U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Notice of Funding Opportunity

Pipeline Safety One-Call Grant

Fiscal Year 2021

NOFO Posted Date: January 12, 2021
Application Due Date: March 15, 2021, 11:59 PM ET
Questions Due Date: February 23, 2021, 5:00 PM ET

Applicants must be registered with Grants.gov to apply for this 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.

Applicants can also register with FedConnect at https://www.fedconnect.net for an account before submitting an application. 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 to use the portal, view the *FedConnect: Ready, Set, Go! Tutorial* under the *Need Help?* section on the FedConnect home page.

Assistance Listing Program Number (formerly CFDA)
20.721 One-Call Grants

PHMSA Notice of Funding Opportunity (NOFO) Number
693JK321NF0005

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PROGRAM SUMMARY

Federal Agency Name:	United States Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA)
Funding Opportunity Title:	Pipeline Safety One-Call Grants – Fiscal Year (FY) 2021
Announcement Type:	Initial Announcement
Funding Opportunity Number:	693JK321NF0005
Assistance Listing Program (formerly CFDA) Number:	20.721
NOFO Posted Date:	January 12, 2021
Application Due Date:	March 15, 2021, 11:59 PM ET
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MISSION

The mission of the U.S. Department of Transportation (DOT or Department) 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, tribes, territories, localities, communities, and nonprofit organizations that help make sure pipelines operate safely and shipments arrive without incident.

SECTION A – PROGRAM DESCRIPTION

A.1 Purpose

PHMSA has a safety goal of improving public health and safety by reducing transportation-related deaths and injuries. This specific goal of this grant program is to reduce damages to underground pipelines by excavators, which has historically been a leading cause of pipeline accidents resulting in fatality and injury.

This program (Assistance Listing 20.721) provides funding for State agencies' damage prevention efforts, including training, changing State underground damage prevention laws, related compliance activities, and public education to assist in reduction of damages to underground pipelines. Data on excavation damage performance are collected annually from pipeline operators with the expectation that these efforts help reduce damage trends. These data show a downward trend in damage rates to gas distribution pipelines.

A strong transportation network is critical to the functioning and growth of the American economy. The Nation's industry depends on the transportation network to move the goods that it produces, and facilitate the movements of the 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.

Rural transportation networks play a vital role in supporting our national economic vitality. Addressing the deteriorating conditions and disproportionately high fatality rates on our rural transportation infrastructure is of critical interest to the Department, as rural transportation networks face unique challenges in safety, infrastructure condition, and passenger and freight usage. Consistent with the R.O.U.T.E.S. Initiative, the Department encourages applicants to consider how the project will address the challenges faced by rural areas in advancing pipeline and hazardous materials (hazmat) transportation safety.

A.2 Statute and Program Authority

The One-Call program is authorized by the Transportation Equity Act for the 21st Century (Public Law 105-178); 49 U.S.C. § 60114; the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016, (Public Law 114-183); and 49 U.S.C. § 6106.

A.3 Background

The Secretary is authorized under 49 U.S.C. § 6106 to award grants in support of the One-Call program. The amount of any grant will not exceed $60,000 for a single recipient; however, total available funds and the maximum award amount are contingent upon Congress' appropriation of funding for the One-Call program. The Secretary may support the improvement of various One-Call damage prevention activities by making a grant of financial assistance to a State. This grant opportunity is open to State agencies that are permitted to conduct pipeline safety inspections per a 49 U.S.C. § 60105 certification and/or a 49 U.S.C. § 60106 agreement with PHMSA to perform pipeline safety inspections.

SECTION B – FEDERAL AWARD INFORMATION

B.1 Funding

PHMSA anticipates awarding approximately $1,058,000 under this NOFO. The amount of any grant may not exceed $60,000 per grant recipient; however, the total available funding and maximum award amount will be contingent upon an enacted FY 2021 appropriation. The funds may not be used for lobbying, regulatory compliance activities, the typical operations and maintenance of pipeline facilities, or in direct support of litigation.

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 from the effective date of award for each grant. Applicants must 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. PHMSA will authorize, as allowed in 2 CFR § 200.309, any grant expenditures during calendar year 2021 that may be incurred prior to the award date of the FY 2021 One-Call grant provided the award supports ongoing State damage prevention enforcement program personnel costs.

B.3 Type of 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.

