



# **Homeland Security and Emergency Services**

## **NYS Division of Homeland Security and Emergency Services**

**2014-15**

### **Hazardous Materials Emergency Preparedness (HMEP) Grant Program:**

### **Request for Applications**

**Application Deadline: May 8, 2015**

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## I. Introduction

The Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 authorizes the U.S. DOT to provide assistance through planning grants to States, Territories, and Native American tribes for emergency response. The purpose of this grant program is to increase State, Territorial, Tribal, and local effectiveness in safely and efficiently handling hazardous materials accidents and incidents, enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and encourage a comprehensive approach to emergency planning by incorporating the unique challenges of responses to transportation situations.

Hazardous Materials Emergency Preparedness (HMEP) planning grants are used to develop, improve, and implement emergency plans; determine flow patterns of hazardous materials within a state and between states; and determine the need within a state for regional hazardous materials emergency response teams. To ensure that the funds are allocated to support the most effective hazardous materials transportation emergency response training and planning programs, the Pipeline and Hazardous Materials Safety Administration (PHMSA) Office of Hazardous Materials Safety's (OHMS) grants program team continually examines and reevaluates the grant program processes and priorities. PHMSA's top priority for the 2014-15 HMEP Grant Program is to improve preparedness related to the bulk transportation of crude oil.

As PHMSA's HMEP grant awards are relatively small compared with similar Federal grants, PHMSA requires grant award recipients to use HMEP funds for activities that maximize hazardous materials transportation safety. To achieve this, PHMSA provides guidelines for grant fund use that list activities that are proven to help emergency responders more safely and efficiently handle HazMat accidents and incidents.

The following are examples of activities that support the objectives of the HMEP Grant Program:

- Develop, improve, implement HazMat emergency plans/procedures
- Emergency response drills and exercises
- Determine hazardous materials flow patterns
- Assess the need for regional HazMat response teams

PHMSA requires that at least 75% of the HMEP Planning Grant be passed through to Local Emergency Planning Committees (LEPCs). In New York, the State Emergency Response Commission (SERC) used the existing emergency management offices and identified each county as an emergency planning district, with the five counties of New York City designated as one district. One LEPC was appointed for each emergency planning district. The LEPC is responsible for preparing each county's comprehensive emergency response plan (see Appendix A).

The purpose of this Request for Applications (RFA) is to solicit applications for Hazardous Materials Emergency Preparedness (HMEP) funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES) for New York State's LEPCs.

**HMEP Grant funding is not available to offset routine operational expenditures for LEPCs.** Funding must be used in support of eligible activities that support the purpose of the HMEP Grant Program. Supplanting is not allowed.

Through this grant, DHSES is re-affirming its commitment to encouraging a regional approach of building and sustaining HazMat planning capabilities in New York State. In this austere budget era, working collaboratively on a regional basis is even more critical. By allowing optional regional applications through a common fiduciary agent, the HMEP Grant Program will promote regional HazMat preparedness, leverage existing relationships established through the HazMat Targeted Grant Program and leverage all available funding streams to achieve the greatest possible impact from this limited funding opportunity. Regions are encouraged to use the existing regional HazMat Fiduciary Agent for the HMEP Grant Program.

DHSES anticipates that the HMEP Grant Program will be administered on a competitive basis in the future beginning with the next cycle of the award (2015-16). DHSES anticipates releasing a *competitive* Request for Applications (RFA) in the spring of 2015 for funding that will be available beginning October 1, 2015.

## **II. Changes from 2013-14**

The 2014-15 Hazardous Materials Emergency Preparedness Grant Program includes several important changes from the 2013-14 HMEP program. The administration of the grant program has been transferred from the DHSES Office of Emergency Management to the DHSES Grants Program Administration Unit (GPA). GPA will administer the HMEP Grant Program in a manner consistent with how it manages other federal grant programs.

For 2014-15, the Grants Program Administration (GPA) Unit will allow optional regional applications for this program. LEPCs, collaborating regionally within their designated HazMat regions, are invited to apply for funding at the beginning of the 2014-15 award period for projects that will be completed during the award period. Successful applicants will enter into a reimbursement contract with DHSES and be subject to quarterly reporting during the period of performance.

