



**U.S. Department
of Transportation**

Pipeline and Hazardous
Materials Safety
Administration
(PHMSA)

Notice of Funding Opportunity (NOFO)

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

Fiscal Year 2018

NOFO Posted Date: May 22, 2018

Application Due Date: June 22, 2018, 5:00 pm ET

Applicant must be registered at www.grants.gov to apply for the grant. It is highly recommended that applicants begin the registration process as soon as possible to avoid delays in submission. Additionally, applicants must maintain a valid Dun and Bradstreet Universal Numbering System (DUNS) number and an active registration in the System for Award Management (SAM) at www.SAM.gov

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

PHMSA NOFO Number:
693JK31842A01

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Attachment 1: Terms and Conditions

Program Summary

Federal Agency Name:	U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA)
Funding Opportunity Title:	Pipeline Safety Information Grants to Communities: Technical Assistance Grants (TAG)”
Announcement Type:	Initial Announcement
Funding Opportunity Number:	693JK31842A01
CFDA Number:	20.710
NOFO Posted Date:	May 22, 2018
Application Due Date:	June 22, 2018, 5:00 pm ET

MISSION

The mission of the U.S. Department of Transportation (DOT) is to ensure our nation has the safest, most efficient and modern transportation system in the world. DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) protects people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives. To do this, the agency establishes national policy, sets and enforces standards, educates, and conducts research to prevent incidents. We also prepare the public and first responders to reduce consequences if an incident does occur. To accomplish this, PHMSA awards grants to states, localities, communities, and nonprofits that help make sure pipelines operate safely and shipments arrive without incident.

SECTION A – PROGRAM DESCRIPTION

A.2 Purpose

Pipeline safety is a shared responsibility and informed communities play a vital role in the safety and reliability of pipeline operations. The Pipeline Safety Information Grants to Communities: Technical Assistance Grants (TAG) provides funding to local communities and groups of individuals for technical assistance related to pipeline safety. The program also provides opportunities that strengthen the depth and quality of public participation in the safe development and operation of pipelines in and around communities. Technical assistance is defined as engineering or other scientific analysis of pipeline safety issues.

A.2 Statute and Program Authority

The TAG program was first authorized in the Pipeline Safety Improvement Act of 2002 (Public Law 107-355) and is codified at 49 U.S.C. 60130. This section, titled: "Pipeline Safety Information Grants to Communities" authorizes the Secretary of Transportation to make grants to local communities and groups of individuals (not including for-profit entities) for technical assistance relating to pipeline safety. The TAG program was reauthorized by the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 (Public Law 109-468), the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112-90), and the Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2016 (Public Law 114-183).

A.3 Background

Since program inception in 2009, PHMSA has awarded almost \$8 million for 178 individual technical assistance projects. TAG awards have funded a broad range of activities, including: improvement of local pipeline emergency response capabilities; improvement of safe digging or damage prevention programs; development of pipeline safety information resources; implementation of local land use practices that enhance pipeline safety; community and pipeline awareness campaigns; and, public participation in official proceedings pertaining to pipeline safety. A summary of the TAG awards, including final reports from completed grant projects, is available at <http://primis.phmsa.dot.gov/tag>.

SECTION B – FEDERAL AWARD INFORMATION

B.1 Funding

PHMSA anticipates \$1,500,000 will be made available to support the TAG. Grant awards under this NOFO may not exceed \$100,000 for a single recipient.

B.2 Period of Performance

The period of performance is twelve (12) months from the effective date of award for each grant. Applicants must only apply for funding that can be reasonably expended within this timeframe.

B.3 Type of Award

Discretionary grant award.

B.4 Previous Award

TAG recipients from previous years are eligible to apply for a FY 2018 TAG; however, applications should be for new projects and not for renewal or supplementation of existing projects.

SECTION C – ELIGIBILITY INFORMATION

C.1 Eligible Applicants

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

C.2 Cost Sharing or Matching

There are no cost-sharing or matching requirements.

