



# **Homeland Security and Emergency Services**

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

### **FY2022-23 Hazardous Materials Emergency Preparedness (HMEP) Grant Program Request for Applications**

**Application Deadline: March 8, 2023 by 5:00 pm**

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## I. Introduction

The Hazardous Materials Transportation Uniform Safety Act of 1990 (P.L. 101-615), authorized DOT to provide assistance to public sector employees through training and planning grants to States, Territories, and federally recognized 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 (HazMat) incidents, enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations. Authorized by Title III of the Superfund Amendments and Reauthorization Act (SARA), EPCRA was enacted by Congress as the national legislation on community safety. This law is designed to help local communities protect public health, safety, and the environment from chemical hazards.

The HMEP program is authorized under 49 U.S.C. § 5116 and is governed by program regulations in 49 CFR Part 110 and Federal grants administration regulations at 2 CFR Part 200. On December 4, 2015, the Fixing America's Surface Transportation (FAST) Act was signed into law (Public Law No. 114-94). The FAST Act reauthorized the HMEP Grant Program. Section 7203 of the FAST Act amended 49 U.S.C. §5116 to combine planning and training grants into section 5116 (a). Therefore, local applicants are now able to utilize funds to support both planning and training activities.

Under 49 U.S.C. § 5116, Training and Planning Grants are available to States and Indian tribes:

(A) To develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. § 11001 et seq.), including ascertaining flow patterns of hazardous materials on lands under the jurisdiction of a State or Native American tribe, and between lands under the jurisdiction of a State or tribe and lands of another State or tribe;

(B) To decide on the need for a regional hazardous material emergency response teams; and

(C) To train public sector employees to respond to accidents and incidents involving hazardous materials. To the extent that a grant is used to train emergency responders, the applicant must certify that the emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence or responders to accidents and incidents involving hazardous materials.

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 HazMat regions. 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 affirming its commitment to a regional approach for building and sustaining HazMat planning and training capabilities in New York State. In this austere budget era, working collaboratively on a regional basis is even more critical. By requiring counties to apply regionally through a common fiduciary agent, the HMEP Grant Program will promote regional HazMat preparedness, complement 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. Regional applicants are encouraged, but not required, to use the existing regional HazMat Fiduciary Agent for the HMEP Grant Program.

## **II. Changes from FY2021-22 Grant Cycle**

No programmatic changes have been made to the FY2022-23 HMEP Grant Program. The FY2022-23 HMEP Grant Program continues the regional approach to awarding funding that will help ensure that HMEP training and planning funds are offered equitably across the State and that funds are made available to underserved communities when applying for sub-awards in accordance with the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration's (PHMSA) policy to promote compliance with [Executive Order 13985](#) issued by President Biden.

Exhibit A, the Allowable Costs Matrix, reflects the most recent guidance provided by PHMSA as of the date of this RFA. All applicants are encouraged to carefully review the allowable cost guidance before completing the application.

## **III. HMEP Funding Priorities**

Due to limited funding, DHSES and PHMSA encourage sub-recipients 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. All activities must be related to preparedness for the transportation of hazardous materials under this program.

The DHSES top priority for the FY2022-23 HMEP Grant Program continues to emphasize preparedness for the bulk transportation of energy products by rail and over the road. Applicants are encouraged to develop and/or enhance Geographic Response Plans for crude oil response, and to address regional

planning deficiencies required to achieve accreditation under the State's HazMat Accreditation Program. Applicants are also eligible to conduct commodity flow studies to determine the frequency and quantity of hazmat shipments being transported through local communities, and to exercise and train emergency responders to respond appropriately to incidents involving bulk shipments of energy products as well as other hazardous materials.

When drafting applications, DHSES encourages applicants to consider planning, training, and exercise activities that focus on the following topics:

1. Updating SARA Title III HazMat plans (must address the transportation component), NYS General Municipal Law (GMU) 204(f) County HazMat incident response plans and addressing gaps in NYS HazMat Team Accreditation status.
2. Current risk involving transport by all modes of energy products such as crude oil, ethanol, and liquefied natural gas (LNG);
3. Current state of operational readiness/capability;
4. Familiarity with bulk shipper's emergency response plans/procedures;
5. Addressing training needs in a COVID-19 environment;
6. Available training resources (sources, accessibility, gaps in training); and
7. Needs of emergency responders/public safety agencies.