B.4 Previous Awards

Applicants that received a previous PHMSA One-Call grant award may also apply for an FY 2021 One-Call grant. Additionally, applicants that applied for a previous PHMSA State Damage Prevention grant may also apply for an FY 2021 One-Call grant. Applicants may apply for grants under both programs for projects that are related, but cannot receive funding under both programs for projects that are identical in scope.

SECTION C – ELIGIBILITY INFORMATION

C.1 Eligible Applicants

This grant opportunity is only open to State agencies that are authorized to conduct pipeline safety inspections per a 49 U.S.C. § 60105 certification and/or a 49 U.S.C. § 60106 agreement with PHMSA.

In order to be eligible for a One-Call Grant, States must submit an application that demonstrates that it meets the minimum standards established in 49 U.S.C. § 6103 for a One-Call Grant award. A State is also eligible to receive a One-Call Grant award if the State maintains an alternative one-call notification program that provides protection for public safety, excavators, and the environment that is equivalent to, or greater than, protection provided under a program that meets the minimum standards set forth in section 49 U.S.C. § 6103. PHMSA requires interested state agencies to answer the following questions and provide sufficient details to clearly demonstrate compliance with these requirements. Failure to provide the requested information may lead to rejection of the application.

- Does the State One-Call notification program allow all underground facility operators, including all government operators, to participate, as appropriate? List any pipeline exemptions.
- Does the State One-Call notification program allow all excavators, including all government and contract excavators, to participate, as appropriate?
- Does the State One-Call notification program provide for flexible and effective enforcement under State law? Please provide a citation to the State statute for enforcement and identify the enforcement authority.
- Does the State One-Call notification program require that its notification system requirements are applicable, without exemptions, to municipalities, State agencies, or their contractors? Note: if you are currently classified as ineligible by PHMSA based on this requirement, you do not qualify for this grant.
- Does the State One-Call notification program consider the gravity of the offense and the risk to the public when determining appropriate enforcement?
- Does the State One-Call notification program provide no-cost underground facility locate requests, excluding design locate requests, for all individuals planning excavation activities?
- Does the State One-Call notification program provide for the voluntary participation of underground facility owners or activity of an excavator that the State determined to be a *de minimis* risk to public safety?

- Does the State, to the extent it determines it is appropriate and necessary, provide administrative or civil penalties commensurate with the seriousness of a violation of the State One-Call notification program by an excavator or facility owner?

C.2 Cost Sharing or Matching

There are no requirements for cost sharing or matching.

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

(1) Keyword(s): One Call Program
(2) NOFO #: 693JK321NF0005
(3) CFDA Number: 20.721

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

Fazal Mirza, Agreement Officer
Acquisition Services Division
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE, E21-344
Washington, DC 20590
Phone: (202) 366-5180
E-mail: fazal.mirza@dot.gov

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

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.

Accessing FedConnect:

Applicants can register with FedConnect at https://www.fedconnect.net for an account before submitting an application. 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 to use the portal, view the *FedConnect: Ready, Set, Go! Tutorial* under the *Need Help?* section on the FedConnect home page. For other technical issues or questions, either email fcsupport@unisonglobal.com or call us at 1-800-899-6665 option 2. The FedConnect Support Center is staffed Monday - Friday 8 a.m. to 8 p.m., ET, except Federal holidays.

D.2 Content and Form of the Application

Consistent with the Department's R.O.U.T.E.S. Initiative (https://www.transportation.gov/rural), the Department encourages applicants to describe how activities proposed in their application would address the unique challenges facing rural transportation networks, regardless of the geographic location of those activities.

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 (template provided by PHMSA)
4. Budget Narrative and Estimates (template provided by PHMSA)
5. Standard Title VI/Non-Discrimination Assurances
6. Certification Regarding Lobbying

The application forms and templates are available on Grants.gov in the Forms Package and under the 'Related Documents' tab with detailed instructions on the application process.

Applicants must use Standard Form (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.

D.3 Description of Cost Categories

Additional budgetary information, broken out as described below, must provide detailed information on each cost element, consistent with the applicant's cost accounting system. The amounts requested for each budget category must be justified in a Budget 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 personnel* 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, PHMSA may consider requests for a grant-specific indirect cost rate, or the applicant may be eligible for the 10-percent *de minimis* rate provided by 2 CFR § 200.414

***Further, 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.4 Unique Entity Identifier (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 and, if an applicant has not fully complied with all applicable DUNS 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 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 ensure that the applicant is current on all Federal taxes and not on the list of parties excluded from Federal awards.