SECTION D – APPLICATION AND SUBMISSION INFORMATION

D.1 Address to Request Application Package

A copy of this NOFO and corresponding forms package can be retrieved from www.grants.gov using the following basic search criteria:

- (1) Keyword(s): Technical Assistance Grants
- (2) NOFO#: 693JK31842A01
- (3) CFDA Number: 20.710

To begin the process, applicants must be registered with www.Grants.gov to submit an application. It is highly recommended that applicants begin the registration process as soon as possible to avoid delays with submission. **Failure to comply with the prescribed application requirements as described in this section will result in an application not**

being reviewed.

Accessing Grants.gov:

For new users, go to <http://www.grants.gov/web/grants/applicants.html>, or go to the main page at <http://www.grants.gov/> and select “Register.” **NOTE: 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 by phone at (800) 518-4726 or by email at support@grants.gov. Carrie Winslow may also be able to help answer questions on applying for Grants.gov usernames/passwords as they specifically relate to the TAG program. Please contact Carrie Winslow by phone at (757) 689-3168 or by email at carrie.winslow@dot.gov.

D.2 Content and Form of Application Submission

Each application must consist of the following required documents:

1. Application for Federal Assistance (SF-424)
2. Budget Information - Non-Construction Programs (SF-424A)
3. Project Narrative
4. Budget Narrative and Estimates
5. Standard Title VI/Non-Discrimination Assurances
6. Certification Regarding Lobbying

The standard forms (SF-424 and SF-424A), templates for the Project and Budget narratives, Standard Title VI/Non-Discrimination Assurances, and the Certification Regarding Lobby form are available on Grants.gov in the ‘Related Documents’ tab with detailed instructions on the application process. Please refer to sections E.1 and E.2 for the evaluation criteria which the Project and Budget Narratives will be evaluated.

D.3 Dun and Bradstreet Universal Numbering System (DUNS) Number and System for Award Management (SAM)

Each applicant is required to: (i) Be registered in SAM before submitting its application; (ii) provide a valid DUNS number in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by PHMSA. PHMSA may not make a grant award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements. We recommend that Applicants review the SAM database to ensure that their DUNS number is updated and active: <https://www.sam.gov/portal/public/SAM/>. **PHMSA will review an applicant’s registration status to make a responsibility determination to ensure that the applicant is responsible, current on all Federal taxes, and is not on the list of parties excluded from Federal awards.**

D.4 Submission Dates and Times

Complete applications must be received electronically through Grants.gov by 5:00 PM Eastern Time on June 22, 2018. Applications received after this deadline will not be considered. **PHMSA will only accept one (1) application from each applicant.**

D.5 Funding Restrictions

The funding for the TAG program may not be used for lobbying, in direct support of litigation, in direct advocacy for or against a pipeline construction or expansion project or other pipeline policy matters, or for activities associated with regulatory compliance or typical operations and maintenance of pipeline facilities as defined below.

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

Prohibited activities include:

- Lobbying, which is defined as the act of attempting to influence the actions, policies, or decisions of officials, most often legislators or members of regulatory agencies. This is a form of advocacy where a direct contact is made to legislators.
- Direct support of litigation.
- Advocacy, which is defined as an activity by an individual or group that aims to advance particular views or influence decisions within political, economic, and social systems and institutions. Advocacy may include undertaking activities such as media campaigns, public speaking, commissioning and publishing research, conducting exit polls, or filing an amicus brief.

Some examples of prohibited activities include:

- One-on-one meetings and contacts with members of the administration or Congress.
- Letters, policy reports, or recommendations sent directly to policymakers to sway policy debate or decisions.
- Billboards or advertisements aimed at attracting the attention of congressional staffers and administration officials.
- Hill briefings to converse with and educate members of Congress and their staffs.
- Hearings in congressional committees where public witnesses can testify on an issue.
- Protests, media (mainstream and social) campaigns, and letter/e-mail campaigns.

D.6 Other Submission Requirements

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

PHMSA may award, at its discretion, applications from non-profit municipal pipeline operators that propose projects that clearly exceed what is required of pipeline operators under existing pipeline safety regulations. Examples of eligible project work include, but are not limited to:

- Adopting Pipelines and Informed Planning Alliance (PIPA) recommended

- practices (<http://www.pipa-info.com>);
- Increasing awareness of “811 – Call Before You Dig” program (<http://www.call811.com>);
- Developing information or technologies that could aid in pipeline emergency response, pipeline excavation damage prevention, risk-informed land use planning, community awareness, public education, and engineering (except activities already required by existing regulations); and,
- Understanding and fulfilling data needs to improve data analysis.

