



**U.S. Department of
Transportation**

Pipeline and
Hazardous
Materials Safety
Administration
(PHMSA)

Notice of Funding Opportunity (NOFO)

State Damage Prevention (SDP) Program Grants

Fiscal Year 2023

NOFO Posted Date:	March 20, 2023
Application Due Date:	May 4, 2023
Questions Due Date:	April 20, 2023

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 have an active Unique Entity Identifier (UEI) number and be actively registered in the System for Award Management (SAM) at www.SAM.gov prior to submitting their application in order to receive an award under this grant.

Furthermore, applicants are encouraged to register for an account with FedConnect at www.fedconnect.net before applying. Your organization's Marketing Partner ID number (MPIN), which can be retrieved from SAM, is required to create an account. For instructions on how to register in FedConnect and how it works, view the Tutorial on the FedConnect home page.

Assistance Listing Program Number (formerly CFDA)
20.720 "State Damage Prevention Program Grants"

PHMSA NOFO Number:
693JK323NF0006

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PROGRAM SUMMARY

Federal Agency Name:	U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA)
Funding Opportunity Title:	State Damage Prevention (SDP) Program grants
Announcement Type:	Initial Announcement
Funding Opportunity Number:	693JK323NF0006
Assistance Listing Program Number:	20.720
NOFO Posted Date:	March 20, 2023
Application Due Date:	May 4, 2023
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MISSION

The mission of the U.S. Department of Transportation (DOT or Department) is to deliver the world's leading transportation system, serving the American people and economy through the safe, efficient, sustainable, and equitable movement of people and goods. 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, PHMSA establishes national policy, sets and enforces standards, educates, and conducts research to prevent incidents. PHMSA also prepares the public and first responders to reduce consequences if an incident does occur. To accomplish this, PHMSA may award grants to states, Tribes, territories, localities, communities, and non-profit organizations that help make sure pipelines operate safely and shipments arrive without incident.

SECTION A – PROGRAM DESCRIPTION

A.1 Statement of Purpose

Pipeline safety and environmental protection are a shared responsibility, and the purpose of State Damage Prevention (SDP) Program grants (Assistance Listing Number 20.720) is to establish or improve state programs and to protect underground pipeline facilities from excavation damage. PHMSA data shows that excavation damage has historically been a leading cause of pipeline accidents that result in fatality or injury.

The SDP grant program fosters improved damage prevention programs by supporting projects such as the enforcement of state excavation damage prevention laws, stakeholder education about digging safely, technologies to improve efficiencies, and other related excavation safety initiatives. The funding is available to state authorities to help them align with one or more of nine elements that are considered characteristic of effective damage prevention programs, which are outlined in the SDP program authorizing statute (Public Law 109-468). SDP grants provide funding to help eligible states establish a comprehensive program to prevent damage to underground pipelines in states that do not have such programs and to improve damage prevention programs in states that do.

A strong transportation network is critical to the functioning and growth of the American economy. Our nation's industries depend on the transportation network to move the goods that they produce and facilitate the movement of workers who are responsible for that production. When the nation's highways, railways, and ports function well, that infrastructure connects people to jobs, increases the efficiency of delivering goods, and thereby cuts the costs of doing business, reduces the burden of commuting, and improves overall well-being.

Consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009), PHMSA's FY 2023 SDP NOFO prioritizes SDP projects that also support underserved communities.

A.2 Statute and Program Authority

The SDP grant program is authorized pursuant to the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020 (Public Law 116-260) and 49 U.S.C. § 60134.

A.3 Background

Since the inception of the SDP grant program, PHMSA has awarded more than \$20 million in SDP grant funds to more than 40 state organizations. States are required to implement at least one of the nine elements of an effective damage prevention program, as set out in 49 U.S.C. § 60134(b), with the grant funds. A summary of past SDP awards, including final reports from completed grant projects, is available at primis.phmsa.dot.gov/sdp.

SECTION B – FEDERAL AWARD INFORMATION

B.1 Funding

PHMSA anticipates awarding \$1,500,000 to support the SDP grant program. Grant awards under this NOFO will not exceed \$100,000 for a single recipient.

Recipients may request 100 percent of the total amount of the award upon execution of the grant agreement.