The HMEP Planning Grant Program requires a match. Grant recipients may use cash (hard-match), in-kind (soft-match) contributions, or a combination of in-kind plus hard-match to meet the requirement to provide 20% of the project's total cost. Grantees will be required to report on the match portion of the program starting this year. For additional information on eligible match, please refer to Section X of this document.

## **III. Available Funding**

For 2014-15, a total of up to \$227,225 in federal funding is available for the local HMEP Planning Grant Program. Funding is available to each LEPC in the state based on a formula. **Each county LEPC is being offered \$3,917 by formula under this grant program.**

In the event that all eligible LEPCs do not apply for this funding, any funding unallocated by the formula will be divided equally among all LEPCs seeking funding for bulk crude oil transportation preparedness activities, a State and federal priority. Therefore, LEPCs with projects focusing on bulk crude oil transportation preparedness are encouraged to submit scalable projects that can easily be adapted should additional funding become available. DHSES will request revised budgets from applicants for the revised award amount.

#### **IV. Eligible Applicants**

Each county in the state, and the City of New York, is eligible to apply for funding on behalf of the LEPC. To be eligible to receive funding, the LEPC must be in compliance with the requirements of the Emergency Planning and Community Right to Know Act (EPCRA) Sections 301 and 303, also known as SARA Title III. The planning requirements of Section 303 of EPCRA are summarized in Appendix A.

Regional applicants must identify a Fiduciary Agent to apply for HMEP funding on behalf of the entire region. Regional applicants are encouraged to apply in partnership with existing HazMat regions (see Appendix B for map of HazMat regions).

#### **V. Regional Applications- Role of the Fiduciary Agent (FA)**

As part of the 2014-15 application process, LEPCs may pool multiple county allocations and apply regionally for funding. LEPCs may, but are not required to, apply as a partnership consistent with each of the HazMat regions outlined in Appendix B. The designated FA for HMEP for each region is the only entity eligible to apply on behalf of any interested LEPCs within the regional partnership. Where applicable, DHSES encourages existing HazMat Targeted Grant Program Fiduciary Agents to take on this role to maximize the existing relationships established through the HazMat Targeted Grant Program and to leverage all available funds for HazMat preparedness within the region.

The responsibilities of the Fiduciary Agent (FA) include:

- Serving as the primary Point of Contact (POC) for DHSES on the grant.
- Ensuring that all participating LEPCs within the region are included in regional efforts.
- Submitting budgets for HMEP Grant funds in coordination with and on behalf of the region.
- Coordinating purchasing and other efforts related to the HMEP Grant on behalf of the region.
- Completing all required grant reporting forms in coordination with and on behalf of the region.

#### **VI. Project and Budget Periods**

Funds are available per the U.S. Department of Transportation's Appropriations Act. The period of performance for the 2014-15 HMEP Grant Program runs from October 1, 2014 through January 31, 2016. **There are no extensions allowed to the period of performance.**

## VII. Progress Reporting

All LEPCs and Regional Fiduciary Agents receiving funding through this program will be expected to complete quarterly progress reports in E-grants and submit quarterly fiscal reports to DHSES. Quarterly reports will be due 30 days after the close of each quarter.

## VIII. HMEP Funding Priorities

Due to limited funding, DHSES and PHMSA encourage grantees to use HMEP funds on activities that maximize transportation safety benefits to the community. The HMEP grant program prioritizes efforts that lead to the prevention of serious hazmat transportation related incidents, principally those of high consequence to people and the environment.

The DHSES and PHMSA top priority for the 2014-15 HMEP Grant Program is to emphasize preparedness for crude oil bulk transport, where applicable. Grantees are encouraged to consider the development of Geographic Response Plans for crude oil response.

1. Conduct drills and exercises to test Regional and county emergency response capabilities and to identify gaps in training and planning needs. **Overtime and Backfill are NOT eligible costs under this program.**
2. Ensure State, federal, and local emergency planning and preparedness is established, integrated, and mutually supportive.
3. Community, industry, State and federal disaster plans are integrated under a single unified Incident Command System (ICS). Plans are reviewed and updated as necessary annually.
4. Conduct appropriate hazard assessments and gap analysis to determine the level of hazmat safety risks within a jurisdiction or region.
5. Improve interagency collaboration to better respond to and mitigate hazmat incidents.