#### **IV. Available Funding**

For FY2022-23, \$304,000 in federal funding is available for the local HMEP Grant Program. Funding is available to HazMat regions in the state based on a formula. **Each HazMat region and the City of New York is being offered \$16,000 by formula under this grant program.**

#### **V. Eligible Applicants**

Each of the 18 HazMat regions and the City of New York are eligible to apply for funding. The five boroughs (counties) of New York City constitute a HazMat region for the purposes of the HMEP Grant Program.

Applicants must identify a Regional Fiduciary Agent to apply for HMEP funding on behalf of an entire region. Applicants must apply in partnership with existing HazMat regions (see Exhibit B for a map of New York State HazMat regions). For additional information on the role of the fiduciary agent, please refer to Section VI of this RFA.

FY2022-23 HMEP Grant Program Regional Allocations		
Region	Counties	FY2022-23 HMEP Allocation
Capital Region HazMat Group	Albany, Rensselaer, Saratoga, and Schenectady counties	\$16,000
Southern Tier Consortium	Broome, Chenango, Delaware, Otsego counties	\$16,000
Cayuga-Cortland-Tompkins Regional HazMat Team	Cayuga, Cortland, and Tompkins counties	\$16,000
Southwest Southern Tier	Allegany, Cattaraugus, and Chautauqua counties	\$16,000
Columbia Greene Regional HazMat Team	Columbia and Greene counties	\$16,000
Buffalo Erie Niagara (BEN) Partnership	Erie and Niagara counties	\$16,000
Adirondack Regional HazMat Consortium	Clinton, Essex, Franklin, Hamilton, St. Lawrence, Warren, and Washington counties	\$16,000
Western Region HazMat	Genesee, Monroe, Livingston, Orleans, and Wyoming counties	\$16,000
Jefferson/Lewis	Jefferson and Lewis counties	\$16,000
Nassau County HazMat-WMD Task Force	Nassau County	\$16,000
Herkimer/Oneida County HazMat Team	Herkimer and Oneida counties	\$16,000
Central Region Special Emergency Response	Onondaga, Oswego, and Madison counties	\$16,000

Upper Hudson Valley Hazmat Partnership	Orange, Rockland, Sullivan, and Ulster counties	\$16,000
Fulton-Montgomery-Schoharie Regional HazMat Team	Fulton, Montgomery, and Schoharie Counties	\$16,000
Southern Tier HazMat Group	Chemung, Schuyler, Steuben, and Tioga counties	\$16,000
Finger Lakes Regional Consortium	Ontario, Seneca, Wayne, and Yates counties	\$16,000
Suffolk County	Suffolk County	\$16,000
Lower Hudson Valley HazMat Partnership	Dutchess, Putnam, and Westchester counties	\$16,000
City of New York	Bronx, Queens, New York, Richmond, and Kings counties	\$16,000
<b>Total</b>		<b>\$304,000</b>

## VI. Role of the Fiduciary Agent (FA)

As part of the FY2022-23 application process, counties will apply regionally for funding as a partnership consistent with each of the HazMat regions outlined in the chart in Section V of this RFA. Each region will need to designate and agree upon a single entity to act as the Fiduciary Agent for the region. The designated Fiduciary Agent for HMEP for each region is the only entity eligible to apply on behalf of any interested counties within the regional partnership. Where applicable, DHSES encourages (but does not require) 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. If the existing HazMat Targeted Grant Fiduciary Agent is unable or unwilling to take on this role for the HMEP program, a different county may assume that role for the HMEP program.

The responsibilities of the Fiduciary Agent include:

- Serve as the primary Point of Contact (POC) for DHSES on the grant.

- Ensure that all participating counties within the region are included in regional efforts.
- Submit budgets for HMEP Grant funds in coordination with and on behalf of the region.
- Coordinate purchasing and other efforts related to the HMEP Grant on behalf of the region.
- Complete all required grant reporting forms in coordination with and on behalf of the region.

## **VII. Project and Budget Periods**

The period of performance for the FY2022-23 HMEP Grant Program is expected to run from April 1, 2023 through December 31, 2024. No extensions to the period of performance will be allowed for the FY2022-23 HMEP Grant Program. Applicants are urged to carefully review their proposed projects to ensure that they can be completed within the period of performance.

## **VIII. Progress Reporting**

All Regional Fiduciary Agents will be expected to complete quarterly progress reports in E-grants and submit quarterly fiscal reports to DHSES on behalf of their region. Quarterly reports will be due 30 days after the close of each quarter. Sub-recipients will be requested to complete mid-year and close out reports as needed with the information necessary to satisfy U.S. DOT performance reporting requirements.

