsible for any commitments or expenditures it incurs in excess of the funds provided by an award. Expenditures incurred prior to the effective date of an award cannot be charged against an award unless provided for in the award.
- b) The Recipient must submit any proposed change that requires PHMSA's written approval 30 days prior to the requested effective date of the proposed change. PHMSA will not approve any change to the award during the last 30 days of the award period.

Section 7.15 Prior Approvals

- a) The following expenditures require the AO's advance written approval:
 - i) Changes in the scope, objective, or key personnel referenced in the Recipient's proposal.
 - ii) Change in the project period. PHMSA must receive this request no later than 30 calendar days prior to the end of the project period. The Recipient must submit a revised budget indicating the planned use of all unexpended funds during the extension period.
- b) The Recipient must submit a revised financial estimate and plan for i) and ii) above.
- c) The AA will notify the Recipient in writing within 30 calendar days after receipt of the request for revision or adjustment whether the request has been approved.

Section 7.16 Contracting with Small and Minority Firms, Women's Business Enterprises, Veteran-Owned, and HubZone Area Firms

- a) It is the Department of Transportation (DOT) policy to award a fair share of contracts to small minority business, women-owned, and HubZone firms. DOT is strongly committed to the objectives of this policy and encourages all Recipients of its Grants

- and Cooperative Agreements to take affirmative steps to ensure such fairness on the awarding of any subcontracts.
- b) The Recipient and any Sub-recipients are encouraged to take all necessary affirmative steps to assure that small, women-owned, minority disadvantaged businesses, veteran, and HUBZone business firms are used when possible.
 - c) Affirmative steps include:
 - i) Placing qualified small and minority-disadvantaged businesses, women owned business enterprises, veteran-owned and HUBZone business firms on solicitation lists;
 - ii) Assuring that small and minority businesses, women's business enterprises, veteran-owned and HUBZone business firms are solicited whenever they are potential sources;
 - iii) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority businesses, women's business enterprises, veteran-owned, and HUBZone business firms;
 - iv) Establishing delivery schedules, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority business, women's business enterprises, veteran-owned, and HUBZone business firms; and
 - v) Using the services and assistance of the Small Business Administration and the Office of the Small and Disadvantaged Business Utilization of the Department of Transportation, as appropriate.

Section 7.17 Seat Belt Use Policies and Programs

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

Section 7.18 Ban on Text Messaging While Driving

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

“Driving”-

- (1) Means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.
- (2) It does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

“Text messaging” --- means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or answer an incoming call, unless the practice is prohibited by State or local law.

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

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

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

Section 7.19 Rights in Technical Data

Rights to intangible property under this agreement are governed in accordance with 49 CFR 19, Sec. 19.36, “Intangible Property.”

Section 7.20 Notice of News Releases, Public Announcements, and Presentations

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

Section 7.21 Violation of Award Terms

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

Section 7.22 Fraud, Waste, or Abuse

The DOT Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. Such reports are kept

confidential and callers may decline to give their names if they choose to remain anonymous. The number is: (800) 424-9071.

The mailing address is:

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

Section 7.23 Reporting Grantee Executive Compensation, and First Tier Sub-Awards (PHMSA, October 2010)

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

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

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

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

- (1) Salary and bonus.
- (2) Awards of stock, stock options, and stock appreciation rights.
- (3) Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- (4) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- (5) Above-market earnings on deferred compensation which is not tax-qualified.
- (6) Other compensation, if the aggregate value of all such other compensation (*e.g.*, severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

(b) *System for Award Management (SAM)*. As a recipient of a Federal award you are required to register in the System for Award Management (SAM) at: <https://www.sam.gov>

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

(d) *Reporting of First-Tier Sub-Awards*. By the end of the month following the month of award of a first-tier sub-award with a value of \$25,000 or more, the Awardee shall report the information below at <http://www.fsr.gov> for each first-tier sub-award. (The Awardee shall

follow the instructions at <http://www.fsr.gov> to report the data.) If the Awardee, in the previous tax year, had gross income from all sources under \$300,000, the Awardee is exempt from the requirement to report subcontractor awards. If a sub-awardee, in the previous tax year had gross income from all sources under \$300,000, the Awardee does not need to report awards made to that sub-awardee.

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

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

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

- (1) 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub-awards), cooperative agreements, other transaction agreements; and
- (2) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub-awards), cooperative agreements, other transaction agreements; and
- (3) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

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

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

- (1) 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub-awards), cooperative agreements, other transaction agreements; and
- (2) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub-awards), cooperative agreements, other transaction agreements; and
- (3) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

Section 7.24 Call Before You Dig Program (PHMSA Sep 2012)

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

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

There are five steps to safer digging:

1. Make a free call to 811 a few days before digging.
2. Wait the required time – which is prescribed in state law but generally two to three days.
3. Locate/mark the utilities accurately. (This step applies to underground facility/utility owners.)
4. Respect the marks.
5. Dig with care.

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

Section 7.25 Access to Electronic and Information Technology (PHMSA Dec 2013)

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

Article VIII. Agency Contact Information**Agreement-Related Questions***Primary Point of Contact:*

Jackie Naranjo, Agreement Administrator (AA)
Pipeline & Hazardous Materials Safety Administration
Acquisition Services Division (PHA-30)
1200 New Jersey Avenue, SE
Room E22-302
Washington, DC 20590
Phone: (202) 366-4429
Email: jackie.naranjo@dot.gov

Secondary Point of Contact:

Warren Osterberg, Agreement Officer (AO)
Pipeline & Hazardous Materials Safety Administration
Acquisition Services Division (PHA-30)
1200 New Jersey Avenue, SE
Room E22-317
Washington, DC 20590
Phone: (202) 366-6942
Email: warren.osterberg@dot.gov

Grants.gov Questions

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

MIS Questions (for *technical support* issues only)

Email: rdsupport@cycla.com