## IX. Authorized Program Expenditures

The primary objective of the planning grants program is to develop, improve, and implement emergency plans under EPCRA as well as determine the need for regional hazardous materials emergency response teams. To accomplish these objectives, specific activities that will improve planning have been identified by Congress as those that are eligible for funding. Among these are conducting commodity flow assessments, hazards analysis, drills and exercises; assessing local response capabilities; and enhancing emergency plans.

### General Guidelines:

Fund Use: Routine operating expenses for LEPCs are **NOT** eligible costs.

HMEP Grant funds are to be used for:

- "Transportation-related" HazMat safety planning expenditures and activities.
- Efforts that lead to increased effectiveness in safely and efficiently handling HazMat accidents and incidents.

**Permissible Costs:** Grant funding may be used for certain planning and exercise costs allowable under the Hazardous Materials Emergency Preparedness (HMEP) Grant Program. Please refer only to Appendix C, “Allowable Costs Matrix” for detailed information on this program’s allowable costs. **All costs must support the execution of an allowable activity or project.**

Grantees must propose activities or projects that will be accomplished using HMEP funds. These activities may consist of:

- General preparedness planning (develop, improve, and implement transportation emergency plans under Title III);
- HazMat commodity flow studies and hazard analysis;
- Regional response strategy selection;
- HazMat drills and exercises to test state and county emergency response capabilities and identify gaps in training and planning;
- HazMat tabletop exercises; and
- HazMat communications exercises.

### 1) Travel

Travel costs should relate to expenses to and from planning activities. When submitting for reimbursement, grantees should include the following:

- Lodging;
- Per Diem;
- Transportation (air, train, bus, or rental car); and
- Registration fees for conferences and workshops.

For other than local travel, grantees should provide additional information including the purpose for the trip, programmatic need, and location.

### 2) Supplies

Costs must be related to the purchase of supplies solely dedicated to the activities proposed under the HMEP grant. Requests should identify categories of supplies to be procured (e.g., publications, manuals, paper, and pens) for use during proposed activities. Supplies requested must be in support of eligible project activities, and a clear and detailed description detailing how the supplies relate to the proposed project is required.

### 3) Consultants

This includes any procurement of services from individual consultants or commercial firms. These costs are contractual agreements between the grantee and contractor(s) to complete work on behalf of grantee. Activities may consist of the following:

- Developing, improving, and implementing emergency plans required under Title III;
- Performing hazard assessments and gap analysis to determine hazmat safety risks within a jurisdiction, state, or region;
- Improving interagency interoperability to better respond to and mitigate hazmat incidents;
- Enhancing emergency plans to include hazard analysis as well as response procedures for emergencies involving transportation of hazmat, including radioactive materials;

- Determining flow patterns of hazmat within a state; between a state and another state, territory, or Native American tribe; and the developing and maintaining a system to keep information current;
- Assessing the need for regional hazmat emergency response teams;
- Assessing local response capabilities; and
- Performing emergency response drills and exercises associated with emergency preparedness plans;

**A. Costs Not Permissible:**

- Personnel and Fringe, including Overtime and Backfill
- Management and Administration
- Equipment
- Routine operational expenses for LEPCs

Supplanting is not allowable. If you have any questions regarding supplanting, please send them to [grant.info@dhses.ny.gov](mailto:grant.info@dhses.ny.gov).

## **X. Matching Requirements**

Grantees must provide 20 percent of the total project cost of all approved activities with non-federal funds.

Examples of cost sharing contributions (matches) allowed under this grant include:

- Travel, equipment or supply purchase, space usage, the dollar value of a volunteer’s time during an approved Planning activity.
- Private contributions such as corporate contributions of facilities or services. (e.g., tank car, cargo tank trailers, van trailer, training site, hazardous materials (HazMat) equipment, first aid ambulance stand-by, classroom space).
- Voluntary contributions such as emergency personnel support, the time of any LEPC member, or exercise participation.

Grantees can provide their Match Share contribution in a different budget category than the federal Share, the same budget category as the federal Share, or any combination of categories that provides for 20 percent of the total project cost.