In order to meet detailed reporting requirements required by U.S. DOT, there is an additional report that must be completed on a semi-annual basis to document performance associated with this grant program. This reporting form is included in Exhibit C of this RFA. This report is due to DHSES in April and October. Specific due dates will be provided with the form via email in the month preceding when the report is due.

## **IX. Authorized Program Expenditures**

HMEP Training and Planning Grants are available:

1. To develop, improve, and carry out emergency plans under EPCRA, including ascertaining flow patterns of hazardous materials on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe;
2. To decide on the need for regional hazardous material emergency response teams; and
3. To train public sector employees to respond to accidents and incidents involving hazardous materials. To the extent that a grant is used to train emergency responders, the applicant must certify that the emergency responders who receive training under the grant will have the ability



to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence or responders to accidents and incidents involving hazardous materials.

## **A. General Guidelines**

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

HMEP Grant funds are to be used for:

- “Transportation-related” HazMat safety planning and training expenditures and activities. This may include the purchase of training props to support specific training and/or exercise activities conducted within the period of performance.
- Efforts that lead to increased effectiveness in safely and efficiently handling HazMat accidents and incidents (excluding equipment purchases).

## **B. Permissible Costs**

Grant funding may be used for certain planning, training, and exercise costs allowable under the Hazardous Materials Emergency Preparedness (HMEP) Grant Program. Please refer only to Exhibit A, “Allowable Costs Matrix” for detailed information on this program’s allowable costs. **All costs must support the execution of an allowable activity related to preparedness for incidents involving the transportation of hazardous materials.**

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

- Develop, improve, and implement emergency plans related to the transportation of hazardous materials, including consideration of the transportation component for plans required under SARA Title III);
- HazMat commodity flow studies, hazard analysis, and capability assessments;
- HazMat drills and exercises to test state and county emergency response capabilities and identify gaps in training and planning;
- HazMat training needs assessment;
- Train emergency responders to respond appropriately to incidents involving bulk shipments of energy products as well as other hazardous materials.

## **1) Travel**

Travel costs should relate to expenses to and from planning and training activities. When submitting for reimbursement, sub-recipients 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, sub-recipients should provide additional information including the purpose for the trip, programmatic need and location.

## **2) Overtime and Backfill/Volunteer Stipends**

Training costs may now also include stipends for volunteers and overtime and backfill costs for career staff participating in approved training and exercise activities. Additionally, stipends for volunteer staff participating in approved training activities are also allowable costs. Funds allocated to Overtime/Backfill and Volunteer Stipends are limited to a combined maximum of 30% of your total award. Please note that Overtime/Backfill and Volunteer Stipends are not an approved expense for conferences.

Please see Exhibit D for detailed requirements related to Overtime/Backfill and Volunteer Stipends under the HMEP Grant Program.

## **3) 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.

## **4) Consultants**

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

- Developing, improving, and implementing emergency plans required under Title III (must include the transportation component);
- 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 hazardous materials on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe, and the developing and maintaining of a system to keep information current;
- Assessing the need for regional hazmat emergency response teams;
- Assessing local HazMat response capabilities; and
- Performing HazMat emergency response drills and exercises associated with HazMat emergency preparedness plans.

### **C. Costs Not Permissible**

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

- (a) Expenses not related to the transportation of hazardous materials;
- (b) Expenses claimed and or reimbursed by another program;
- (c) Expenses counted as match funds toward another Federal program;
- (d) Expenses that supplant existing operational funds/programs;
- (e) Entertainment, alcohol, or morale costs;
- (f) Any costs disallowed or stated as ineligible in 49 CFR part 110 and 2 CFR 200 Subpart E;
- (g) Excessive costs for general office supplies, equipment, computer software, printing and copying;
- (h) Overtime/Backfill and Volunteer Stipends for planning activities;
- (i) Management and Administration expenses;
- (j) Response equipment;
- (k) WMD/Terrorism related expenses;
- (l) Routine operational expenses for a Local Emergency Planning Committee (LEPC);
- (m) Food.

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**

Sub-recipients must provide 20 percent of the total project cost of all approved activities with non-federal funds. For applicants applying for the full federal allocation of \$16,000, a cash or in-kind match of \$4,000 is required.