B.2 Period of Performance

The period of performance is 12 months. Applicants should only apply for funding that can be reasonably expended within this time frame and for projects that can be completed within the period of performance. For SDP grants awarded for FY 2022, PHMSA will extend the period of performance, as allowed in 2 CFR §200.309, to cover any grant expenditures during calendar year 2023 that may be incurred prior to the award date of the FY 2023 SDP grant, provided the expenditures support ongoing state damage prevention enforcement program personnel costs.

B.3 Type of Award

This is a discretionary grant award. If funding is made available, PHMSA intends to award multiple grants under this NOFO. The number of awards will depend on the availability of funding, the quality of applications, the number of applications received, and the dollar amounts requested. PHMSA may, at its discretion, award a grant based on the application in its entirety, award funds for only portions of a grant application, or reject the application. Submission of an application is not a guarantee of award.

SECTION C – ELIGIBILITY INFORMATION

C.1 Eligible Applicants

Any state authority designated by the Governor, including a municipality with respect to intrastate gas pipeline transportation, which is or will be responsible for protecting underground pipeline facilities from excavation damage, is eligible. Applicants must have the eligible state

authority participate in the oversight of pipeline transportation pursuant to an annual 49 U.S.C. § 60105 certification or a 49 U.S.C. § 60106 agreement in effect with PHMSA.

To qualify for funding under this program, a state may *not* provide any exemptions to municipalities, state agencies, or their contractors, from the One-Call notification system requirements of the program. See 49 U.S.C. § 60134(a)(3).

C.2 Cost Sharing or Matching

There are no cost-sharing or matching requirements.

C.3 Other Eligibility Requirements – The Nine Elements of Effective Damage Prevention Program

PHMSA may award a grant to an eligible state authority only if the state has an effective damage prevention program or demonstrates that it has made substantial progress toward establishing an effective damage prevention program. An effective damage prevention program (see 49 U.S.C. § 60134(b)) includes these nine elements below:

- **Element 1 (Enhanced Communication Between Operators and Excavators):** Participation by operators, excavators, and other stakeholders in developing and implementing methods for establishing and maintaining effective communications between stakeholders—from receipt of an excavation notification to successful completion of the excavation, as appropriate.
- **Element 2 (Fostering Support and Partnership of All Stakeholders):** A process for fostering and ensuring the support and partnership of stakeholders, including excavators, operators, locators, designers, and local government in all phases of the program.
- **Element 3 (Operator’s Use of Performance Measures for Locators):** A process for reviewing the adequacy of a pipeline operator’s internal performance measures regarding persons performing locating services and quality assurance programs.
- **Element 4 (Partnership in Employee Training):** Participation by operators, excavators, and other stakeholders in developing and implementing effective employee training programs to ensure that operators, the One-Call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators.
- **Element 5 (Partnership in Public Education):** A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.
- **Element 6 (Enforcement Agencies’ Role to Help Resolve Issues):** A process for resolving disputes that defines the state authority’s role as a partner and facilitator to resolve issues.
- **Element 7 (Fair and Consistent Enforcement of the Law):** Enforcement of state damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate state authority.
- **Element 8 (Use of Technology to Improve the Locating Process):** A process for

fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.

- **Element 9 (Data Analysis to Continually Improve Program Effectiveness):** A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

SECTION D – APPLICATION AND SUBMISSION INFORMATION

D.1 Address to Request Application Package

PHMSA requires applicants for this funding opportunity to apply electronically through www.grants.gov. Applicants must download the application package associated with this funding opportunity by following the directions provided at www.grants.gov.

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

- (1) Keyword(s): State Damage Prevention Program
- (2) NOFO #: 693JK323NF0006
- (3) Assistance Listing Number: 20.720

To request a hard copy of the application package, please contact:

Tremayne W. Terry, Agreement Officer
Acquisition Services Division
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE, E22-317
Washington, DC 20590
E-mail: Tremayne.terry@dot.gov

If you are a hearing-impaired person, please contact the FR/TTY at 1-800-877-8339 or e-mail PHMSA-Accessibility@dot.gov.