Costs that **CANNOT** be used for matching contribution include:

- Funds used for matching purposes under any other Federal grant or cooperative agreement.
- Federal funding received through another federal program.
- Funds expended by a recipient agency to qualify for the grant.
- Costs incurred outside of the grant performance period.

## **XI. Spending Plans**

Each applicant will be offered a funding allocation determined by formula. In the event that applications are not received from all eligible regions, DHSES will make any unallocated funding available equally to all projects focusing on bulk crude oil transportation preparedness to address State and federal

priorities. In this case, DHSES will request amended applications from those applicants that submitted applications for the HMEP Grant Program to ensure that DHSES can meet the federally mandated minimum pass-through to LEPCs of at least 75% of the HMEP Planning Grant funds allocated to the State.

Each successful applicant is required to develop a spending plan for their allocation. For regional applications, the spending plan must be developed via an inclusive process, with representatives from all interested LEPCs within the region. It will be the responsibility of the Fiduciary Agent (FA) to oversee this process within the region. As part of the regional grant application, the LEPC chair from each participating county LEPC must provide his/her signature to certify that consensus was reached and that the plan proposed best meets the needs of the entire region.

## **XII. Application Format and Content**

Each proposed Spending Plan and Application Worksheet must be submitted to DHSES via a Microsoft Excel template. The Worksheet includes applicant contact information, budget and project details, and CERCLA compliance affirmations.

The Application Worksheet also includes a section for Regional Applicants where each LEPC chair in a given region will be required to provide their signature to certify that consensus was reached on the Regional Spending Plan and that the plan best meets the needs of the entire region. For applications that represent a single LEPC, the LEPC chair shall sign the application.

All documents must be submitted via email to DHSES ([grant.info@dhSES.ny.gov](mailto:grant.info@dhSES.ny.gov)) by **May 8, 2015**.

## **XIII. Application Review Process**

Each application will be reviewed carefully by representatives from the Division of Homeland Security and Emergency Services. DHSES reserves the right to contact applicants to request clarification and/or additional information to substantiate their requests. All requests for funding must ultimately be approved by the Commissioner of DHSES as chair of the State Emergency Response Commission (SERC).

## **XIV. Timeline and Checklist of Required Documents**

Applications are due to DHSES by **May 8, 2015**. Applications must be submitted to DHSES via email ([grant.info@dhSES.ny.gov](mailto:grant.info@dhSES.ny.gov)). Applications that are not received by the due date will not be considered for funding.

Complete applications must include:

1. Spending Plan and Application Worksheet (in Excel)
2. Applicants must also certify compliance with Comprehensive Emergency Preparedness and Community Right to Know Act (CERCLA) sections 301 and 303.

3. Regional Applications must include signatures from each LEPC chair in a given region certifying their consensus with, and approval of, the Regional Spending Plan.

## **XV. Administration of Grant Contracts**

Once the applications are approved by the Commissioner of DHSES, the State will negotiate and develop a grant contract with the Fiduciary Agent (FA) of each region. The grant contract is subject to approval by the NYS Office of the Attorney General and the Office of the State Comptroller before grant funding may be disbursed to reimburse project expenses. The period of performance for contracts is October 1, 2014 – January 31, 2016. Copies of standard terms and conditions included in DHSES grant contracts are available for review online at: <http://www.dhSES.ny.gov/grants/>.

The HMEP 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) 110 and Federal grants administration regulations, now organized at 2 CFR Part 200. Grantees agree to adhere to all applicable state and federal regulations.

### **A. Issuing Agency**

This RFA is issued by DHSES, which is responsible for the requirements specified herein and for the evaluation of all applications.

### **B. Reservation of Rights**

DHSES reserves the right to:

1. Postpone or cancel this document upon notification on our website.
2. Amend the specifications after their release with appropriate notice on the DHSES website.
3. Reject any or all applications received in response to this document.
4. Seek clarifications and revisions of applications.
5. Correct any arithmetic errors in any proposals.
6. Award more than one contract resulting from this document.
7. Waive or modify minor irregularities in applications received after prior notification to the applicant.
8. Adjust or correct cost figures, with the concurrence of the applicant, if errors exist and cannot be documented to the satisfaction of DHSES and the State Comptroller.
9. Negotiate with applicants responding to this document within the requirements to serve the best interests of the State.
10. Eliminate any mandatory requirements unmet by all applicants.
11. Waive any requirements that are not material.
12. If DHSES is unsuccessful in negotiating a contract with the selected applicant within an acceptable timeframe, DHSES may begin contract negotiations with the next qualified applicant(s) in order to serve and realize the best interests of the State.
13. Award grants based on the best interests of the State.
14. Terminate, renew, amend or renegotiate contracts with grantees at the discretion of DHSES.
15. Periodically monitor the grantee's performance in all areas mentioned above, in addition to the activities in the contract.