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

- Travel, equipment or supply purchase, space usage, the dollar value of a participant's time during an approved Planning or Training 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); and
- Voluntary contributions such as emergency personnel support, the time of any LEPC member participating in the eligible activity, or exercise participation.

Sub-recipients 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; or
- Costs incurred outside of the grant performance period.

Matching funds must be verifiable through grantee records and be maintained with the same level of effort as federal funds. Records must show how the value of a contribution is made. For further guidance on matching funds and other federal award requirements refer to Title 2 of the Code of Federal Regulations (CFR) consisting of the U.S Office of Management and Budget Guidance for Grants and Agreements.

## **XI. Spending Plans**

Each region is being offered a funding allocation determined by formula.

Each region is required to develop a spending plan for their allocation. The spending plan must be developed via an inclusive process, with representatives from all interested counties within the region. It will be the responsibility of the Fiduciary Agent to oversee this process within the region. As part of

the regional grant application, the Emergency Manager or County Fire Coordinator (depending on who the most appropriate official is based on the proposed project) from each participating county 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 email as a Microsoft Excel template. The Application Worksheet includes applicant contact information as well as required budget and project details that enable DHSES to assess the eligibility of the proposed project and to obtain pre-approval from DOT/PHMSA for the proposed activities.

The Application Worksheet also includes a section where the Emergency Manager or Fire Coordinator from each participating county in the 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.

All documents must be submitted via email to DHSES ([Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov)) by 5:00 p.m. on **March 8, 2023**.

## **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.

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

**Requirements:** All applications are due by 5:00 p.m. on **March 8, 2023**. Any application received after the application deadline may not be considered for funding.

Applications must be submitted to DHSES via email ([Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov))

Complete applications must include:

1. Spending Plan and Application Worksheet (in Excel) uploaded as an attachment to the email submission.
2. Internal Management Plan if applying for funds for Overtime/Backfill and/or Volunteer Stipends in accordance with the requirements outlined in Exhibit D.
3. The Signature Sheet tab of the Application Worksheet must include signatures from each county Emergency Manager or County Fire Coordinator in a given region certifying their consensus with, and approval of, the Regional Spending Plan.

## **XV. Timeline**

Applications are due to DHSES by 5:00 p.m. on **March 8, 2023**. Applications must be submitted to DHSES via email ([Grant.Info@dhses.ny.gov](mailto:Grant.Info@dhses.ny.gov)). Applications received after the due date and time may not be considered for funding.

## **XVI. Approval and Notification of Award**

The Commissioner of DHSES will provide oversight of the grant review process. The Commissioner will announce the final grant award decisions based on the review of applications and recommendations. DHSES will notify all applicants in writing as to final grant award determinations. Nothing herein requires or prohibits DHSES to approve grant funding for any one applicant, certain applicants, all applicants or no applicants. Any disbursement of an award is contingent upon entering into a contract with DHSES, as explained in further detail below.

Pursuant to Section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may submit a written request for a debriefing regarding the reasons that the Bid submitted by the Bidder was not selected for award. Requests for a debriefing must be made within 15 calendar days of notification by DHSES that the Bid submitted by the Bidder was not selected for award. An unsuccessful Bidder's written request for a debriefing shall be submitted to DHSES Director of Grants Program Administration. The debriefing shall be scheduled within 10 business days of receipt of the written request by DHSES or as soon as practicable under the circumstances.

## **XVII. Administration of Grant Contracts**

DHSES will negotiate and develop a grant contract with the submitting partner of regional partnerships based on the contents of the submitted application and intent of the grant program as outlined in this RFA. 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 actually be disbursed to reimburse project expenses.

The period of performance for contracts supported by the **Hazardous Materials Emergency Preparedness Grant Program** funds will be determined once awards have been approved. Although the contract format may vary, the contract will include such standard terms and conditions included in DHSES grant contracts available for review on the DHSES website: <https://www.dhSES.ny.gov/grant-reporting-forms>.

Applicants 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. Filing an Application**

Grant applications must be submitted via electronic mail (e-mail) to the Grants Program Administration unit of DHSES. Completed applications, along with any required documentation, must be submitted to [Grant.Info@dhSES.ny.gov](mailto:Grant.Info@dhSES.ny.gov) by the application deadline, **5:00 p.m. on March 8, 2023**.

Completed applications must include:

1. Spending Plan and Application Worksheet (in Excel) attached to the e-mail submission.
2. Internal Management Plan if applying for funds for Overtime/Backfill and/or Volunteer Stipends.
3. The Signature Sheet tab of the Application Worksheet must include signatures from each county Emergency Manager or County Fire Coordinator in a given region certifying their consensus with, and approval of, the Regional Spending Plan.