D.2 Content and Form of Application Submission

Each application must consist of the following required documents:

1. Application for Federal Assistance Standard Form (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 application forms and templates are available on www.grants.gov in the “Related Documents” tab with detailed instructions on the application process. Provide a letter, signed by the Governor, designating the applicant as the state authority eligible to receive the grant. **DO NOT PHYSICALLY MAIL THE LETTER**; the PDF letter that is uploaded electronically should be addressed to:

Dwayne Cross
U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA)
ATTN: Acquisition Services Division (PHF-20)
1200 New Jersey Ave, SE, E22-103
Washington, DC 20590.

Please also reference Section E to ensure that the application addresses the criteria on which PHMSA will evaluate.

Applicants must address how their project will provide substantial safety benefits and should describe how their project will not negatively impact the overall safety of the traveling public.

Applicants should also address the project’s ability to encourage equity by investing in projects that proactively mitigate safety risks in underserved communities. For example, applicants should discuss how their project will create proportional impacts, address disparities among populations in a project area, or otherwise benefit underserved populations. Although not required, applicants are encouraged to use DOT’s Transportation Disadvantaged Census Tracts (arcgis.com) tool or equivalent tools in their assessment.

Sharing of Application Information - Except for the information properly marked as described in Section H, the Department may share application information within the Department or with other federal agencies if the Department determines that sharing is relevant to the respective program’s objectives.

Standard Forms

The following forms are found in grants.gov under the FY 2023 SDP Funding Opportunity and must be completed by the applicant.

1. Standard Form (SF)-424 – Application for Federal Assistance
2. SF-424A – Budget Information
3. Lobbying Form – Certification Regarding Lobbying
4. Standard Title VI/Non-Discrimination Assurances – Civil Rights Assurances

Applicant Attachments

Applicants must use SF-424A through www.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.

Description of Cost Categories

Applicants may apply for more than one project but should submit one budget per application. If a project fits into more than one element of 49 U.S.C. § 60134(b), the applicant should select the element that most closely aligns with the project.

Project budgets should show how different funding sources will share in each activity and present those data in dollars and percentages. The budget should identify other federal funds, if any, that the applicant intends to use. Funding sources should be grouped into three categories: non-federal, PHMSA specific, and other federal with specific amounts from each funding source.

The amounts requested for each budget category must be justified in a budget section under each project in applicant responses to this announcement. Budget narratives must address the following items:

- If your budget includes **personnel costs**, please include a complete breakdown, including *personnel title/position, hourly rate, and the number of hours expected to be spent by each person* on the proposed project.
- If your proposal includes **travel costs**, please include adequate details on how the cost has been calculated including travel fare, etc.
- If your proposal includes **equipment costs**, please include adequate details on how the cost has been calculated, including information on each specific equipment piece(s) required and their individual costs.

Applications that contain a request for indirect costs should include a budget narrative detailing the proposal for indirect costs, where allowable. The budget narrative should include a signed copy of the applicant's approved negotiated rate agreement that is valid as of the date of the application, if this is not already on file with PHMSA State Programs division. If the applicant does not have an approved indirect cost rate agreement, the applicant may be eligible for the 10-percent *de minimis* rate provided by 2 CFR § 200.414.

***Please note that in order to comply with the requirements of 2 CFR Part 200, Subpart E, and DOT's Guide to Financial Assistance, PHMSA's Agreement Officers and Grant Specialists may request additional information pertaining to your application during the application review/evaluation process.**

D.3 Unique Entity Identifier (UEI) and System for Award Management (SAM)

Each applicant is required to: (i) be registered in SAM before submitting its application; (ii) provide a valid UEI 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 UEI and SAM requirements. If an

applicant has not fully complied with all applicable UEI and SAM requirements by the time that PHMSA is ready to make a grant award, PHMSA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant. We recommend that applicants review the SAM database at www.sam.gov/portal/public/SAM/ to ensure that their UEI number is updated and active. PHMSA will review an applicant's registration status to ensure that the applicant is current on all federal taxes and not on the list of parties excluded from federal awards.

D.4 Submission Dates and Times

Complete applications must be received electronically through www.grants.gov by 11:59 p.m. EST on Thursday, May 4, 2023. **DO NOT PHYSICALLY MAIL ANY APPLICATIONS.** Applications received after this deadline may not be considered. PHMSA will only accept one application from each applicant.