16. Revoke funds awarded to an applicant who materially alters the activities under the grant award, or who does not implement an approved project within 60 days of the final contract approval.
17. Release, in whole or in part, the contents of the application subject to the Freedom of Information Law or for any other purpose deemed suitable by DHSES.
18. Award grants based on geographic or regional considerations to serve the best interests of the State.
19. To disclose or use applications to the extent permitted by the Freedom of Information Law. DHSES may disclose an application to any person for the purpose of assisting in evaluating the application or for any other lawful purpose. All applications will become State agency records, which will be available to the public in accordance with the Freedom of Information Law. **Any portion of the application that an applicant believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the application.** If DHSES agrees with the proprietary claim, the designated portion of the application will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

### **C. Term of the Contract**

Any resulting contract or agreement for more than \$50,000 from this document will be effective only upon approval by both the NYS Office of the Attorney General and State Comptroller. Any resulting contract for under \$50,000 from this RFA will be effective upon signature of both parties.

### **D. Payment and Reporting Requirements of Grant Awardees**

#### **1. Standard Cost Reimbursement Contract**

Each successful applicant must enter into a standard cost reimbursement contract with DHSES, which includes this Request for Applications, the successful applicant's proposal, any attachments or exhibits and the standard clauses required by the NYS Attorney General for all State contracts including Appendix A-1. The contract will be subject to approval by the Attorney General and State Comptroller. The following will be incorporated as appendices into any contract(s) resulting from this document:

- APPENDIX A-1 - Agency Specific Clauses or a Letter of Agreement (Depending upon Funding Amount)
- APPENDIX B - Budget
- APPENDIX C - Payment and Reporting Schedule
- APPENDIX D – Workplan/Special Conditions

Please refer to Appendix A-1 (or Letter of Agreement) and Appendix C which will be included in all grant contracts. For purposes of this document, these terms and conditions are incorporated by reference and the applicant must agree to the inclusion of all of these terms and conditions in any resulting grant contracts as part of the application submission. Copies of the standard terms and conditions included in DHSES grant contracts are available for review online at: <http://www.dhSES.ny.gov/grants/>. Payments will be made subject to proper documentation and compliance with reimbursement procedures and all other contractual requirements.

## **2. Compliance with State and Federal Laws and Regulations, Including Procurement Requirements**

Grantees/Contractors are responsible to become familiar with and comply with all state and federal laws and regulations applicable to these funds. Applicants are required to consult with the DHSES standard contract language (referenced above) for more information on specific requirements. Additionally, Grantees/Contractors must also be aware that the Council on Financial Assistance Reform (COFAR) has detailed new **Uniform Guidance: Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards** which requires federal awarding agencies to develop implementing regulations that may become applicable during the period of performance for contracts resulting from this solicitation. In submitting an application, Applicants agree to be bound by any resulting federal regulations which may be implemented during the course of any resulting contract.

Additionally, Grantees/Contractors must follow and comply with all procurement procedures under General Municipal Law 5A, 44 CFR 110.80 and 44 CFR 18.36, now organized at 2 CFR Part 200, and/or any other state or federal regulations applicable to these funds, and will be subject to monitoring by DHSES to ensure compliance.

## **3. Contracting with Small and Minority Firms, Women's Business Enterprise and Labor Surplus Area Firms**

Consistent with 44 CFR 18.36(e), now organized at 2 CFR Part 200, the grantee and any subrecipients will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps shall include:

- a) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- b) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- d) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- e) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- f) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in subsections (2)(a) through (f) of this section.

