



**U.S. Department
of Transportation**

Pipeline and Hazardous
Materials Safety
Administration
(PHMSA)

Program Solicitation

State Damage Prevention (SDP) Grants

Calendar Year 2009

Closing Date: December 1, 2008

Closing Time: 12:00 Noon Applicant's Local Time

Catalog of Federal Domestic Assistance Number (CFDA)
20.720 "State Damage Prevention Grants"

PHMSA Funding Opportunity Number
DTPH56-09-SN-0001

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Article I. Program Summary

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

Federal Agency Contact: PHMSA
Office of Contracts and Procurement
1200 New Jersey Avenue, SE, E22-228
Washington, D.C. 20590
Attn: Karina Munoz

Funding Opportunity Title: “State Damage Prevention Grants”

Announcement Type: Initial announcement.

Funding Opportunity Number: DTPH56-09-SN-0001

CFDA Number: 20.720

Eligible Applicants: Any State authority (including a municipality with respect to intrastate gas pipeline transportation) that is or will be responsible for preventing damage to underground pipeline facilities designated by the Governor is eligible as long as the State participates in the oversight of pipeline transportation pursuant to an annual 49 U.S.C. §60105 certification or 49 U.S.C. §60106 agreement in effect with PHMSA.

Dates: Solicitation Issue Date is October 3, 2008.
Application Due Date is December 1, 2008, 12:00 noon applicant’s local time.

Questions on how to apply: Carrie Brown
(617) 494-3318
carrie.brown@dot.gov

Grant Related Questions: Karina Munoz
(202) 366-4059
karina.munoz@dot.gov

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

Article II. Funding Opportunity Description

Section 2.01 Statement of Purpose

The Pipeline and Hazardous Materials Safety Administration (PHMSA), through the U.S. Department of Transportation (DOT), hereby requests applications from eligible States (including municipalities with respect to intrastate gas pipeline transportation) that may result in the award of multiple grants under the State Damage Prevention program. These grants are intended for States to establish or improve the overall quality and effectiveness of their programs that are designed to prevent damage to underground pipeline facilities.

Section 2.02 Program Authority

Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, Section 2 of Public Law 109-468 (December 29, 2006), codified at 49 U.S.C. §60134, State Damage Prevention Programs.

Section 2.03 Background

Section 2 of the PIPES Act added a new State Damage Prevention Grant program to the Federal Pipeline Safety Law as 49 USC §60134. The purpose of these grants is to establish or improve comprehensive State programs designed to prevent damage to underground pipelines. The Act sets forth nine elements of an effective State damage prevention program. Please see PHMSA's Damage Prevention Assistance Program (DPAP) guidance document for more information on the elements (<http://primis.phmsa.dot.gov/comm/DamagePrevention.htm>).

Article III. Award Information

Section 3.01 Funding

Contingent upon receipt of the FY 2009 budget appropriation and the availability of FY 2009 funds, PHMSA anticipates that approximately \$1.5 million will be available for support of this program. PHMSA anticipates this funding will be made available for awards based on a maximum of \$100,000 per award.

Any State that has applied for a One-Call grant may also apply for a grant under this program as long as the deliverables under each program are different. PHMSA will carefully coordinate the application review process for the State Damage Prevention Grants to ensure that applicants are not awarded funds for the same deliverable under both grant programs.

Section 3.02 Cost Sharing

There are no cost-sharing requirements.

Section 3.03 Period of Performance

PHMSA anticipates the period of performance to be from the "date of award" through December 31, 2009 for each grant. PHMSA anticipates approximately February 2009 for date of award.

Section 3.04 Type of Award

PHMSA intends to award one or more State Damage Prevention grants as a result of this solicitation.

Article IV. Eligibility Information

Section 4.01 Eligible Applicants

Any State authority designated by the Governor (including municipalities with respect to intrastate gas pipeline transportation) that is or will be responsible for preventing damage to underground pipeline facilities is eligible as long as the State participates in the oversight of pipeline transportation pursuant to an annual 49 U.S.C. §60105 certification or 49 U.S.C. §60106 agreement in effect with PHMSA.