Questions regarding the eligibility of specific activities may be directed to Dwayne Cross at dwayne.cross@dot.gov or (202) 366-4429.

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

SECTION E – APPLICATION REVIEW INFORMATION

E.1 Evaluation Criteria

PHMSA developed TAG evaluation criteria to rate and select competing applications. Submission of an application is not a guarantee of award. PHMSA may, at its discretion, award a grant based on an application in its entirety, award only portions of a grant based on its application, or not award a grant at all.

Applications will be evaluated against the following evaluation criteria:

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

stakeholders.

7. The extent to which the Applicant's project scope provides the potential for learning or technology transfer to other groups and communities.

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

E.2 Review and Selection Process

PHMSA will conduct an initial administrative review of each completed application to determine if it is complete and meets the eligibility and responsibility requirements. A technical evaluation panel comprised of representatives from local, state, and the Federal Government with expertise in pipeline safety will review and evaluate each completed application that meets the eligibility requirements and will provide recommendations for awards.

Final award recommendations will be made by the PHMSA Administrator after taking into consideration the recommendations made by the technical evaluation panel. After considering how well the applications address the above evaluation criteria, the PHMSA Administrator will take into account how well the applications address the following key Departmental objectives:

- A) Supporting economic vitality at the national and regional level;
- B) Utilizing alternative funding sources and innovative financing models to attract non-Federal sources of infrastructure investment;
- C) Accounting for the life-cycle costs of the project to promote the state of good repair;
- D) Using innovative approaches to improve safety and expedite project delivery; and,
- E) Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

Final award decisions will be made by the Secretary of Transportation.

Rating Guideline	
Exceptional	The application demonstrates that the requirements of the NOFO are very well understood and the approach will likely result in a very high quality performance. The application clearly addresses and exceeds requirements with no weaknesses. The application contains outstanding features that exceed on multiple dimensions the expectations of the Government. The risk of poor performance is very low.

Acceptable	The application demonstrates that the requirements of the NOFO are understood and the approach will likely result in satisfactory performance. The application addresses and meets requirements with some minor but correctable weaknesses. The application demonstrates requisite experience, qualifications, and performance capabilities. The risk of poor performance is no more than moderate.
Unacceptable	The application does not meet the requirements of the NOFO. The application fails to address requirements or, although it addresses and may partially satisfy some requirements; major weaknesses and/or deficiencies are noted. The application could not satisfy critical requirements without a major revision and/or a rewrite of the application or a major redirection effort. The risk of poor performance is high.

E.3 Anticipated Announcement and Federal Award Dates

Applicants chosen for funding will receive electronic notification of the Federal Award. Upon notification, an applicant's authorized official must sign the award within the timeframe prescribed by PHMSA. PHMSA plans to make awards in August/September 2018, with a proposed period of performance start date of September 28, 2018.

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

F.1 Federal Award Notices

PHMSA's awarding official will make grants to those responsible, eligible applicants whose applications are judged most meritorious under the procedures set forth in this NOFO. All funds granted by PHMSA under this NOFO 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 U.S. DOT financial assistance regulations. Funds may not be used in direct support of litigation, lobbying, for direct advocacy for or against a pipeline construction or expansion project or other pipeline policy matters, or for activities associated with regulatory compliance or typical operations and maintenance of pipeline facilities.

The grant agreement will provide pertinent instructions and information including, at a minimum, the following:

- 1) The legal name and address of the recipient;
- 2) Title of project;
- 3) Name(s) of key personnel chosen to direct and control approved activities;
- 4) Federal Award Identification Number (FAIN) assigned by PHMSA;
- 5) Period of performance;
- 6) Total amount of financial assistance approved for the project;
- 7) Legal authority (ies) under which the award is issued;
- 8) Catalog of Federal Domestic Assistance (CFDA) number and name;
- 9) Applicable award terms and conditions
- 10) Approved budget including category of spending; and

11) Other information or provisions deemed necessary by PHMSA.