Questions Due Date & Time: Thursday, April 20, 2023 at 11:59 p.m. EST.

NOTE: All questions can be submitted via the Message Center in FedConnect or send questions to the Technical Point of Contact in Section G of this NOFO. PHMSA is not responsible for answering questions that are received after the Questions Due Date & Time.

D.5 Funding Restrictions

- Funds may only be used to pay the cost of the personnel, equipment, and activities that the state authority reasonably requires for the calendar year covered by the grant to develop or carry out its damage prevention program.
- Funds may not be used for expenses claimed and or reimbursed by another federal assistance program.
- Funds may not be used for expenses counted as match funds toward another federal program.
- Funds may not be used for any additional costs disallowed or stated as ineligible in 2 CFR Part 200.
- Funds provided under grant awards may not be used for lobbying, advocacy, or in direct support of litigation.
- Funds may not be used to cover costs associated with regulatory compliance programs for pipeline operators.
- Construction is not an allowable activity under this announcement.
- Funds provided under this grant may not be used to fund membership dues or professional activity costs.
- Meetings and conferences: Federal regulation 2 CFR § 200.432 addresses the use of grant funding for meetings and conferences, which is permissible if the primary purpose of the function is the dissemination of technical information beyond the non-federal entity and is necessary and reasonable for successful performance under the federal award.

However, funding may not be used to cover costs associated with entertainment, such as shows or sporting events, or the purchase of alcoholic beverages.

- Educational items: Federal regulation 2 CFR § 200.421 prohibits the use of grant funding for promotional materials; however, funding may be provided for items that are educational in nature. When requesting funds for educational items, applicants should provide a general description of the items that will be purchased and a plan for the distribution of those items.
- Funds may not be used for general sponsorship of events where the primary purpose is not damage prevention.
- Funds should not be used to cover costs associated with the normal operations of the One-Call center. This includes database maintenance, improvements, or replacement of outdated systems.
- Funding for equipment, including vehicles, may not exceed \$5,000. Applications with equipment purchases specified should demonstrate how the use of the equipment specifically relates to state damage prevention.
- All PHMSA awards are subject to the terms and conditions in the grant agreement and cost principles in 2 CFR Part 200 Subpart E.
- Funds may not be used on research and development projects.
- Funding for projects depending on passage of state legislation is not allowed.
- Reimbursement of federal pre-award costs is not allowed.

D.6 Other Submission Requirements

To begin the process, applicants must be registered with www.grants.gov to apply. 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 Grant Systems

1. Grants.gov:

For new users, go to www.grants.gov/web/grants/applicants.html, or go to the main page at <http://www.grants.gov/w> and select “Register.” NOTE: New user registrations for www.grants.gov can take up to two weeks to complete. For additional questions on how to register, contact grants.gov support 800-518-4726 or e-mail support@grants.gov.

2. FedConnect:

Applicants are encouraged to register for an account with FedConnect at www.fedconnect.net before applying. Your organization’s Marketing Partner ID number (MPIN), which can be retrieved from SAM, is required to create an account. For instructions on how to register in FedConnect and how it works, view the Tutorial on the FedConnect home page. For other technical issues or questions, either e-mail fcsupport@unisonglobal.com or call 1-800-899-6665,

option 2. The FedConnect Support Center is staffed Monday–Friday, 8 a.m.–8 p.m. EST, except federal holidays.

SECTION E – APPLICATION REVIEW INFORMATION

E.1 Criteria

PHMSA developed evaluation criteria to rate and select competing applications. Submission of an application is not a guarantee of award. PHMSA will evaluate the SDP grant applications using the evaluation criteria below to rate and select competing applications. 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.

Merit Criteria:

Criterion 1. Relevance to the Nine Elements:

This criterion will be used to evaluate proposed work under each element addressed in the application and will be used to evaluate whether proposed projects:

- Clearly link results to one or more of the nine elements listed in Section C.3.
- Have merit for implementation or support of the nine elements within the state.
- Align with the meaning and intent of the nine elements, as described in PHMSA’s Damage Prevention Assistance Program (DPAP) Guide (available at primis.phmsa.dot.gov/comm/publications/DPAP-Guide-FirstEdition-20080911.pdf).

