

# **FY 2026 Standard Assurances for Hazardous Materials Emergency Preparedness Planning Subgrant Program**

**As the duly authorized representative of the Applicant/Subrecipient, I hereby certify that:**

- The Applicant/Subrecipient has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

**The requirements outlined in these assurances apply to Applicant/Subrecipient and any of its subrecipients.**

**I further acknowledge that the Applicant/Subrecipient is responsible for reviewing and adhering to all requirements within the:**

- (a) Applicable Federal and State Regulations;
- (b) Federal Program Notice of Funding Opportunity (NOFO)\*;
- (c) HMEP Planning Subgrant Funding Announcement
- (d) HMEP Planning Subgrant Guide

\* All the instructions, guidance, limitations, scope of work, and other conditions set forth in the NOFO are incorporated by reference in the federal award. All Applicants/Subrecipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with the grant terms and conditions and any such terms of the federal award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.

**Applicants/Subrecipients are encouraged to consult with their counsel prior to signing and submitting these standard assurances to Cal OES when accepting their subaward(s).**

## **Federal Regulations**

Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.) and adopted by the U.S. Department of Transportation (U.S. DOT) at 2 C.F.R. Part 1201.1. Updates are issued by the [Office of Management and Budget \(OMB\)](#) and can be found at <http://www.whitehouse.gov/omb/>.

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In the event Cal OES determines that changes are necessary to the subaward after a subaward has been made, including changes to the period of performance or terms and conditions, Applicant/Subrecipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Applicant/Subrecipient acceptance of the changes to the subaward.

**State and federal grant award requirements are set forth below. The Applicant/Subrecipient hereby agrees to comply with the following:**

## **1. Proof of Authority**

The Applicant/Subrecipient will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant/Subrecipient and the city council, governing board, or authorized body agree:

- (a) To provide all matching funds required for the grant project, and that any cash match will be appropriated as required;
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant/Subrecipient and the city council, governing board, or authorized body;
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body;
- (d) The Applicant/Subrecipient is authorized by the city council, governing board, or authorized body to apply for federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-federal share of project cost, if any) to ensure proper planning, management and completion of the project described in this application; and
- (e) The official executing this agreement is authorized by the Applicant/Subrecipient.

This Proof of Authority must be maintained on file and readily available upon request.

## **2. Period of Performance**

The period of performance is specified in the Award. The Applicant/Subrecipient is only authorized to perform allowable activities approved under the award, within the period of performance.

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### **3. Effect of Award**

The Subrecipient, which is the organization named in Block 1 of the Cal OES Grant Subaward Face Sheet (Cal OES 2-101, GSAFS), is legally responsible for and accountable to Cal OES for the funds provided. By accepting this subaward, which is accomplished by the signature of the Authorized Agent designated in Block 15 of the GSAFS, the Subrecipient and the Implementing Agency, which is the organization named in Block 2 of the GSAFS, if different from Block 1, agree to comply with the Terms and Conditions detailed or referenced below.

Hereafter, when the term Subrecipient is used, it includes the Implementing Agency by association.

If the Subrecipient materially fails to comply with the Terms and Conditions of this award, whether stated in the full text herein or incorporated by reference, Cal OES may suspend, terminate, or take other remedies as may be legally available and appropriate in the circumstances as provided in 2 CFR §200.

### **4. Award Information**

The total amount of HMEP funding is shown in Block 8.B. of the GSAFS. This represents the reimbursable portion of the project. Cal OES will document the required match share for HMEP Planning Subawards; this is no longer a requirement of the Subrecipient.

The Subrecipient is responsible for any commitments or expenditures it incurs in excess of the funds provided by this subaward.

### **5. Incorporation of Approved Application by Reference**

The Subrecipient's application, including the Project Narrative and Budget Sheet as approved by Cal OES, is incorporated by reference in this subaward. Changes to the approved application are governed by 2 CFR §200.308 and any applicable requirements outlined in these Terms and Conditions, as well as any Special Conditions that may be provided with the approved GSAFS.

