



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES



FUNDING ANNOUNCEMENT

2023-24 Hazardous Materials Emergency Preparedness (HMEP)
Planning Subgrant Program

This document is intended to guide eligible applicants in applying for planning subgrants under the Cal OES HMEP Grant Program.

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

Funding Opportunity Name: Cal OES Hazardous Materials Emergency Preparedness (HMEP) Planning Subgrant

Announcement Type: Initial Solicitation

Federal Funding Opportunity Number (States and Territories):

Catalog of Federal Domestic Assistance Number: 20.703

Key Dates: The deadline for submission is July 31, 2023

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Section One – Program Description

Program Overview

The Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 authorizes the U.S. Department of Transportation (DOT) to provide assistance to public sector employees through training and planning awards to States, Territories, and federally recognized Native American Tribes for emergency response. The US DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) makes some of this funding available to States, Territories, and federally recognized Tribal Governments through the Hazardous Materials Emergency Preparedness (HMEP) Grant Program. The California Governor's Office of Emergency Services (Cal OES) is the state's administering agency for passing the HMEP Grant funds through to the Local Emergency Planning Committees (LEPC) and eligible applicants within the LEPC regions.

The purpose of this program is to increase State, Territorial, Tribal, and local effectiveness in safely and efficiently handling hazardous materials incidents, enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations. The HMEP grant program is authorized under 49 United States Code (U.S.C.) § 5116 and is governed by program regulations at 49 Code of Federal Regulations (CFR) Part 110 and Federal grants administration regulations, now organized at 2 CFR Part 200.

Planning and training are the two components of the HMEP grant program. Funding is being made available for eligible planning activities only. Hazardous materials (HazMat) training tuition grants are made available to public agency responders through the LEPC.

HMEP Planning Grant Subawards can be used for HazMat transportation emergency response preparedness activities, including developing, improving, and carrying out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.), and ascertaining flow patterns of hazardous material on lands under the jurisdiction of a State or Native American tribe, and between lands under the jurisdiction of a State or tribe and lands of another State or tribe.

Funding Priorities

For the 2023-24 grant cycle, and subsequent cycles moving forward, applicants are encouraged to allocate funding toward developing or revising emergency plans to account for bulk transportation of energy products by rail and over the

road. Applicants are also encouraged to conduct commodity flow studies or other HazMat transportation hazard analyses to determine the frequency and quantity of HazMat shipments being transported through local communities and assessing the degree to which emergency responders are trained to respond appropriately to incidents involving bulk shipments of energy products as well as other hazardous materials.

When drafting applications, Cal OES encourages applicants to consider the following topics:

- Current risk involving transport of energy products such as crude oil, ethanol, and liquefied natural gas (LNG);
- Current state of operational readiness/capability;
- Familiarity with bulk shippers' emergency response plans/procedures;
- Available training resources (sources, accessibility, gaps in training); and
- Needs of emergency responders/public safety agencies.

For more information, please visit [PHMSA's Safe Transportation of Energy Products \(STEP\) program](#) website and the [Cal OES HazMat Section](#) webpage.

Section Two – Subaward Information

Funding Availability and Number of Expected Awards

Subject to actual federal HMEP Planning award funding amount and a state budget, Cal OES plans to make at least \$242,534 in funding available to LEPCs and eligible applicants within the LEPC Regions this grant cycle. The expected amount of individual subawards will typically range from \$5,000 to \$25,000 and between 4 and 10 Planning projects are funded each year.

Project and Budget Periods

Funding is not available until the State's grant project period begins, which is anticipated to be September 30, 2023. Subrecipients cannot incur costs toward their project until the Grant Subaward Face Sheet (GSAFS) is returned to and executed by Cal OES. If the GSAFS and supporting documentation are submitted to Cal OES by September 30, 2023, it is anticipated that the subrecipient project start date will be October 15, 2023. All subrecipient activities must be completed by September 15, 2024. Provisions for a one-time 30-day extension are outlined in the Terms and Conditions, and these uncommon requests will be considered on a case-by-case basis.