## **4. Iran Divestment Act**

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are

defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

### **5. Vendor Responsibility**

Grantees/Contractors shall at all times during the Contract term remain responsible. The Grantee/Contractor agrees, if requested by the Commissioner of DHSES, or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

a) **Suspension of Work for Non-Responsibility:**

The Commissioner of DHSES or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under the Contract, at any time, when he or she discovers information that calls into question the responsibility of the Grantee. In the event of such suspension, the Grantee/Contractor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of DHSES or his or her designee issues a written notice authorizing the resumption of performance under the Contract.

b) **Termination for Non-Responsibility:**

Upon written notice to the Grantee/Contractor, and a reasonable opportunity to be heard by appropriate DHSES officials or staff, the Contract may be terminated by the Commissioner of DHSES or his or her designee at the Contractor's expense where the Grantee/Contractor is determined by the Commissioner of DHSES or his or her designee to be non-responsible. In such event, the Commissioner of DHSES or his or her designee may complete the contractual requirements in any manner he or she may deem advisable and pursue legal or equitable remedies for breach.

### **E. Satisfactory Progress**

Satisfactory progress toward implementation includes, but is not limited to; executing contracts and submitting payment requests in a timely fashion, retaining consultants, completing plans, designs, reports, or other tasks identified in the work program within the time allocated for their completion. DHSES may recapture awarded funds if satisfactory progress is not being made on the implementation of a grant project.

### **F. General Specifications**

By submitting the application, the applicant attests that:

1. Applicant has express authority to submit on behalf of the applicant's agency.
2. Submission of an application indicates the applicant's acceptance of all conditions and terms contained in this document, including Appendices A-1, and C and all other terms and conditions of the award contract.
3. The application and any resulting grant, if awarded, must adhere to, and be in full compliance with any, resulting contract(s) and relevant federal and states policies and regulations or be subject to termination.
4. Any not-for-profit grantees are required to be prequalified, prior to contract execution, by the State of New York upon application submission through the New York State Grants Gateway (<https://grantsgateway.ny.gov>)

## **G. Special Conditions**

### **New York State Emergency Management Certification and Training Program**

1. Participation in, and successful completion of, the New York State Emergency Management Certification and Training Program (EMC Training Program) is a mandatory requirement under this Contract and a condition of funding. The EMC Training Program will be made available to, and required for, DHSES-specified county and city government officials in order to ensure a consistent emergency management preparedness and response strategy across the State. Attendee substitutions, except as expressly approved by DHSES, shall not be permitted or deemed to be in compliance with this requirement.
2. To fulfill the EMC Training Program requirement of the Contract and in order to be eligible for funding under this Contract, Contractors must arrange for DHSES-specified Contractor employees to receive and acknowledge receipt of EMC Training no later than 180 days after execution of this Contract. Copies of the training certificates for each required participant must be submitted to DHSES upon execution of the Contract, or, in the event that training is scheduled, but not yet complete, the Contractor will be required to submit a signed statement indicating the scheduled future dates of attendance, and no later than thirty (30) days after the training is complete, forward such training certificates to DHSES. Continued compliance with the EMC Training Program also requires an annual refresher training of one day per 365 day-cycle from the date of initial training for previously trained individuals if such person remains employed by the Contractor and fulfilling the same functions as he or she fulfilled during the initial training. Should a new employee be designated to serve in the DHSES-specified positions, then he or she must come into compliance with the EMC Training Program requirements not later than 180 days after taking office.
3. Contractors must commit to active participation in a DHSES Annual Capabilities Assessment as a condition of funding. Active participation includes making reasonable staff, records, information, and time resources available to DHSES to perform the Annual Capabilities Assessment and meet the objectives and goals of the program. Grantees must be aware that the process of conducting a DHSES Annual Risk Assessment is an ongoing process and requires a continued commitment on the part of the Contractor to ensure that it is effective.
4. All grantees and subgrantees funded through this program agree to provide DHSES, upon request at any time during the life of the grant contract, such cooperation and information deemed necessary by DHSES to ascertain: (1) the nature and extent of any threats or hazards that may pose a risk to the grantee or subgrantee; and (2) the status of any corresponding grantee or subgrantee plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.
5. Additionally, pursuant to Article 26 of the NYS Executive law, DHSES is authorized to undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts or threats and other natural and man-made disasters. Funded grantees and subgrantees agree to attend and participate in any DHSES-sponsored conferences, training, workshops or meetings (excluding those identified by DHSES as voluntary) that may be conducted, by and at the request of DHSES, during the life of the grant contract.
6. Failure to comply with any of the requirements, as listed above, may result in sanctions up to and including the immediate suspension and/or revocation of the grant award.