### **6. Governing Statutes and Regulations**

The administration of this subaward is based on the following Federal statutory and regulatory requirements:

- The authorizing language of 49 U.S.C. §, 5116.
- Program regulations located in 49 CFR §110.
- The administrative regulations, cost principles, and audit requirements contained in 2 CFR Part 200.
- Any other applicable Federal statutes and regulations, including, but not

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limited to the following:

- The Subrecipient must comply with 49 CFR Part 20, “New Restrictions on Lobbying.” 49 CFR Part 20 will be incorporated by reference into any award under this program and is available at [www.ecfr.gov/](http://www.ecfr.gov/) by clicking on Title 49 CFR Part 20.
- Civil Rights and Title VI - As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR Part 21), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT's and the applicable Operating Administrations' Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.
- The Subrecipient must comply with 49 CFR Part 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.” [49 CFR Part 32](#) will be incorporated by reference into any award under this program.
- Pursuant to Section 3(b)(iv)(A) of Executive Order 14173, Ending Illegal Discrimination And Restoring Merit-Based Opportunity, the Subrecipient agrees that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government's payment decisions for purposes of section 3729(b)(4) of title 31, United States Code.
- Pursuant to Section 3(b)(iv)(B) of Executive Order 14173, Ending Illegal Discrimination And Restoring Merit-Based Opportunity, by entering into this agreement, the Subrecipient certifies that it does not operate any programs promoting diversity, equity, and inclusion (DEI) initiatives that violate any applicable Federal anti-discrimination laws.
- Compliance with Federal Law and Policies - The applicant assures and certifies, with respect to any application and awarded Project

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under this NOFO, that it will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds and will cooperate with Federal officials in the enforcement of Federal law, including cooperating with and not impeding U.S. Immigration and Customs Enforcement (ICE) and other Federal offices and components of the Department of Homeland Security in and the enforcement of Federal immigration law.

- The Subrecipient shall ensure that Federal funding is expended in full accordance with the United States Constitution, Federal law, and statutory and public policy requirements: including but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination; and Subrecipient will cooperate with Federal officials in the enforcement of Federal law, including cooperating with and not impeding U.S. Immigration and Customs Enforcement (ICE) and other Federal offices and components of the Department of Homeland Security in and the enforcement of Federal immigration law.
- The failure of this agreement to expressly identify Federal law applicable to the Subrecipient or activities under this agreement does not make that law inapplicable.

No Term or Condition of this award is intended to require the Subrecipient to violate any applicable State, Local, Tribal or Territorial law.

The Subrecipient must immediately notify Cal OES of any change in local law, conditions, or any other event, including any litigation challenging the validity of, or seeking interpretation of, any Federal law or regulation applicable to the Federal HazMat program, which may significantly affect the Subrecipient's ability to perform the approved grant activities in accordance with the Terms and Conditions of this award. The Subrecipient must also immediately notify Cal OES of any decision pertaining to the Subrecipient's conduct of litigation that may affect US DOT, PHMSA or Cal OES interests.

## **7. Order of Precedence**

Any inconsistency or conflict in the Terms and Conditions specified in this subaward 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 the performance of this

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award.

(b) Federal Program Notice of Funding Opportunity (NOFO)

(c) Terms and Conditions of this award.

(d) Any Specific Conditions of this award.

(e) These Standard Assurances

## 8. General Cal OES Responsibilities

### Cal OES Director (or designee)

The individuals who countersign this subaward's GSAFS on behalf of Cal OES, as shown in the lower "For Cal OES Use Only" section of the GSAFS, are Cal OES officials authorized to obligate the State to the expenditure of Federal funds under this subaward and can approved amendments to the subaward agreement.

The Cal OES Director is:

Caroline Thomas Jacobs  
California Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655  
Telephone: (916) 845-8506  
E-mail: [Caroline.ThomasJacobs@caloes.ca.gov](mailto:Caroline.ThomasJacobs@caloes.ca.gov)

General inquiries about the HMEP grant or subgrants should be directed to the Cal OES HazMat Section Chief or HMEP Grant Administrator.

### Cal OES Hazardous Materials Section Chief

The individual who is the final administrative approving official for HMEP Planning Subgrant application packages, once reviewed and approved by the LEPC Region Chair, Cal OES LEPC Support Staff, and Cal OES HMEP Grant Administrator. The HazMat Section Chief is authorized to approve modifications to the scope of work, project objectives, or budget changes that do not change the grant award amount.

The Cal OES HazMat Section Chief is:

Larry Collins  
Deputy Chief, Hazardous Materials Section  
California Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655

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Telephone: (916) 845-8751  
Fax: (916) 845-8734  
E-mail: [Larry.Collins@caloes.ca.gov](mailto:Larry.Collins@caloes.ca.gov)

## Cal OES HMEP Grant Administrator

The individual who is responsible for the administrative and programmatic management of this subaward. The HMEP Grant Administrator is the point of contact for Subrecipients for submission of applications, required reports, requests for technical assistance with any aspect this award, and day-to-day communications regarding HMEP Grant or Subgrant activities.