Applications for Supplementation

Requests for supplementation of funding for approved projects may be considered during the 2023-24 HMEP performance period. Requests must

adequately describe how the additional activities and/or funding enhance the approved project and provide assurance that the revised project will be completed by September 15, 2024. Requests must be received by December 31, 2023.

Funding Instrument

Cal OES will only consider grant award agreements as the funding instrument for the 2023-24 HMEP Planning Subgrant program. Cal OES may utilize contracts, purchase orders, or inter-agency agreements as funding instruments for activities conducted by Cal OES in coordination with and on behalf of LEPCs.

Section Three – Eligibility Information

Eligible Applicants

The Cal OES 2023-24 HMEP Planning Subgrant Program is open to the State of California's political subdivisions and federally recognized Tribal Governments within California that have not applied directly to US DOT/PHMSA for funding under this grant program. Political subdivisions are defined as:

"A county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity, or any agency or instrumentality of a local government." (49 CFR § 110.20)

Cost Sharing or Matching

Cal OES will document the required match share for HMEP Planning Subawards.

Other Requirements/Suspension and Debarment

Per 2 CFR § 200.212, non-Federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 CFR § 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

Section Four – Application and Submission Information

Accessing Application Package

Interested eligible parties must download the application forms associated with this funding opportunity from the [Cal OES HMEP Grant](#) webpage.

Content and Form of Application Submission

The application must use the most current forms posted on the website and be well written. Project and Budget Narratives should follow the structure and guidance in this funding opportunity announcement.

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

Each applicant is required to:

- Be registered in SAM before submitting its application;
- Provide a valid DUNS number on the Cal OES GSAFS, which is provided when Cal OES extends an offer of funding; and
- Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award.

If an applicant does not fully comply with these requirements, Cal OES may determine that the applicant is not qualified to receive a federal award.

Submission Dates and Times

The final date for submission is Friday, July 31, 2023. Cal OES is not obligated to consider applications that are late and/or incomplete. A completed application package, signed by the Authorized Agent, must be submitted electronically to the Cal OES HMEP Grant Administrator at brian.mancbo@caloes.ca.gov by the final submission date.

The hard copy original pages containing an Authorized Agent signature must also be submitted and postmarked by July 31, 2023. Mail to:

California Governor's Office of Emergency Services
Hazardous Materials Section
Attn: Brian Mancebo
3650 Schriever Avenue
Mather, California 95655

After submission, Cal OES will coordinate all applications with the respective LEPCs for approval and prioritization.

Funding Restrictions

The following costs are not eligible for reimbursement under the HMEP Grant Program:

- Expenses not related to the transportation of hazardous materials.
- Expenses claimed and or reimbursed by another program.
- Expenses counted as match funds toward another Federal program.
- Expenses that supplant existing operational funds/programs.
- Entertainment, alcohol, morale costs.
- Any costs disallowed or stated as ineligible in 2 CFR § 200.
- Excessive costs for any approved budget item.

Section Five – Application Review Information

Criteria

Applications for HMEP Planning funding must contain all the required forms, signed by the identified Authorized Agent, and Indirect Cost Rate agreement (if applicable).

- Required Forms (found on the [Cal OES HMEP Grant](#) Web page, under the HazMat – HMEP – Planning Application section:
 - Application Form
 - Designation Statement
 - Project Narrative
 - Budget Sheet
 - Budget Narrative (created by the applicant and must address each budget category)
 - Work Schedule and Deliverables Form
 - Cal OES Grant Assurances – Non-Construction Programs.
- Applicant Attachments to be submitted
 - Indirect Cost Agreement (if applicable)
 - Additional Optional Attachments (as applicable)
- Project Narrative Guidance - Include the following required elements:
 - Planning Needs Assessment - Describe the current capacity and any areas of deficiency as it concerns hazardous materials emergency preparedness planning. Address any needs for building capacity. Include: (1) An assessment of the current abilities and authorities of the applicant's program for preparedness planning; (2) A discussion of whether the applicant knows, or intends to assess, transportation flow patterns of hazardous materials within the applicant's jurisdiction and between the applicant's jurisdiction and another jurisdiction; and (3) The current degree of participation in,

or intention to assess, the need for a regional HazMat response team.