Criterion 2. Costs, Results, and Schedule:

This criterion will be used to evaluate proposed work under each element addressed in the application and will be used to evaluate whether proposed projects will:

- Produce tangible results within the proposed project period.
- Establish clear goals, objectives, milestones, and estimates of project costs.
- Have deliverables that do not overlap with the deliverables of any other PHMSA grant award to the state.
- Use funds efficiently and effectively.

Criterion 3. State’s Commitment to the Nine Elements:

This criterion will be used to evaluate the applicant’s description of the past performance of existing damage prevention activities as they relate to the nine elements. This criterion will be used to evaluate applications that demonstrate that the state has made substantial progress toward, or has clear and concrete plans for, implementing the nine elements.

Additional Considerations:

- Safety – PHMSA may consider the project’s ability to foster a safe pipeline transportation system for the movement of energy, consistent with the Department’s strategic goal to reduce transportation related fatalities and serious injuries across the pipeline transportation system.
- Equity – PHMSA may consider the project’s ability to encourage equity by investing in projects that proactively mitigate safety risks in underserved communities. Potential applicants may find it useful to utilize one of the federal tools to determine disadvantaged community status available at <https://www.transportation.gov/grants/dot-navigator/federal-tools-determine-disadvantaged-community-status>

E.2 Review and Selection Process

PHMSA will evaluate applications through administrative, technical, and programmatic reviews based on the evaluation criteria.

Administrative Review: PHMSA will conduct an administrative review to ensure the application meets the eligibility criteria outlined in Section C – Eligibility Information. Each application will be reviewed for completeness to ensure it includes all the required elements to qualify for the grant. If the application does not meet the required elements, then the application is likely to be rejected.

Technical Review: PHMSA will conduct a technical review of the application to assess how the proposed work is to be performed and whether the application is responsive to the applicable program requirements (i.e., performance measurement, methodology, and technical merit). PHMSA may use outside stakeholders as part of the technical review panel. Outside stakeholders who are part of this review panel may be individuals from damage prevention groups with expertise in pipeline safety.

Programmatic Review: PHMSA will conduct a programmatic review to assess programmatic factors. Programmatic factors are relevant and essential to the process of selecting applications that best achieve the program objectives, in accordance with applicable statutes, regulations, policies, and guidelines. Programmatic factors may include history of performance, administration priorities, program priorities, additional considerations (*mentioned under Section E.1*), and other modal needs.

Based on the results from each review, each application will receive an overall rating either as:

Highly Recommended. The application demonstrates that the NOFO requirements are very well understood, and the approach will likely result in a very high-quality performance. The application clearly addresses and exceeds requirements with no weaknesses. The application contains outstanding features that meet or exceed on multiple dimensions the expectations of the government. The application scope aligns very well with DOT objectives and priorities. The risk of poor performance is very low.

Recommended. The application demonstrates that the NOFO requirements 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 application scope aligns with DOT objectives and priorities. The risk of poor performance is low.

Acceptable. The application demonstrates that the NOFO requirements are mostly understood, and the approach will likely result in satisfactory performance for part of the requirements. The application addresses some of the requirements with some weaknesses. The application demonstrates some experience, qualifications, and/or performance capabilities. The application partially aligns with DOT objectives and priorities. The risk of poor performance is moderate.

Not Recommended. The application does not meet the NOFO requirements. The application fails to address many requirements. The applicant may be ineligible to apply for the grant. The application could not satisfy critical requirements without a major revision and/or a rewrite of the application or a major redirection effort. The application scope does not align with DOT objectives and priorities. The risk of poor performance is high.

Selection Process

PHMSA will recommend applications for award based on the final overall rating as described above. Final award recommendations will be made by PHMSA's Associate Administrator for the Office of Pipeline Safety after taking into consideration recommendations made during the administrative, technical, and programmatic reviews and how well the applications address PHMSA's safety priorities. The PHMSA Administrator will make final award selection decisions.

E.3 FAPIIS Review

Prior to making an award, PHMSA is required to review, and consider, any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System, FAPIIS) (see 41 U.S.C. § 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM, and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. PHMSA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR § 200.206.