Section 4.02 Effective Damage Prevention Program – The Nine Elements

PHMSA may award a grant to an eligible State authority if the State has an effective damage prevention program or has made substantial progress toward establishing an effective program. An effective damage prevention program as stated in Section 2 of the PIPES Act includes the following nine (9) elements:

- (1) Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate.
- (2) 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.
- (3) A process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs.
- (4) Participation by operators, excavators, and other stakeholders in the development and implementation of 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.
- (5) A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.
- (6) A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues.
- (7) 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.
- (8) 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.
- (9) A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

A Damage Prevention Assistance Program (DPAP) was developed to provide guidance to stakeholders for strengthening state damage prevention programs. It draws on the definition of effective damage prevention programs found in the Pipeline Inspection, Protection, Enforcement and Safety (PIPES) Act of 2006. Several stakeholder organizations have been consulted in the preparation of this document. The purpose of this document is to assist you in building a new damage prevention program or strengthening an existing one in your state.

Link: <http://primis.phmsa.dot.gov/comm/DamagePrevention.htm>.

Article V. Registration and Application Submission Information

Section 5.01 Registration and Getting Started

PHMSA has developed a step-by-step online wizard in a web application called FedSTAR to guide applicants through the process of answering questions relevant to review criteria provided in this solicitation. FedSTAR will build the application package including all required forms for final submission through grants.gov. Therefore, all applicants are required to submit their application through FedSTAR.

To begin the process, applicants must be registered at both FedSTAR and www.grants.gov in order to submit an application online as required. 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/applicants/get_registered.jsp, or go to the main page at <http://www.grants.gov/> and click on “Get Registered.” **Please note that new user registrations for grants.gov can take up to two weeks to complete.** For additional questions on how to register, contact grants.gov support. Carrie Brown may also be able to help answer questions on applying for grants.gov usernames/passwords as they specifically relate to the SDP Grants.

Accessing FedSTAR:

Using your web browser, go to <https://fedstar.phmsa.dot.gov>. For new users, or if you need assistance with your current username or password, please contact either of the technical support people listed below.

For Technical help or guidance with FedSTAR, please contact:
Carrie Brown at 617-494-3318 (carrie.brown@dot.gov)
Brittany Gromer at 617-494-3508

Additional instructions on completing the application wizard and submitting your application are provided later in this solicitation after proposal content.

Submission Dates and Times

Complete applications must be received electronically through FedSTAR by 12:00 noon applicant’s local time on December 1, 2008. Applicants will receive an automated receipt of the date and time of submission when the application is submitted.

Section 5.02 Proposal Content

Each proposal must consist of the following:

- (1) As part of the FedSTAR wizard, applicants will be asked to describe their current damage prevention activities related to the nine elements described above. Applicants will also be asked to lay out a plan for steps to adopt/address one or more of the elements as part of your grant. For more information, refer to “Article VI. Application Review Information” below.
- (2) Additional information including the following:
 - (i) Complete applicant information (i.e. legal name, Employer/Taxpayer Identification Number (EIN/TIN), DUNS number, address, etc.);

- (ii) A budget that includes details on the cost of personnel, contractors, fringe benefits, indirect costs, travel, equipment, supplies, and other costs to be funded through the grant during CY 2009; and
- (iii) Certification regarding lobbying activities.

Applicants will be prompted to enter the information in (i) through (iii) above through the FedSTAR wizard. The FedSTAR application will automatically populate SF-424, SF-424A and the lobbying form.

- (3) Designation in writing and signed by the Governor as the State authority eligible to receive the grant. An applicant who applied for a CY2008 grant needs a new letter signed for this application indicating the Governor authorizes the applicant to receive a State Damage Prevention grant in CY2009. This needs to be a separate letter submitted with the other application materials. There is no strict guidance on content of the letter other than 1) it should reference the solicitation (including calendar year 2009), 2) the entity the Governor is designating should match the entity that is submitting the application, and 3) the letter needs to be signed by the Governor.

NOTE: Because applicants have indicated in previous years that it can take a long time to obtain the letter from the Governor, PHMSA recommends beginning this process as early as possible.

Article VI. Application Review information

Section 6.01 Evaluation Criteria

PHMSA will evaluate applications based on all five (5) criteria listed below. Note that the criteria are weighted in the following order: criterion 1 is most heavily weighted, criterion 2 is second most heavily weighted, criteria 3 and 4 are weighted equally and are third most heavily weighted, criterion 5 is fourth most heavily weighted.

(1) Quality of the Damage Prevention Program

We will evaluate the quality of a damage prevention program against the 9 elements as listed in Section 2 of the PIPES Act of 2006.

a. Has your organization established a plan and implemented a strategy for participation by operators, excavators and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation?

Adopted – please explain

Taking steps to adopt – please explain

Not adopted – please explain

b. Has your organization established a plan and implemented a strategy for 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?