- Planning Activities - Describe the proposed activities to be undertaken during the period of performance. Explain how the proposed grant activities will increase program effectiveness and address gaps identified in the needs assessment.
 - Outputs and Objectives - Include measurable outputs and objectives related to hazardous materials planning to be accomplished during the grant's period of performance.
 - Planning Activity Timeline - Provide an overview of the schedule for implementing the proposed activities in the upcoming project period. Detailed benchmarks and milestones are to be listed on the Work Schedule and Deliverables Form.
 - Monitoring and Evaluation - Provide a description of the monitoring and evaluation activities that will be conducted to ensure that the grant activities are successfully carried out according to the planning activity timeline. Include an explanation of quality control measures and a description of the project management oversight, including but not limited to plans, strategies, or practices to be used reach the project objectives.
- Budget Narrative Guidance. Develop a Budget Narrative in the following categories and transfer the total dollar figures to the Budget Sheet. All HMEP Share (reimbursable) costs must be detailed. Applicants should identify and request costs that are allowable, reasonable, and necessary for the successful completion of their proposed HMEP planning projects.
 - Personnel costs include the regular employee compensation for time spent working directly on the grant project. Overtime/backfill costs are not allowed. Include a list of the employees, position title/role, tasks to be completed, the estimated number of hours or percentage of time that will be dedicated to the project, hourly wage or annual salary, and total cost to the grant.
 - This category is limited to ONLY persons employed by your organization. Those not employed by your agency shall be classified as subgrants or contractors. Those individuals should be listed under the Contractual budget category.
 - Only include compensation paid for employees engaged in grant activities.
 - Costs should be consistent with that paid for similar types of work within the applicant's organization.

- Refer to 2 CFR § 200 for more information on allowable Compensation costs.
 - Fringe Benefit costs are the allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. These benefits can include the cost of employer's share of FICA, health insurance, worker's compensation, and vacation. Explain how the fringe benefit amount is calculated (i.e., actual fringe benefits estimate, approved rate, etc.) and what is included in the rate used in this budget. Identify the specific benefits charged to a project and the benefit percentage of employee salary. DO NOT combine the fringe benefit costs with direct salaries and wages in the Personnel budget category.
 - Employees listed under Personnel should have corresponding Fringe Benefit amount.
 - Cal OES cannot pay Fringe Benefits for a position not listed in the Personnel section.
 - If a position will have time allocated to grant activities, the level of participation (full-time or part-time) must correspond to the Fringe Benefits charged.
 - Fringe benefits are only for the percentage of time devoted to the grant project.
 - Refer to 2 CFR § 200 for more information on allowable Fringe Benefit costs.
- Travel costs are those specifically related to the grant project. Provide the purpose, location, method of travel, number of persons traveling, number of days, and estimated cost for each trip (i.e., flights, hotel stays, rental cars, and other allowable travel costs).
 - If details of each trip are not known at the time of application submission, provide the basis for determining the amount requested.
 - Travel costs that will be charged to the grant must be in accordance with the applicant's written travel policy
 - Refer to 2 CFR § 200 for more information on allowable Travel costs.
- Equipment costs are typically not included in HMEP Planning Grant projects and may be funded at less than the 80 percent maximum reimbursement amount. Only include those items which are tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Include a description, quantity, unit price, and how it will be used on the project. If the expense is under \$5,000 per item, it belongs under "Supplies."

However, if your agency's equipment threshold is below \$5,000, provide an explanation and policy citation.