#### **C. Reservation of Rights**

The issuance of this RFA and the submission of a response or the acceptance of such response by DHSES does not obligate DHSES in any manner. DHSES reserves the right to:

1. Reject any and all applications received in response to this RFA;
2. Withdraw the RFA at any time at DHSES' sole discretion;
3. Make an award under the RFA in whole or in part;
4. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA;
5. Seek clarifications and revisions of the applications;

6. Use application information obtained through site visits, management interviews and the State's investigation of an applicant's qualifications, experience, ability or financial standing, and any material or information submitted by the applicant in response to DHSES' request for clarifying information in the course of evaluation and/or selection under the RFA;
7. Prior to the application opening, amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the application opening, direct applicants to submit application modifications addressing subsequent RFA amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all the prospective applicants;
11. Waive any requirements that are not material;
12. Negotiate with successful applicants within the scope of the RFA in the best interests of the State;
13. Conduct contract negotiations with the next responsible applicant, should DHSES be unsuccessful in negotiating with the selected applicant;
14. Utilize any and all ideas submitted in the applications received;
15. Unless otherwise specified in the RFA, every offer is firm and not revocable for a period of 60 days from the application opening; and,
16. Communicate with any applicant at any time during the application process to clarify responses and /or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's proposal and/or to determine an applicant's compliance with the requirements of this RFA.
17. Award grants based on geographic or regional considerations to serve the best interests of the State.
18. Terminate, renew, amend or renegotiate contracts with applicants at the discretion of DHSES.
19. Periodically monitor the applicant's performance in all areas mentioned above, in addition to the activities in the contract.
20. Revoke funds awarded to an applicant, or enforce any available sanction against any applicant, who materially alters the activities or is in material noncompliance under the grant award, or who does not implement an approved project within 60 days of the final contract approval.
21. Consider all applications and documentation submitted as State agency records subject to the New York State Freedom of Information Law (Public Officers Law, Article 6). Any portion of the application that an applicant believes constitutes proprietary or critical infrastructure information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the application.
22. Applicants 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 applicant; and (2) the status of any corresponding applicant or applicant plans, capabilities, or other resources for preventing, protecting against, mitigating, responding to, and recovering from such threats or hazards.
23. Require applicants 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.



24. In its sole discretion, reserves the sole discretion to increase or decrease the total funding available for this program at any time, resulting in more or fewer applications funded under this RFA.

DHSES may exercise the foregoing rights at any time without notice and without liability to any responding applicant or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFA will be at the sole cost and expense of the applicant.

#### **D. Term of the Contract**

Any resulting contract or agreement for more than \$50,000 from this RFA will be effective only upon approval by both the NYS Office of the Attorney General and State Comptroller. Any resulting contract for \$50,000 and under from this RFA will be effective upon signature of both parties. For grants valued at \$10,000 or less, a Purchase Order invoking a "Letter of Agreement" between DHSES and the successful applicant will be issued.

#### **E. 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. Such contract will include 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 (available upon request). The contract will be subject to approval by the Attorney General and State Comptroller.

Although the contract format may vary, the contract will include such clauses, information, and rights and responsibilities as can be found on the DHSES website, including:

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

For purposes of this RFA, 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 on the DHSES website at <https://www.dhSES.ny.gov/grant-reporting-forms>. 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 and Audit Requirements**

### **2 CFR Part 200**

Applicants (also referred to herein as “Subrecipients”) 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, applicants must comply with all the requirements in 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards). Applicants are required to understand and adhere to all federal requirements. You may access 2 CFR Part 200 at: <https://www.ecfr.gov/cgi-bin/text-idx?SID=1c9afe07b881b32365c2f4ce1db64860&mc=true&node=pt2.1.200&rgn=div5>

### **Procurements**

Additionally, applicants must follow and comply with all procurement procedures under General Municipal Law 5A and 2 CFR Part 200, Subpart D (see 2 CFR §§200.317-.327), and/or any other state or federal regulations applicable to these funds and will be subject to monitoring by DHSES to ensure compliance.

### **Single Audit**

Applicants that expend \$750,000 or more from all Federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the requirements of U.S. Government Accountability Office’s (GAO) Government Auditing Standards, located at <http://www.gao.gov>, and the requirements of Subpart F of 2 CFR Part 200 located at: <http://www.ecfr.gov/cgi-bin/text-idx?node=sp2.1.200.f>.