F.2 Administrative and National Policy Requirements

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

F.3 Reporting

Six (6) months after the effective date of the grant award (progress report) and at the end of the grant period (final report), each recipient must submit a written report that includes the following information:

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

Further, the final report must demonstrate completion of the work as outlined in the grant agreement.

In addition, each recipient of a grant must ensure that:

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

In total, four (4) reports (a mid-term progress report, a mid-term financial status report, a final progress report, and a final financial report) is required. Standard Form 425 (SF-425) must be used for submission of the mid-term and final financial status reports.

F.4 Payments

Recipients may request up to 50 percent of the total amount of the award upon execution of the grant agreement. The remaining amount may be requested upon receipt and approval (by the PHMSA Agreement Officer) of the mid-term progress report.

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

Questions Regarding How to Apply

Carrie Winslow

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

Grant Related Questions

Primary Point of Contact

Dwayne Cross, Agreement Administrator (AA)

Phone: (202) 366-4429, Email: dwayne.cross@dot.gov

Secondary Point of Contact

Warren Osterberg, Agreement Officer (AO)

Phone: (202) 366-6942, Email: warren.osterberg@dot.gov

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

**Grant and Cooperative Agreement
Terms and Conditions**

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1. Definitions

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

2. Recipient Responsibilities

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

3. Compliance with Award Terms and Conditions

Submission of a signed Request for Advance or Reimbursement (payment request) form constitutes the Recipient’s agreement to comply with and spend funds consistent with all the terms and conditions of this award. If PHMSA determines that noncompliance by the Recipient cannot be remedied by imposing additional conditions, PHMSA may take one or more of the following actions, as appropriate in the circumstances:

- a) Temporarily withhold cash payments pending correction of the deficiency by the Recipient.
- b) Disallow all, or part of, the cost of the activity or action not in compliance.
- c) Wholly or partly suspend or terminate the Federal award.
- d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180.
- e) Withhold further Federal awards for the project or program.

- f) Take other remedies that may be legally available.

4. Order of Precedence

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

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

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

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

[2 CFR 200](#) is incorporated by reference into this award

6. Restrictions on Use of Funds for: Lobbying, Support of Litigation, or Direct Advocacy

The Recipient and its contractors may not use grant funds for lobbying in direct support of litigation, or in direct advocacy for, or against, a pipeline construction or expansion project.

The Recipient and its contractors may not conduct political lobbying, as defined in the statutes, regulations, and [2 CFR 200.450](#)—“Lobbying,” within the Federally-supported project. The Recipient and its contractors may not use Federal funds for lobbying specifically to obtain grants and cooperative agreements. The Recipient and its contractors must comply with 49 CFR 20, U.S. Department of Transportation “New Restrictions on Lobbying.”

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

7. Nondiscrimination

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

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

In an effort to ensure that all Recipients of PHMSA funds are aware of their responsibilities under the various civil rights laws and regulations, the PHMSA Office of Civil Rights has developed an information tool and training. These documents are found on the PHMSA website at <http://www.phmsa.dot.gov/org/civilrights/grantrecipientinformation>. If you should have any questions concerning your responsibilities under the External Civil Rights Program, please contact Rosanne Goodwill, Civil Rights Director, at 202-366-9638 or by e-mail at rosanne.goodwill@dot.gov.

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

The Recipient must review the “list of parties excluded from federal procurement or non-procurement programs” located on the System for Award Management (SAM) website before entering into a sub-award. <https://www.sam.gov> No sub-award may be issued to an entity or person identified in the “list of parties excluded from federal procurement or non-procurement programs.”

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

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

9. Drug-Free Workplace

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

10. eInvoicing (PHMSA July 2012)

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

A. Recipients’ Requirements:

Recipients must:

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

B. System User Requirements:

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

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

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

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

C. Waivers

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

All waiver requests should be sent to:

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

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

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

11. Payments (PHMSA March 2014)

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.

(End of Provision)

12. Adherence to Original Project Objectives and Budget Estimates

- a)** The Recipient is responsible for any commitments or expenditures it incurs in excess of the funds provided by an award. Pre-award costs are those incurred prior to the effective date of the Federal award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award, *and only with the written approval of the PHMSA Agreement Officer.*
- b)** The Recipient must submit any proposed change, that requires PHMSA's written approval, 30 days prior to the requested effective date of the proposed change. PHMSA will not approve any change to the award during the last 30 days of the award period.