## **XVI. Questions**

Questions regarding the 2014-15 Hazardous Materials Emergency Preparedness (HMEP) Grant Program should be directed to the following email address: [grant.info@dhses.ny.gov](mailto:grant.info@dhses.ny.gov). To the degree possible, each inquiry should cite the RFA section and paragraph to which it refers.

# Appendix A:

## SARA Title III Required Planning Elements

### Section 303: Comprehensive Emergency Response Plans

Under section 303 of EPCRA, each Emergency Planning District (or LEPC) is required to have completed a *Comprehensive Emergency Response Plan*, sometimes referred to as a Hazmat Plan, Hazmat Response Plan, or SARA Title III plan. This plan must be reviewed on an annual basis. It is important to note that the Comprehensive Emergency Response Plan (CERP) is not to be confused with the local *Comprehensive Emergency Management Plan (CEMP)*. The LEPCs are the focal point for completing the Comprehensive Emergency Response Plan. Facility reporting procedures are to be included in the CERPs.

These emergency response plans must meet the planning requirements as follows:

1. The current list of facilities with extremely hazardous substances above the threshold planning quantity and each facility's emergency coordinator and telephone number.
2. Identification of transportation routes of extremely hazardous substances.
3. Identification of the areas likely to be affected by a release.
4. Emergency response and public notification procedures, both on and off-site.
5. Identification of the community emergency coordinator.
6. Outline evacuation plans for at-risk areas (or reference to a risk-based methodology in the County Comprehensive Emergency Management Plan).
7. Describe local emergency equipment and facilities and the persons responsible for them.
8. Identification of training and exercising programs to support the response.



## Appendix C: Allowable Costs Matrix

**Reminder:** Please note that the allowable costs for the 2014-15 HMEP Grant Program are provided as a guideline and do not necessarily include every allowable cost. Additionally, it is not possible to list every unallowable expense. Because of the specialized nature of this grant program, applicants are encouraged to consult with their Contract Unit Program Representative if they have any question regarding eligible costs for this program. Accordingly, please refer only to Appendix C of this Request for Applications (RFA) for details on allowable costs. All costs must relate to an allowable activity or project.

| Allowable Planning Activities- Must Have HazMat Focus  |
|--|
| Developing, improving, and implementing emergency plans required under the Emergency Planning and Community Right-to-Know Act of 1986, as well as exercises that test the emergency plans. Enhancing emergency plans to include hazard analysis, in addition to response procedures for emergencies involving transportation of hazmat, including radioactive materials. |
| Conducting appropriate hazard assessments and gap analysis to determine the level of hazmat safety risks within a jurisdiction, state, or region.  |
| Improving interagency interoperability to better respond to and mitigate hazmat incidents.   |
| Enhancing emergency plans to include hazard analysis, as well as response procedures, for emergencies involving transportation of hazmat, including radioactive materials.   |
| Determining flow patterns of hazmat within a state, between a state and another state or tribe, and developing and maintaining a system to keep such information current.  |
| Assessing the need for regional hazmat emergency response teams.   |
| Assessing local response capabilities.   |
| Conducting emergency response drills and exercises associated with emergency preparedness plans.   |
| Provisioning technical staff to support planning efforts (consultants).  |
| Conducting additional activities the Associate Administrator for Hazardous Materials Safety deems appropriate to implement the scope of work for the proposed project plan and approved in the grant.  |
| Examples of Allowable Planning Conferences and Activities:   |
| National Association of SARA Title III Program Officials (NASTTPO) Conference  |
| State-wide conference emphasizing Hazmat emergency response capabilities, collaboration, networking, and planning opportunities for responders   |
| IFAC Emergency Preparedness & Hazmat Response Conference   |
| Regional HAZMAT Conferences and Workshops.   |
| Smaller-scale workshops put on by different contractors or organizations   |
| HOTZONE and COLDZONE conferences   |
| TRANSCAER® (Transportation Community Awareness and Emergency Response)   |
| International Association of Fire Chiefs (IAFC) International Hazmat Conference  |
| Fire Department Instructors' Conference  |
| Fire Rescue International  |
| Hazmat/LEPC Regional Conference  |