- Analyze the cost benefits of purchasing versus leasing equipment, particularly high-cost items, and those subject to rapid technical advances. List rented or leased equipment costs in the "Contractual" or "Other" category, depending upon the procurement method.
 - Refer to 2 CFR § 200 for more information on allowable Equipment costs and Procurement.
- Supplies are tangible personal property other than equipment. Include the types of property in general terms. It is not necessary to document office supplies in great detail (for example: reams of paper, boxes of paperclips, etc.). A good way to document office supplies is to indicate the approximate expenditure of the unit as a whole. However, applicants should include a quantity and unit cost for larger cost supply items.
 - Refer to 2 CFR § 200 for more information on allowable Supplies costs and Procurement.
- Contractual costs are those services carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. There are generally two ways to capture costs in this category: Subgrants and Contracts.
 - A subgrant is an award provided by a Grant Recipient to a subrecipient. The subrecipient carries out part of a program for which the Grant Recipient received Federal support. A subgrant may be provided through any form of legal agreement, including an agreement that the Recipient calls a contract. A subgrantee has its performance measured in relation to whether objectives of a Federal program were met; has responsibility for programmatic decision making; is responsible for adhering to applicable Federal program requirements specified in the Federal award; and, in accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.
 - A contract is a legal instrument by which a Grant Recipient purchases property or services needed to carry out the project or program under an award. A contractor/ consultant provides the goods or services within normal business operations; provides similar goods or services to many different purchasers; normally operates in a competitive environment; provides goods or services that are

ancillary (necessary support to the primary activities) to the operation of the Federal program; and is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons. Include the rationale for the amount of the costs and include the specific contract goods and/or services provided and the related expenses for those goods and services. Entering the statement “contractual services” shall not be considered meeting the requirement for completing this section.

- Refer to 2 CFR § 200 for more information on allowable Professional Services (Contractual) costs and Procurement.
- Other costs do not fit any of the aforementioned categories, such as postage and printing costs, and must be itemized.
 - Refer to 2 CFR § 200 for more information on allowable costs.
- Indirect costs are incurred for common or joint objectives that benefit more than one project. The applicant must include a current and fully executed negotiated Indirect Cost Rate Proposal (ICRP) agreement in the application if claiming indirect costs. Identify the basis for the rate and ensure the rate is applied to the appropriate base in the approved agreement. If the rate will not be approved by the application due date, provide the letter of renewal or letter of request that was sent to the cognizant agency, with the proposed rate used in the application budget.
 - Refer to 2 CFR § 200 for more information on indirect costs.

NOTE: HMEP Grant funds are not to be used to purchase items or services that would otherwise be purchased with the applicant’s own funds. Federal law prohibits recipients of federal funds from supplanting, or replacing state, local, or agency funds with federal funds, e.g., the grant recipient swaps funding sources without adding to, enhancing, or expanding the currently offered activities and resources. Existing funds for a project and its activities may not be displaced by federal funds and reallocated for other organizational expenses.

Review and Selection Process

Cal OES informs the LEPCs how much overall funding is available for subawards. There is not a minimum or maximum award amount, though individual subawards typically range from \$5,000 to \$25,000. Funds may not be dispensed equitably among all the regions as distribution is based on interest, alignment with the identified funding priorities, need being addressed by the project, and prioritization by the LEPCs. Cal OES will review applications based on merit, including clarity of the project narrative and reasonableness of costs as

described in the budget narrative. Cal OES reserves the right to recommend adjustments that are beneficial to the goals of the HMEP Planning Grant program, and to offer funding at less than the requested amount. Cal OES may ask an applicant to modify its objectives, work plan, or budget and/or to provide supplemental information prior to offering an award.

Applications will be reviewed by Cal OES HazMat section staff with expertise in the HMEP Grant Program and experience with the types of activities outlined in the project proposals. Each application will be evaluated against the following criteria and determined to be exceptional, acceptable, or unacceptable.

- **Exceptional** applications demonstrate the requirements of the funding announcement 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 significant weaknesses. The application contains outstanding features that meet or exceed on multiple dimensions the expectations of the awarding agency. Risk of poor performance is low.
- **Acceptable** applications demonstrate the requirements of the funding announcement are understood and the proposed approach will likely result in satisfactory performance. The application addresses and meets requirements with some minor but correctable weaknesses and/or deficiencies. The application demonstrates at least minimum requisite experience, qualifications, and performance capabilities. Risk of poor performance is no more than moderate.
- **Unacceptable** applications do not meet the requirements of the funding announcement. The approach, if approved in current form, will likely result in unsatisfactory performance. The application fails to address requirements or, if it addresses or partially satisfies some requirements, major weaknesses/or deficiencies are noted. Risk of poor performance is high.