The Cal OES HMEP Grant Administrator is:

Erika Olsen  
Senior Emergency Services Coordinator, Hazardous Materials Section  
California Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655  
Telephone: (916) 531-3734  
Fax: (916) 845-8734  
E-mail: [Erika.Olsen@caloes.ca.gov](mailto:Erika.Olsen@caloes.ca.gov)

### **9. General Subrecipient Responsibilities**

In accepting a Cal OES financial assistance subaward, the Subrecipient assumes legal, financial, administrative, and programmatic responsibility for administering the subaward in accordance with the laws, rules, and regulations, and Executive Orders governing grants and cooperative agreements, the U.S. DOT/PHMSA Hazardous Materials Grants Terms and Conditions, these Terms and Conditions, any Specific Conditions included in this subaward agreement, the Cal OES HMEP Grant Assurances, and the Cal OES Planning Grant Guide for Subrecipients.

The Subrecipient is responsible for monitoring the subaward and contractual activities under this subaward to ensure compliance with Federal and State requirements, and that the performance objectives are being achieved.

The Subrecipient is required to advise lower-tier subrecipients of requirements imposed on them by Federal laws, regulations, and the Terms and Conditions of this subaward. These include grant administrative requirements, cost principles, and audit requirements contained in 2 CFR §200.

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Failure to comply with these requirements may result in suspension or termination of the subaward and Cal OES recovery of funds.

## Subrecipient Project Manager

The Subrecipient Project Manager is the individual identified on the Cal OES HMEP Grant Application Form and Designation Statement as the Project Manager and is responsible for the technical direction of the project activities. The Project Manager is considered a key person under this subaward and, pursuant to 2 CFR §200.308(f)(2)(3), cannot be replaced or disengaged from the project for more than three months without prior approval of Cal OES.

Under the Terms of this award, the Subrecipient, through the Project Manager, is responsible for:

- Accomplishing the objectives and tasks specified in the approved application within the approved budget amounts and timeframes,
- Providing required reports and reimbursement requests that are complete, accurate, and timely; and
- Providing supporting documentation at the conclusion of the approved grant activities that demonstrates the approved project activities were completed.

## Subrecipient Authorized Agent

The Subrecipient Authorized Agent is the individual who has authority to legally and financially bind the organization and so certifies on the Cal OES HMEP Planning Subgrant Designation Statement. This is the individual listed in Block 15 of the GSAFS. It is the Subrecipient's responsibility to follow their agency's policies and procedures, to ensure the Authorized Agent is duly authorized, informed of the project's progress, and endorses any requests requiring prior Cal OES approval.

Cal OES HMEP Subgrant forms, reports, and requests will be signed by the Subrecipient Authorized Agent identified on the Designation Statement.

If the Authorized Agent changes during the performance period, a Designation Statement and Assurances must be signed by the new Authorized Agent. Documentation submitted with an Authorized Agent signature that is not on record will not be processed.

## **10. System for Award Management (SAM)**

Per 2 CFR §25 Appendix A, the System for Award Management (SAM) is the official U.S. Government system that consolidates the capabilities of CCR/FedReg, ORCA, and EPLS. SAM is part of an overall integrated acquisition

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environment that brings together different Federal procurement data systems into a unified system, with the intention of reducing duplication and information technology costs, and to help create a more streamlined and integrated Federal acquisition process. Please visit their website for additional information about [registration procedures](#).

Unless exempted from this requirement under 2 CFR §25.110, the Subrecipient must maintain the information in the SAM until the final financial report required under this subaward is submitted or the Subrecipient receives the final payment, whichever is later. This requires the Subrecipient to review and update the information at least annually after the initial registration, and more frequently if required by changes or another subaward term.

If the Subrecipient is authorized to make further subawards under this subaward, the Subrecipient must:

- Notify potential lower-tier subrecipients that no entity may receive a subaward unless the entity has provided its unique entity identifier to the Subrecipient.
- Not make a subaward to any lower-tier subrecipient unless that entity has provided its unique entity identifier to the Subrecipient.

## **11. Financial Management and Internal Controls**

The Subrecipient's financial management system, including records documenting compliance with Federal statutes, regulations, and the Terms and Conditions of the subaward, must be sufficient to permit the preparation of reports required by general and program-specific Terms and Conditions, and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the Terms and Conditions of the subaward.

In accordance with 2 CFR §200.302 - .303, the Subrecipient's financial management system must provide for the following:

- Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.
- Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in §200.328 Financial reporting and §200.329 Monitoring and reporting program performance. If a Federal awarding agency requires

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reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand.

- Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.
- Records that identify adequately the source and application of funds for federally funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
- Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See §200.303 Internal controls.
- Comparison of expenditures with budget amounts for each Federal award.
- Written procedures to implement the requirements of §200.305 Payment.
- Written procedures for determining the allowability of costs in accordance with Subpart E—Cost Principles of this part and the terms and conditions of the Federal award.

## **12. Payment**

Unless otherwise authorized, the HMEP Subgrant Program is under the reimbursement method. Subrecipients must comply with all provisions located in 2 CFR §200.305 reflecting payment of grant funds from a Federal agency via a pass-through entity. The Subrecipient must maintain financial management systems that meet the standards for fund control and accountability as established in 2 CFR §200.302.

Payments for allowable costs may be withheld during the period of performance if:

- The Subrecipient has failed to comply with the project objectives, Federal statutes, regulations, or the Terms and Conditions of the Subaward.
- The Subrecipient is delinquent in a debt to the United States as defined in OMB Guidance A-129, "Policies for Federal Credit Programs and Non-Tax Receivables."
- While separate depository accounts for grant funds are not required, the Subrecipient must be able to account for the receipt, obligation and expenditure of funds.

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- The Subrecipient is delinquent in submitting required reports or responding to findings and corrective actions developed during the course of monitoring activities.
- Each payment request must be made electronically by email, unless a document requiring an original signature (i.e., new Designation Statement or Amendment Form) is included. Only requests using the most current Cal OES Reimbursement Request form will be accepted. Reimbursement requests may be submitted monthly, but not less than quarterly and must include a report of progress on the project, such as with a Quarterly Performance Report.

All approved project activities must be completed and paid for by the last day of the Subrecipient performance period. Allowable costs that were not claimed in the quarter in which they occurred can be included in a later Reimbursement Request but must be identified as previously unclaimed.

Supporting documentation is to be kept on file according to the Subrecipient's internal controls that comprise the grant management and financial management policies and procedures. These documents will be reviewed during the course of monitoring, including site visits and desk reviews. Cal OES reserves the right to request supporting documentation upon receipt of payment requests. Subrecipients must comply with these requests in a timely manner to avoid delays in payment processing.

Send scanned copies of requests and any needed supporting documentation to Cal OES at: [erika.olsen@caloes.ca.gov](mailto:erika.olsen@caloes.ca.gov).

### **13. Allowable Costs**

The allowability of costs incurred by the Subrecipient will be determined using the OMB cost principles located in 2 CFR §200 – Subpart E.

### **14. Pre-Subaward Costs**

In accordance with 2 CFR §200.308, Subrecipients may incur project costs within 90 calendar days before the subaward. Expenses more than 90 calendar days pre-subaward require prior approval of the Federal awarding agency. All costs incurred before Cal OES makes the subaward are at the Subrecipient's risk (i.e., Cal OES is under no obligation to reimburse such costs if for any reason the Subrecipient does not receive a subaward or if the subaward is less than anticipated and inadequate to cover such costs).

### **15. Matching Requirement**

Per 49 U.S.C. §5116(e), the Recipient (Cal OES) must provide 20 percent of the allowable direct and indirect costs of activities covered under the Federal

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award. Cal OES will document the required match share for HMEP Planning Subawards; this is no longer a Subrecipient requirement. The Subrecipient is responsible for any commitments or expenditures it incurs in excess of the funds provided by this subaward.

## 16. Financial Reporting Requirements

Subrecipients are required to submit a Reimbursement Request at least quarterly that indicates the status of project expenditures. Subrecipients who are not substantially on track with the approved timelines or budget by the end of the second quarter of the performance period (March 31<sup>st</sup>) risk having the subaward suspended, reduced or terminated.

## 17. Performance Reporting Requirements

### Performance Report

Subrecipients are required to submit Performance Reports for each reporting period that describe the status of project activities. Subrecipients who are not substantially on track with the approved timelines or budget by the midpoint of the performance period (March 31, 2027) risk having the subaward suspended, reduced, or terminated.

If there are minor changes to the activity schedule, the circumstances must be detailed in the Performance Report and include an updated Work Schedule and Deliverables Form. If there is a significant delay in the approved Work Schedule, a formal modification or amendment may be required.