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|--|
| U.S. EPA Chemical Emergency Prevention and Preparedness (CEPP) Conferences   |
| Hazmat Challenge   |
| Regional Hazmat Workshops/Training/Conferences   |
| Regional/Local Hazmat Preparedness Conferences   |
| Hazmat Planning Conferences  |
| Regional Hazard Analysis   |
| Transportation and Handling of Radioactively Contaminated Injured Individuals  |
| Commodity Flow Surveys   |
| Multi-Agency Hazmat Drills   |
| Hazmat disaster scenario Tabletop exercises  |
| Aerial photography for use with Commodity Flows  |
| Annual Hazmat Workshop   |
| Planning Specialist Courses (HazMat related)   |
| EPA-RMP  |
|  |
| <b>Allowable Planning Courses</b>  |
| General Preparedness Planning (developing, improving, and implementing transportation emergency plans under EPCRA 301 and 303).  |
| Hazmat Flow Identification/Hazard Analyses.  |
| Regional Response Strategy Selection.  |
|  |
| <b>Allowable Equipment Categories</b>  |
| None.  |
|  |
| <b>Allowable Planning- Miscellaneous</b>   |
| Hazmat drills and exercises to test state and county emergency response capabilities/emergency preparedness plans, and identify gaps in training and planning needs.                     |
| Hazmat Tabletop Exercises - Multi-Agency Hazmat Drills Including Hazmat Spill Drills.  |
| Hazmat Communications Exercises.   |
| Exhibitors for Outreach and Preparedness Booths.   |
| Data Collection Site Visits.   |
|  |
| <b>Conditionally Allowable Planning Expenses- Requires pre-approval by US DOT</b>  |
| CAMEO training courses.  |
| EPCRA 302 transportation-related activities.   |
| Hospital Drills.   |
| Fixed-facility hazmat preparedness - according to 49 CFR 110.40, transportation should be the emphasis of the planning activity.   |
| Community Emergency Response Teams (CERT) and other community planning organizations.  |
| Local Emergency Planning Committee (LEPC) Meetings Expenses. Food for meetings is unallowable. Please contact your Contracts Unit Program Representative if you require further details. |

# Unallowable Costs

| <b>Unallowable Costs for All Planning Grant Categories</b>   |
|--|
| Pandemic Flu Exercises.  |
| Cruise Ship Exercises.   |
| Earthquake Exercises.  |
| All-Hazards Warning System Drills.   |
| Wildfire Exercises.  |
| Urban Avalanche Exercises  |
| Joint Terrorism Task Force (JTTF) Exercises.   |
| Tier II Chemical Inventory Reports.  |
| Tier II Databases.   |
| WebEOC (EOC-Emergency Operations Center) mapping (and similar platforms).  |
| Public Officials Conference without sufficient tie-in to Hazmat Incidents in Transportation.                     |
| Examples of Unallowable Costs.   |
| Micro-shredder.  |
| Jurisdiction-wide alert system.  |
| Development and distribution of a Hazmat Calendar.   |
| Spill Kits.  |
| Emergency Operations Center (EOC) Leadership Exercises.  |
| Food (a light lunch may be justifiable during an exercise, to be determined on a case by case basis).            |
| Entertainment costs.   |
| Request for multi-year funding.  |
| Foreign travel.  |
| Equipment, including the purchase of cell telephone(s).  |
| Any costs disallowable or stated as ineligible in 49 Code of Federal Regulations (CFR) Part 110 Final Rule.      |
| Expenses counted as a match or reimbursable funds toward another Federal grant program or cooperative agreement. |
|  |
| <b>Unallowable Training Costs</b>  |
| Overtime and Backfill.   |
| Conferences/Courses not specifically listed in this document as eligible planning expenses.                      |
|  |
| <b>Management and Administrative (M&amp;A) Costs</b>   |
| Management & Administration costs are not allowable.   |