D.5 Submission Dates and Times

Complete applications must be received electronically through www.Grants.gov by 11:59 PM Eastern Time on March 15, 2021. 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: February 23, 2021 at 5:00 pm ET
NOTE: All questions MUST be submitted via the Message Center in FedConnect. Please submit your questions in FedConnect using the spreadsheet titled Form To Submit Questions.xlsx. Please do not send questions via e-mail. PHMSA is not responsible for answering questions that are received after the Questions Due Date & Time. sin

D.6 Funding Restrictions

- Advance written approval: Changes in project scope, budget, objectives, project period, or key personnel will require advance written approval by the PHMSA Grant Officer.
- 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.
- 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. The cost of meals, transportation, facility rental, speakers' fees, and other items incidental to such meetings or conferences may be paid using grant funds; however, funding may not be used to cover costs associated with entertainment, such as shows or sporting events, or the purchase of alcoholic beverages.
- Funds provided under grant awards may not be used for lobbying, advocacy or in direct support of litigation.
- Construction is not an allowable activity under this announcement.
- Funds should not be used to cover costs associated with the normal operations of the one-call center.
- All PHMSA awards are subject to the terms and conditions in the grant agreement and the cost principles in 2 CFR § 200, Subpart E – Cost Principles.
- Reimbursement of Federal pre-award costs is not allowed.

D.7 Other Submission Requirements

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

Applicants should state whether the project is located in a Qualified Opportunity Zone designated pursuant to 26 U.S.C. § 1400Z-1.

SECTION E – APPLICATION REVIEW INFORMATION

E.1 Criteria

Consistent with the Department's R.O.U.T.E.S. Initiative (https://www.transportation.gov/rural), the Department recognizes that rural transportation networks face unique challenges. To the extent that those challenges are reflected in the merit criteria listed in this section, the Department will consider how the activities proposed in the application will address those challenges, regardless of the geographic location of those activities.

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

PHMSA developed 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.

The Department will review and consider applications for funding pursuant to this Notice in accordance with the President's September 2, 2020 memorandum, entitled *Memorandum on Reviewing Funding to State and Local Government Recipients of Federal Funds that Are Permitting Anarchy, Violence, and Destruction in American Cities*, consistent with guidance from the Office of Management and Budget and the Attorney General and with all applicable laws.

Criterion 1. Relevance to Established Funding Priorities
This criterion will be used to evaluate work proposed under each project in the application, particularly regarding projects that enhance public safety, protect the environment, minimize risks to excavators, and prevent disruption of vital public services. When evaluating public service disruption prevention, PHMSA will specifically look for projects that reduce the incidence of excavation damage to underground facilities through the voluntary adoption and efficient implementation of One-Call notification programs.

Funding priorities are established and communicated to all potential grant recipients by distribution of the One-Call Grant Application Guidelines, which are updated annually.

Criterion 2. Costs and Project Scope
This criterion will be used to evaluate the prospective work under each element in the application and to assess whether the proposed projects will:
- Produce tangible results within the project period;
- Establish clear goals, objectives, milestones, and estimates of project costs; and
- Use funds efficiently and effectively.

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 on 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. Member outside stakeholders may be comprised of damage prevention stakeholder 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, program priorities, and other modal needs (i.e., rural areas and Qualified Opportunity Zones).

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

Rating Guideline
Highly Recommended - The application demonstrates that the NOFO requirements are very well understood and the approach will likely result in very high-quality performance. The application clearly addresses and exceeds requirements. The application contains outstanding features that meet or exceed on multiple dimensions the expectations of the Government. The application aligns very well with the 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 weaknesses. The application demonstrates requisite experience, qualifications, and performance capabilities. The application aligns with the 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 the DOT objectives and priorities. The risk of poor performance is moderate.
Not Acceptable - 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 does not align with the DOT objectives and priorities. The risk of poor performance is high.

Selection Process

Final award recommendations will be made by the PHMSA Administrator after taking into consideration recommendations made during the administrative, technical, and programmatic reviews. The Secretary of Transportation will make final award selection decisions.

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. Grant funds may not be used for lobbying or litigation, cover costs associated with the normal operations of a one-call center, or be used for costs associated with regulatory compliance programs for pipeline operators.