E.4 Anticipated Announcement and Federal Award Dates

Applicants chosen for funding will receive electronic notification of the Federal Award. Upon notification, the applicant's authorized official must sign and return the award within the

timeframe prescribed by PHMSA. PHMSA plans to make awards no later than September 30, 2023, with a proposed period of performance start date on the award agreement.

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

F.1 Federal Award Notices

PHMSA’s grant awarding official will award grants to responsible and eligible applicants who submit the most qualified applications under the procedures set forth in this NOFO. All funds provided by PHMSA must be expended solely for the purpose for which the funds are awarded in accordance with the approved application and budget, regulations, terms and conditions of the award, applicable federal cost principles, and the Department’s financial assistance regulations.

Unsuccessful applicants will be notified that their application was not selected for funding.

The grant award agreement, signed by both the PHMSA Agreement Officer and the recipient’s Authorized Representative, is the authorizing document and will be provided through electronic means to the Authorized Representative. The grant award 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. Federal Award Identification Number (FAIN) assigned by PHMSA
4. Period of Performance
5. Total amount of financial assistance approved for the project
6. Legal authority(ies) under which the award is issued
7. Assistance Listing Program (formerly CFDA) number and name
8. Applicable award terms and conditions
9. Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the award
10. 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 award under this program. See related documents “Terms and Conditions” of this NOFO for a list of statutes and regulations that are applicable. Standard Title VI/Non-Discrimination Assurances and the form by the same name must be completed and returned by the grant applicant.

As a condition of a grant award, grant recipients will demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR Part 21), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, and all other civil

rights requirements and accompanying regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT's and the applicable Operating Administrations' Offices of Civil Rights will work with awarded grant recipients to ensure full compliance with federal civil rights requirements. See "Standard Title VI/Non-Discrimination Assurances" for the form by the same name that must be completed and returned by the grant applicant.

F.3 Reporting Requirements

Recipients must submit a final performance report no later than 90 days after the end of the grant period of performance. Instructions on how to complete the report will be sent separately to each grant recipient.

Final Reports: Grant recipients must submit a Final Progress Report and Final Financial Status Report (Standard Form 425) no later than 90 days after the end of the grant period of performance.

The Final Progress Report will include the following information:

1. A comparison of actual accomplishments to the objectives established for the period.
2. A description of how the funds were used to improve the state damage prevention program.
3. The reasons for delays or missed milestones if established objectives were not met, if applicable.
4. Documentation of actual expenses and detailed cost breakdown to support SF-425 submission.

All applications and reports will be made available to the public upon request.

Performance and Program Evaluation: As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. DOT may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor or DOT staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and subrecipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence

Act), Pub. L. No. 115-435 (2019) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, improve equitable delivery, and elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” 5 U.S.C. § 311. Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

For grant recipients receiving an award, evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR Part 200). This paragraph does not authorize pre-award costs and grant recipients must separately obtain PHMSA’s written approval to fund pre-award costs consistent with 2 CFR § 200.458.

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

*All questions related to the content of this funding opportunity **MUST** be submitted via the Message Center in FedConnect. Please do not send questions via e-mail.

For technical issues or questions related to FedConnect, please e-mail fcsupport@unisonglobal.com. Applicants can also submit questions through the portal on their Web site or call 1-800-899-6665, option 2.

Technical Primary Point of Contact

Hung Nguyen
DOT/PHMSA
Phone: 202-713-7913
E-mail: hung.nguyen@dot.gov

Grant Agreement Officer

Tremayne W. Terry
DOT/PHMSA
Phone: 202-503-5041
E-mail: Tremayne.terry@dot.gov

For technical issues or questions related to www.grants.gov, please e-mail support@grants.gov or call 1-800-518-4726.

SECTION H – OTHER INFORMATION

Given the complexity of some aspects of the application process, technical assistance is available to inexperienced or under-resourced applicants to help with the application process. Please contact the technical primary point of contact listed in Section G for technical assistance.

Protection of Confidential Business Information - All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it “Contains Confidential Business Information (CBI);” (2) mark each page that contains confidential information with “CBI;” (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 CFR § 7.29. Only information that is in the separate document, marked in accordance with this section and ultimately determined to be confidential under § 7.29, will be exempt from disclosure under FOIA.