Subrecipients must submit Performance Reports to Cal OES for each reporting period until all grant activities are completed or for the duration of the grant performance period. Reports must include the status of all approved activities and should align with the Work Schedule and Deliverables included in the Grant Application package. Reports are due as follows:

- October 15, 2026 – December 31, 2026; Report due January 11, 2027
- January 1, 2027 – March 31, 2027; Report due April 12, 2027
- April 1, 2027 – June 30, 2027; Report due July 12, 2027

Send scanned copies of reports to Cal OES at: [erika.olsen@caloes.ca.gov](mailto:erika.olsen@caloes.ca.gov). Supporting documentation is to be kept on file according to the Subrecipient's internal controls that comprise the grant management and financial management policies and procedures. These documents will be reviewed during the course of monitoring, including site visits and desk reviews. Cal OES reserves the right to request supporting documentation upon receipt of

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performance reports. Subrecipients must comply with these requests in a timely manner to avoid delays in the associated reimbursement payment processing.

## Final Report

The Subrecipient must notify Cal OES, in writing, when all approved grant activities have been completed and paid for, in the form of a Performance Report. Documentation showing completion of approved project activities must be submitted with the Final Report in electronic format whenever possible – do not submit printed plans or other developed products.

All approved project activities must be completed and paid for by the last day of the Subrecipient performance period, indicated in Block 6 of the GSAFS or on a subsequently approved Amendment Form.

## Requests for extension and effect of late reporting

A request for an extension of the due date for a Performance Report must be made in writing by the Subrecipient's Authorized Agent to Cal OES no later than 30 days before the end of the reporting period. The request must include the reason for the request and the requested due date. Approval is not automatic.

Failure to provide required reports by the due dates specified above or any extended due date approved by Cal OES may result in a delay in processing payment requests, delay in the subaward of new funding, or, as appropriate, an enforcement action.

## **18. Subaward vs. Contract Determination Requirement**

Subrecipients of HMEP funds must adhere to the requirements outlined in 2 CFR §200.331 in order to make the proper determination between a subrecipient and a contractor.

Subrecipients must also adhere to the subaward management requirements outlined in 2 CFR §200.332 if they are acting as a pass-through entity to subaward funds to a lower-tier subrecipient.

## **19. Procurement**

Subrecipients are to follow the procurement requirements outlined in 2 CFR §200.318 through §200.326 for all procurement transactions

**2 CFR §200.318** describes the general procurement standards and states that the Subrecipient must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in 2 CFR §200.318. Items described include:

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- Contractor oversight
- Written conflict of interest standards and standards governing the selection, award, and administration of contracts
- Economy and efficiency
- Contractor considerations
- Procurement recordkeeping
- Time and materials contracts

**2 CFR §200.319** covers competition. Items described include:

- Full and open competition
- Geographical preferences
- Written procurement procedures
- Prequalified goods and services provider lists

**2 CFR §200.320** details the methods of procurement to be followed and describes the differences between:

- Micro-purchases
- Small purchase procedures
- Sealed bid (formal advertising)
- Competitive proposals
- Non-competitive proposals

**2 CFR §200.321** outlines the steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

US DOT's policy is to award a fair share of contracts to small minority businesses, women-owned, and HUBZone firms. US 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 contracts under US DOT grants or cooperative agreements.

The Recipient and any sub-recipients are encouraged to take all necessary affirmative steps to assure that small, women-owned, minority disadvantaged businesses, veteran, and HUBZone business firms are used when possible. The Subrecipient shall include this award term in all subawards.

Affirmative steps include:

- Placing qualified small and minority-disadvantaged businesses, women-owned business enterprises, veteran-owned and HUBZone business firms on solicitation lists,

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- Ensuring that small and minority businesses, women's business enterprises, veteran-owned and HUBZone business firms are solicited whenever they are potential sources,
- Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority businesses, women's business enterprises, veteran- owned, and HUBZone business firms,
- Establishing delivery schedules, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority business, women's business enterprises, veteran- owned, and HUBZone business firms, and
- Using the services and assistance of the Small Business Administration and the US DOT Office of Small and Disadvantaged Business Utilization, as appropriate.

**2 CFR §200.322** describes domestic preferences for procurements.

**2 CFR §200.323** describes the procurement of recovered materials to comply with 42 U.S.C. 6962, 40 CFR part 247, and Executive Order 14057, section 101, Policy.

**2 CFR §200.324** identifies contract cost and price requirements, including analysis, profit negotiation, cost estimates, and cost plus a percentage of cost.

**2 CFR §200.325** explains the Subrecipient's responsibilities when the Federal agency (US DOT/PHMSA) or the pass-through entity (Cal OES) request to review aspects of a proposed procurement.

**2 CFR §200.326** contains information on bonding requirements.

**2 CFR §200.327** states that Subrecipient's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. In addition to any other required provisions, all contracts made by the Subrecipient under this subaward must contain provisions (A) through (J), as applicable. Those provisions, as applicable, are incorporated by reference in this award and are in the Cal OES Grant Assurances for the HMEP Grant Program.