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) 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) Assistance Listing Program (formerly CFDA) number and name;
9) Applicable award terms and conditions; and
10) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the award and 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. See also Attachment 2: Standard Title IV/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.

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

***All questions related to the content of this funding opportunity can be submitted via the Message Center in FedConnect ***

Only for technical issues or questions related to FedConnect, please email fcsupport@unisonglobal.com; applicant can also submit questions through the portal on their website, or call 1-800-899-6665 option 2.

Technical Primary Point of Contact
Rex Evans
DOT/PHMSA
Phone: (217) 801-8014
Email: rex.evans@dot.gov

Grant Agreement Officer
Fazal Mirza
DOT/PHMSA
Phone: (202) 366-6942
E-mail: fazal.mirza@dot.gov

Only for technical issues or questions related to www.Grants.gov, please email support@grants.gov.

SECTION H – OTHER INFORMATION

Given the complexity of some aspects of the application process, technical assistance is available to rural applicants and 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.

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 June 2018)

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

a) Recipients' Requirements:

Recipients must:

- have internet access to register and submit payment requests through the Delphi eInvoicing system, https://einvoice.esc.gov/.
- 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 User Account Application 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 as follows:

Via U.S. Postal Service (certified):
DOT Enterprise Services Center
FAA Accounts Payable, AMZ-100
PO Box 25710
Oklahoma City, OK 73125

Via FedEx or UPS:
DOT Enterprise Services Center
MMAC-FAA/ESC/AMZ-150
6500 S. MacArthur Blvd.
Oklahoma City, OK 73169

Note: Additional information, including training materials, and helpdesk support can be found on the DOT Delphi eInvoicing website (http://www.transportation.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.transportation.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.

11. Payments (PHMSA March 2014)

Recipients, upon receipt of the fully executed award document, may request 100% of the total federally funded amount of the award.

Advance payments or Reimbursement payments will be made after the electronic receipt via the DOTeInvoicing System 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 –

i) Accept payment by check or some other mutually agreeable method of payment; or

ii) 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 –

i) Making a correct payment;
ii) Paying any prompt payment penalty due; and
iii) 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 –

i) 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
ii) 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.

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"-

i) Means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.

ii) 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) **Adop**t 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 to 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 planed 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. Reporting 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:

i) Salary and bonus.

ii) Awards of stock, stock options, and stock appreciation rights.

iii) 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.

iv) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

v) Above-market earnings on deferred compensation which is not tax-qualified.

vi) 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.fsrs.gov for each first-tier sub-award. (The Awardee shall follow the instructions at http://www.fsrs.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.

i) 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.
ii) Name of the sub-awardee.
iii) Amount of the sub-award.
iv) Date of the sub-award.

v) A description of the effort being provided under the sub-award, including the overall purpose and expected outcome or result of the sub-award.
vi) Sub-award number (assigned by the Awardee).
vii) Sub-awardee's physical address including street address, city, state, country, 9-digit zip code, and congressional district.
viii) Sub-awardee's primary performance location including street address, city, state, country, 9-digit zip code, and congressional district.
ix) The prime award number (assigned by PHMSA)
x) Awarding agency name. (PHMSA)
xi) Funding agency name. (PHMSA)
xii) Government awarding office code. (56)
xiii) Treasury account symbol (TAS) as reported in FAADS.
xiv) 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:

i) 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

ii) $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

iii) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

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:

i) 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

ii) $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

iii) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

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.

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.

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-

a) severe forms of trafficking in persons;
b) the procurement of a commercial sex act during the period of time that the grant, or cooperative agreement is in effect;
c) the use of forced labor in the performance of the grant or cooperative agreement; or
d) 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-

1) 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

2) 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.

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.

26. American Materials Required (PHMSA August 2017)

If articles, materials or supplies are required: Only unmanufactured articles, materials, and supplies that have been mined or produced in the United States, and only manufactured articles, materials, and supplies that have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States, shall be acquired under this award unless PHMSA determines their acquisition to be inconsistent with the public interest or their cost to be unreasonable.

This requirement does not apply:
1) to articles, materials, or supplies for use outside the United States;
2) if articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; and
3) to manufactured articles, materials, or supplies procured under any contract with an award value that is not more than the micro-purchase threshold.

(End of provision)