Special attention will be placed on whether the application has a coherent project narrative that follows the outline of this funding announcement, and the costs described in the budget narrative appear to be necessary, reasonable, allowable, and allocable.

Projects that address one or more of the identified funding priorities will be prioritized higher than projects that do not, should the amount of funding requested exceed the amount available.

An applicant's prior performance as an HMEP Planning Grant subrecipient will be considered and the Cal OES Grants Monitoring Division will be consulted to

understand the applicant's level of risk as a subrecipient of federal funds. Consequently, grant awards may include special terms and conditions.

Only acceptable or exceptional applications will be considered for funding. The Cal OES HazMat Section Supervisor will be the final approval authority to select successful applicants and offer awards of financial assistance. All applicants will receive notice of their application status following the review process.

Anticipated Announcement and Federal Award Dates

US DOT/PHMSA plans to make awards to states in September 2023 with a proposed start date of September 30, 2023. Cal OES plans to make conditional offers of subawards in August 2023 with a proposed start date of October 15, 2023. These offers will be contingent on Cal OES receiving the expected federal funding allocation and an approved State budget.

Section Six – Federal Award Administration Information

Federal Award Notices

Cal OES will receive electronic notification of the receipt of a Federal Award, and upon notification, our authorized official must sign the award within the timeframe prescribed by US DOT/PHMSA. If Cal OES extends an offer of funding, the applicant will receive a Cal OES GSAFS and applicable Terms and Conditions. The GSAFS must be signed by the Authorized Agent identified in the application package to indicate acceptance of the award, and the original hard copy must be returned to Cal OES before the Project Start Date can be confirmed. If the GSAFS and any needed supporting documentation are returned to Cal OES by September 30, 2023, it is anticipated that the subrecipient project start date will be October 15, 2023. Mail the GSAFS and any other requested documents to:

California Governor's Office of Emergency Services
Hazardous Materials Section
Attn: Brian Mancebo
3650 Schriever Avenue
Mather, California 95655

Administrative and National Policy Requirements

The administration of HMEP Planning Grant subawards between Cal OES and the Subrecipient will be based on the following Federal statutory and regulatory requirements:

- The authorizing language of 49 U.S.C. 5101 et seq.

- Program regulations found at 49 CFR § 110, Hazardous Materials Public Sector Training and Planning Grants.
- Uniform administrative requirements, cost principles, and audit requirements for Federal awards at 2 CFR § 200.
- The applicant must comply with 49 CFR § 20, "New Restrictions on Lobbying."
- The applicant 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 applicant 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."
- The applicant must comply with 49 CFR § 32, "Government wide Requirements for Drug Free Workplace (Financial Assistance)," which implements the requirements of Public Law 100-690, Title Subtitle D, "Drug-Free Workplace Act of 1988."

Reporting

Quarterly Report - Each subrecipient is required to submit a Quarterly Performance Report and Reimbursement Request to describe the status of the project as of the end of the reporting period, which aligns with the federal fiscal year. Quarterly documentation is due no later than 10 days after the end of each reporting quarter. Subrecipients may request reimbursement monthly.

Final Report - Each subrecipient is required to submit a final Quarterly Performance Report and Reimbursement Request within 30 days of project completion, but no later than September 15 to provide the results of the award including the expenditure of all HMEP funds. If a time extension is requested in accordance with the Terms and Conditions and approved, the final quarterly report will be due as indicated in the extension approval.

Section Seven – Federal Awarding Agency Contacts

Contact

For further information from the Federal Awarding Agency, US DOT/PHMSA, contact the HMEP Grants Program group at HMEP.Grants@dot.gov or call (202) 366-1109.

For further information from the Cal OES Acting HMEP Grant Administrator, Email: brian.mancebo@caloes.ca.gov or call (916) 845-8292.