## **20. Changes to the Approved Application**

The Project Narrative and Budget Sheet submitted as part of the application package, upon the acceptance of this subaward, become the approved scope of work and budget. Subrecipients are required to report deviations from

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budget or project scope or objective and request prior approvals from Cal OES for the following reasons:

- Change in the scope or objective of the project or program, even if there is no associated budget revision requiring prior approval. If a Subrecipient has a question about whether a change represents a change in scope, the Subrecipient's Project Manager should contact the Cal OES HMEP Grant Administrator.
- Request for approval to engage in activities that were not detailed in the Project Narrative or Budget Narrative.
- Change in the Subrecipient Project Manager
- The disengagement from the project for more than three months by the Project Manager or Authorized Agent
- Unless described in the approved application, the sub-awarding, transferring or contracting out of any work under a Federal award, including fixed amount subawards as described in 2 CFR §200.332. This provision does not apply to the acquisition of supplies, material, equipment or general support services.
- A request for an extension of the performance period by up to 30 days. Subrecipients must include in their request the supporting reasons for the extension, the amount of unobligated funds and a revised Work Schedule and Deliverables form. The request must be signed or endorsed by the Authorized Agent and submitted at least 30 calendar days before the current end of the performance period indicated in Block 6 of the GSAFS or subsequent Amendment.
- Any transfers among budget categories, whenever the Subaward amount is less than \$150,000. Requests must be accompanied by a revised Budget Form and Budget Narrative.
- Transfers among budget categories, which exceed or are expected to exceed ten percent of the current total approved budget, whenever the Subaward amount exceeds \$150,000. Requests must be accompanied by a revised Budget Form and Budget Narrative.
- Change in the amount of the subaward. Subrecipients must include in their request the supporting reasons for the return of funds or the need for supplemental funding, the amount of funds needed or being returned, a revised Budget Form and Budget Narrative, and a revised Work Schedule and Deliverables form, as appropriate. The request must be signed or endorsed by the Authorized Agent and submitted at least 90 calendar days before the current end of the performance period indicated in Block 6 of the GSAFS or subsequent Amendment.

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The subaward may be amended by appropriate Cal OES personnel, either at Cal OES' initiation, with the Subrecipient's acceptance as appropriate, or upon the request of the Subrecipient's Authorized Agent.

Amendments include changes to the performance period, increases/decreases to the subaward amount or changes to the Subrecipient name. Amendments must use the current Grant Award Amendment form (Cal OES 2-213) and must be signed by the Authorized Agent. Requests for Amendments must be received no later than 15 days prior to the requested effective date of the proposed change, except as noted above and unless the Amendment is initiated by Cal OES. If the proposed change affects the approved budget, the Subrecipient must submit a revised Budget Sheet and Budget Narrative. If the proposed change affects the approved work schedule, the Subrecipient must submit a revised Work Schedule and Deliverables Form.

The award may be modified by the Cal OES Hazardous Materials Section Chief, either at Cal OES' initiation, with the Subrecipient's acceptance, as appropriate, or upon the request of the Subrecipient Authorized Agent. Modifications include changes to the scope of work, project objectives, or budget changes that do not change the subaward amount. Modifications must be requested and approved/denied in writing and must be communicated by or include the concurrence of the Subrecipient Authorized Agent when the request is initiated by the Subrecipient. Requests for Modifications must be received no later than 15 days prior to the requested effective date of the proposed change, unless initiated by Cal OES. If the proposed change affects the approved budget, the Subrecipient must submit a revised Budget Sheet and Budget Narrative. If the proposed change affects the approved work schedule, the Subrecipient must submit a revised Work Schedule and Deliverables Form.

Submit all prior approval requests and inquiries about potential changes to the approved application to the Cal OES HMEP Grant Administrator at [erika.olsen@caloes.ca.gov](mailto:erika.olsen@caloes.ca.gov) Cal OES is under no obligation to consider requests for changes to the approved application within the 30 days before the end of the current performance period.

## **21. Specific Conditions**

As a result of the application review and risk assessment, Cal OES may include specific conditions that may supersede these General Terms and Conditions, in accordance with 2 CFR §200.208. Any specific conditions applied to a Subrecipient will be detailed on a supplemental document that will be provided to the Subrecipient with the approved copy of the GSAFS and Notification of Application Approval letter. If applied during the course of the performance

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period, any specific conditions will be accompanied by a letter signed by the Cal OES HazMat Section Chief.