13. Prior Approvals

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

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

14. Contracting with Small Businesses, Small Minority-Disadvantaged Businesses, and Small Businesses which are Women-Owned, Veteran-Owned, Disabled Veteran-Owned or located in HubZone Areas

- a) It is the Department of Transportation (DOT) policy to award a fair share of contracts to small businesses, small minority-disadvantaged business, and small businesses which are women-owned, veteran-owned, disabled veteran-owned or located in a HubZone. 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 businesses, small minority-disadvantaged businesses, and small businesses which are women-owned, veteran-owned, disabled veteran-owned, or located in a HUBZone are used when possible.
- c) Affirmative steps include:
 - i) Placing qualified small businesses, small minority-disadvantaged businesses, and small businesses which are women owned, veteran-owned, disabled veteran-owned, or located in a HUBZone on solicitation lists;
 - ii) Assuring that small businesses, small minority-disadvantaged businesses, and small businesses which are women-owned, veteran-owned, disabled veteran-owned or located in a HUBZone 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 businesses, small minority-disadvantaged businesses, and small businesses which are women-owned, veteran-owned, disabled veteran-owned, or located in a HUBZone;
 - iv) Establishing delivery schedules, when economically feasible, into small tasks or quantities to permit maximum participation by small businesses, small minority-disadvantaged businesses, and small businesses which are women-owned, veteran-owned, disabled veteran-owned, or located in a HUBZone; and
 - v) Using the services and assistance of the U.S. Small Business Administration and the Office of the Small and Disadvantaged Business Utilization of the Department of Transportation, as appropriate.

15. Seat Belt Use Policies and Programs

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

16. Ban on Text Messaging While Driving

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

“Driving”-

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

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

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

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

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

17. Rights in Technical Data

Rights in intangible property under this agreement are governed in accordance with [2 CFR 200.315](#) - “Intangible Property.”

18. Notice of News Releases, Public Announcements, and Presentations

The Recipient must have the AO’s prior approval for all press releases, formal announcements, or other 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.

19. Violation of Award Terms

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

20. Fraud, Waste, or Abuse

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

The mailing address is:

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

21. Reporting Grantee Executive Compensation/First Tier Sub-Awards (PHMSA Oct, 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/execomp.htm>.)

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

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

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

(End of provision)

22. 811, Call Before You Dig Program (PHMSA June 2014)

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 “811, 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.

(End of provision)

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

Each Electronic and Information Technology (EIT) product or service, furnished under this 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.

(End of provision)

24. Combating Trafficking in Persons (PHMSA JULY 2016)

PHMSA may terminate grants, cooperative agreements, or other transaction agreements, or take any of the other remedial actions authorized under 22 U.S.C. 7104(g), without penalty, if the grantee or any subgrantee, engages in, or uses labor recruiters, brokers, or other agents who engage in-

- (i) severe forms of trafficking in persons;
- (ii) the procurement of a commercial sex act during the period of time that the grant, or cooperative agreement is in effect;
- (iii) the use of forced labor in the performance of the grant or cooperative agreement; or
- (iv) acts that directly support or advance trafficking in persons, including the following acts:

- (I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.
- (II) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless-
 - (a) exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant, or cooperative agreement; or
 - (b) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.
- (III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.
- (IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.
- (V) Providing or arranging housing that fails to meet the host country housing and safety standards.

(End of provision)

25. Prohibition on Awarding to Entities that Require Certain Internal Confidentiality Agreements (PHMSA FEB 2015)

- (a) The Recipient shall not require employees or subcontractors seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting such waste, fraud or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.
- (b) The Recipient shall notify employees that the prohibitions and restrictions of any internal confidentiality agreements covered herein are no longer in effect.
- (c) The prohibition in paragraph (a) above does not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.
- (d) In accordance with section 743 of Division E, Title VII, of the Consolidated and Further Continuing Resolution Appropriations Act, 2015 (P.L. 113-235), use of funds appropriated (or otherwise made available) under that or any other Act may be prohibited, if the Government determines that the Recipient is not in compliance with the provisions herein.

The Government may seek any available remedies in the event the Recipient fails to comply with the provisions herein.

(End of provision)