Adopted – please explain

Taking steps to adopt – please explain

Not adopted – please explain

c. Has your organization established a plan and implemented a strategy for a process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs?

Adopted –please explain

Taking steps to adopt – please explain

Not adopted – please explain

d. Has your organization established a plan and implemented a strategy for participation by operators, excavators, and other stakeholders in the development and implementation of 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?

Adopted –please explain

Taking steps to adopt –please explain

Not adopted – please explain

e. Has your organization established a plan and implemented a strategy for a process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities?

Adopted –please explain

Taking steps to adopt –please explain

Not adopted – please explain

f. Has your organization established a plan and implemented a strategy for a process for resolving disputes that defines the state authority's role as a partner and facilitator to resolve issues?

Adopted –please explain

Taking steps to adopt –please explain

Not adopted – please explain

g. Has your organization established a plan and implemented a strategy for enforcement of State damage prevention laws and regulation for all aspects of the damage prevention process, including public education and the appropriate State authority's assessment of civil penalties for violations?

Adopted –please explain

Taking steps to adopt –please explain

Not adopted – please explain

h. Has your organization established a plan and implemented a strategy for 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?

Adopted –please explain
 Taking steps to adopt –please explain
 Not adopted – please explain

i. Has your organization established a plan and implemented a strategy for a process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program review?

Adopted –please explain
 Taking steps to adopt –please explain
 Not adopted – please explain

(2) Jurisdiction of Civil Penalty

Does your organization have a program where it has the authority under State law to assess civil penalties for violations of the State’s One Call laws and a demonstrated ability to exercise such authority; or alternatively, a commitment to seek action from the State legislature to obtain civil enforcement authority?

Adopted –please explain
 Taking steps to adopt – please explain
 Not adopted – please explain

(3) Outreach and Participation

Has your organization demonstrated a commitment to being inclusive and reaching out to invite participation of all potential stakeholders of a State-wide damage prevention program and evidence of a plan to continue to do so?

Adopted –please explain
 Taking steps to adopt – please explain
 Not adopted – please explain

(4) Education

Does your organization have a program to educate the public and other parties who can benefit from, or who are essential to, the success of the State-wide damage prevention program, including use of the 811 system?

Adopted –please explain
 Taking steps to adopt – please explain
 Not adopted – please explain

(5) Program Performance

Does your organization have a means to measure the effectiveness of the State-wide damage prevention program and disseminate this information to the appropriate stakeholders?

Adopted –please explain
 Taking steps to adopt – please explain
 Not adopted – please explain

Section 6.02 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 requirements. A team composed of representatives from damage prevention stakeholder groups will review and evaluate each completed application that meets the eligibility requirements. PHMSA will award grants based on the recommendations of the review team.

Article VII. Award Administration Information

Section 7.01 General

Within the limit of funds available for such purpose, the awarding official of PHMSA must make grants to those responsible, eligible applicants whose applications are judged most meritorious under the procedures set forth in this solicitation. All funds granted by PHMSA under this solicitation must be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations.

Section 7.02 Award Notice

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

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

Section 7.03 Administrative and National Policy Requirements

Several Federal statutes and regulations apply to grant applications considered for review and grants awarded under this program. These include, but are not limited to:

- (1) 49 CFR 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" (OMB Circular A-102).
- (2) 2 CFR 225, "Cost Principles for State, Local, and Indian Tribal Governments" (OMB Circular A-87).
- (3) OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations"
- (4) 49 CFR 20, "New Restrictions on Lobbying."
- (5) 49 CFR 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964."
- (6) 49 CFR 29, "Governmentwide Debarment and Suspension (Non-Procurement)."

- (7) 49 CFR 32, “Governmentwide Requirements for Drug Free Workplace (Financial Assistance).

Section 7.04 Expected Program Outputs and Reporting Requirements

Four (4) reports (a Progress Report, a Final Report, a Mid-term Financial Status Report and a Final Financial Status Report, refer to Award Terms and Conditions, Sections 15 and 16 for additional details) on the deliverables funded by the grant will be required. The reports must include a description of how the funds were used to improve the State damage prevention program. The reports must also provide documentation of the actual expenses. The application review team will also review the final reports to ensure the grant proposal was satisfactorily implemented.

Article VIII. Agency Contact Information

How to Apply Questions

Carrie Brown

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Email: carrie.brown@dot.gov

Grant Related Questions

Primary Point of Contact:

Karina Munoz, Agreement Administrator

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Warren Osterberg, Agreement Officer

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Grants.gov Questions

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