## **22. Title to Equipment**

Title to equipment purchased or fabricated under this award vests in the Subrecipient, unless otherwise specified under 2 CFR §200.313 or any specific conditions of the subaward.

## **23. Lobbying and Political Activities**

As required by Section 1352, Title 31 of the United States Code (U.S.C.) and implemented by the U.S. Department of Transportation (US DOT) at 49 CFR 20 New Restrictions on Lobbying and 2 CFR 200.450, for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant/Subrecipient certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (c) The Applicant/Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant/Subrecipient will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501- 1508 and §§ 7324-7328) which limit the political activities of

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employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant/Subrecipient agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

## **24. Debarment and Suspension**

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.214 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant/Subrecipient will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant/Subrecipient certifies that it and its subrecipients:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (4)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

2 CFR 1200 is incorporated by reference into this award.

Where the Applicant/Subrecipient is unable to certify any of the statements in this certification, he or she shall attach an explanation to this application.

## **25. Non-Discrimination and Equal Employment Opportunity**

The Applicant/Subrecipient will comply with all state and federal statutes and regulations relating to non-discrimination, including:

## **FY 2026 Standard Assurances for Hazardous Materials Emergency Preparedness Planning Subgrant Program**

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that subrecipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity, as well as the Federal Emergency Management Agency's (FEMA) implementing regulations at 44 C.F.R. Part 19 for awards issued by FEMA;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs in any program or activity receiving federal financial assistance;
- (d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101 et seq.), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units — i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators) — be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;
- (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;

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- (j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;
- (k) The California's Fair Employment and Housing Act (FEHA) (California Government Code §§ 12940-12957), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;
- (l) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
- (m) The requirements of any other nondiscrimination statute(s) that may apply to this application.

49 CFR 21 is incorporated by reference into this award.

[Civil Rights Policies for Program Beneficiaries and Subrecipients](#) of HMEP funding, pertaining to the following are available on the Cal OES website:

- Non-discrimination in Programs & Services
- Reasonable Accommodation for Program Beneficiaries
- Language Access Policy

## **26. Drug-Free Workplace**

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant/Subrecipient certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act. 49 CFR 32 is incorporated by reference into this award.

## **27. Environmental Standards**

The Applicant/Subrecipient will comply with state and federal environmental standards, including:

- (a) The California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-21177), to include coordination with the city or county planning agency;

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- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387);
- (c) The Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) The Federal Clean Air Act of 1955 (42 U.S.C. § 7401), which regulates air emissions from stationary and mobile sources;
- (e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the creation and maintenance of conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans;
- (f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (g) Executive Order 11514 which sets forth national environmental standards;
- (h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
- (i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (j) The Endangered Species Act of 1973, (P.L. 93-205);
- (k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
- (l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); and
- (m) The Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant/Subrecipient shall not be: 1) in violation of any order or

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resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease-and-desist order pursuant to section 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

## **28. Audits**

For Applicants/Subrecipients expending \$1,000,000 or more in federal grant funds annually, the Applicant/Subrecipient will perform the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and C.F.R., Part 200, Subpart F, Audit Requirements.

## **29. Cooperation and Access to Records**

The Applicant/Subrecipient must cooperate with any compliance reviews or investigations conducted by DHS. In accordance with 2 C.F.R. § 200.337, the Applicant/Subrecipient will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant/Subrecipient will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

## **30. Conflict of Interest**

The Applicant/Subrecipient will establish safeguards to prohibit the Applicant/Subrecipient's employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

## **31. Reporting – Accountability**

The Applicant/Subrecipient agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), including but not limited to (a) the reporting of subawards obligating \$30,000 or more in federal funds, and (b) executive compensation data for first-tier subawards as set forth in 2 C.F.R. Part 170, Appendix A. The Applicant/Subrecipient also agrees to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A.

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## **32. Whistleblower Protections**

The Applicant/Subrecipient must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2324, 10 U.S.C. § 2409, 41 U.S.C. § 4304 and § 4310, and 41 U.S.C. § 4712.

## **33. Human Trafficking**

The Applicant/Subrecipient will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits the Applicant/Subrecipient or its subrecipients from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; or (3) using forced labor in the performance of the award or subawards under the award.

## **34. Labor Standards**

The Applicant/Subrecipient will comply with the following federal labor standards:

- (a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and
- (b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

## **35. Worker's Compensation**

The Applicant/Subrecipient must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

## **36. Property-Related**

If applicable to the type of project funded by this federal award, the Applicant/Subrecipient will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interests in real property

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acquired for project purposes regardless of federal participation in purchase;

- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires federal award subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;
- (c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.); and
- (d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

### **37. Seat Belt Use**

In accordance with Executive Order 13043, the Subrecipient is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating government-owned, 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](http://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](http://www.trafficsafety.org).

### **38. Use of Cellular Device While Driving is Prohibited**

The Applicant/Subrecipient is required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

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## **39. California Public Records Act and Freedom of Information**

The Applicant/Subrecipient acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code §7920.000 et seq. The Applicant/Subrecipient should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

## **40. Copyright**

Subrecipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

## **41. Duplicative Costs**

Applicant/Subrecipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, subrecipients may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.

## **42. Energy Policy and Conservation Act**

The Applicant/Subrecipient must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

## **43. Non-Supplanting Requirement**

If the Applicant/Subrecipient receives federal financial assistance awards made under programs that prohibit supplanting by law, the Applicant/Subrecipient must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non- federal sources.

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## **44. Presidential Executive Orders**

The Applicant/Subrecipient must comply with the requirements of Presidential Executive Orders related to grants (also known as federal assistance and financial assistance) and are incorporated by reference.

## **45. Limited Waiver of Sovereign Immunity**

Applicant/Subrecipient and any of its subrecipients recognize nothing outlined in these assurances shall be construed as consent by any federally recognized California Indian tribe to be bound by the laws of the State of California or the laws of the United States to which the federally recognized California Indian tribe is not bound, except as expressly agreed herein. This limited waiver of sovereign immunity shall be strictly construed.

## **46. Information Collection**

The Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) applies to certain information collections involving ten (10) or more members of the public.

The Subrecipient shall not conduct a collection of information from ten (10) or more respondents on behalf of, or at the direction of, the Federal government unless the collection has received required approval under the PRA, including Office of Management and Budget (OMB) clearance in accordance with 5 CFR Part 1320.

A collection of information is subject to the PRA only if:

- It is conducted at the specific request of a Federal agency, or
- The terms and conditions of the award require Federal agency approval of the collection or collection procedures

If a collection meets these conditions, the Subrecipient must not represent that the information is being collected on behalf of the Federal government unless and until all required PRA approvals have been obtained.

Nothing in this subaward requires the Subrecipient to:

- Conduct information collections on behalf of the Federal awarding agency; or
- Obtain approval from Cal OES for independent information collections that are not subject to the PRA

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## **47. Fraud, Waste, 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](mailto:hotline@oig.dot.gov)  
Web: <http://www.oig.dot.gov/Hotline>

## **48. Rights in Technical Data**

Rights to intangible property under this agreement are governed in accordance with 2 CFR 200.315 - "Intangible Property."

## **49. 811, Call Before you Dig**

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. The subrecipient is encouraged to adopt the "811, Call Before You Dig" program for its employees and contractors 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](http://www.phmsa.dot.gov).

## **50. Access to Electronic and Information Technology**

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 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](mailto:phmsa.civilrights@dot.gov), or 202-366-9638.

## **51. Prohibition on Awarding to Entities that Require Certain Internal Confidentiality Agreements**

The Subrecipient shall not require employees or subcontractors seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements

## **FY 2026 Standard Assurances for Hazardous Materials Emergency Preparedness Planning Subgrant Program**

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.

The Subrecipient shall notify employees that the prohibitions and restrictions of any internal confidentiality agreements covered herein are no longer in effect.

The prohibition in the above paragraph 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.

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 Subrecipient is not in compliance with the provisions herein.

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

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## IMPORTANT

The purpose of these assurances is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. Applicant/Subrecipient recognizes and agrees that state financial assistance will be extended based on the representations made in these assurances. These assurances are binding on Applicant/Subrecipient, its successors, transferees, assignees, etc. as well as any of its subrecipients. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant/Subrecipient and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Applicant/Subrecipient may be ineligible for award of any future grants if Cal OES determines that the Applicant/Subrecipient: (1) has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. Applicant/Subrecipients are encouraged to consult with their counsel prior to signing and submitting these standard assurances to Cal OES when accepting their subaward(s).

**The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant/Subrecipient/Subrecipient.**

**Applicant/Subrecipient/Subrecipient understands that failure to comply with any of the assurances may result in suspension, termination, reduction, or de-obligation of funding. Applicant/Subrecipient/Subrecipient agrees to repay funds in the event there is a violation of grant assurances.**

Applicant/Subrecipient: \_\_\_\_\_

Signature of Authorized Agent: \_\_\_\_\_

Printed Name of Authorized Agent: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_