### **Environmental and Historic Preservation (EHP) Compliance**

As a federal agency, DHS/FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and programs funded by DHS/FEMA, including grant-funded projects, comply with Federal EHP regulations, laws and Executive Orders, as applicable. Sub-recipients proposing projects that have the potential to impact the environment, including but not limited to the modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the DHS/FEMA EHP review process.

The EHP review process involves the submission of a detailed project description along with supporting documentation so that DHS/FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, DHS/FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive order, regulations, and policies.

### **Conflict of Interest**

Pursuant to 2 CFR §200.112, in order to eliminate and reduce the impact of conflicts of interest in the sub-award process, applicants must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making sub-awards. Applicants are also required to follow any applicable state, local, or Tribal statutes or regulations governing conflicts of interest in the making of sub-awards.

The applicant must disclose to the respective Contract Representative, in writing, any real or potential conflict of interest as defined by the Federal, state, local, or Tribal statutes or regulations or their own existing policies, which may arise during the administration of the Federal award within five days of learning of the conflict of interest. Similarly, applicants must disclose any real or potential conflict of interest to the pass-through entity (State) as required by the applicant's conflict of interest policies, or any applicable state, local, or Tribal statutes or regulations.

Conflicts of interest may arise during the process of DHS/FEMA making a Federal award in situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, sub-applicant, recipient, subrecipient, or DHS/FEMA employees.

Additionally, applicants must disclose, in writing to the Federal Awarding Agency or to the pass-through entity (State) all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in § 200.339. Remedies for noncompliance, including suspension or debarment. (See also 2 CFR part 180 and 31 U.S.C. 3321).

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

Pursuant to New York State Executive Law Article 15-A, the New York State Division of Homeland Security and Emergency Services recognizes its obligation under the law to promote opportunities for

maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of New York State Division of Homeland Security and Emergency Services contracts. Minority and women-owned business enterprises can be readily identified on the directory of certified businesses at:

<https://ny.newnycontracts.com/>.

All qualified applicants shall be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Consistent with 2 CFR §200.321, non-Federal contracting entities must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

For purposes of this solicitation, applicants and subcontractors are hereby notified the State of New York has set an overall goal of **30% for MWBE participation** or more, **15% for Minority-Owned Business Enterprises** (“MBE”) participation and **15% for Women-Owned Business Enterprises** (“WBE”) participation, based on the current availability of qualified MBEs and WBEs for your project needs.

An applicant on any contract resulting from this procurement (“Contract”) must incorporate the affirmative steps above into its grant management policies and procedures.

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the applicant and subrecipients will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic

characteristic, marital status or domestic violence victim status, and shall also follow the requirements of Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

### **Sexual Harassment Prevention**

By submitting this application, Applicants are certifying that Applicant has a policy addressing sexual harassment prevention and that applicant provides sexual harassment training to all its employees on an annual basis that meets the Department of Labor's model policy and training standards. If Applicant cannot make the certification, the Applicant may provide an explanatory statement with its bids detailing the reasons why the certification cannot be made.

### **Use of Service-Disabled Veteran-Owned Business Enterprises in Contract Performance**

Article 17-B of the Executive Law enacted in 2014 acknowledges that Service-Disabled Veteran-Owned Businesses (SDVOBs) strongly contribute to the economics of the State and the nation. As defenders of our nation and in recognition of their economic activity in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. SDVOBs can be readily identified on the directory of certified businesses at <https://online.ogs.ny.gov/SDVOB/search>

Bidders/proposers need to be aware that all authorized users of this contract will be strongly encouraged to the maximum extent practical and consistent with legal requirements of applicable federal laws and regulations including 2 CFR Part 200, State Finance Law, General Municipal Law and the Executive Law to use responsible and responsive SDVOBs in purchasing and utilizing commodities, services and technology that are of equal quality and functionality to those that may be obtained from non-SDVOBs. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses consistent with current State Law. Utilizing SDVOBs in State contracts will help create more private sector jobs, rebuild New York State's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its SDVOB partners. SDVOBs will promote the contractor's optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated public procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of SDVOBs by its contractors. The State, therefore, expects bidders and proposers to provide maximum assistance to SDVOBs in their contract performance. The potential participation by all kinds of SDVOBs will deliver great value to the State and its taxpayers.

For purposes of this solicitation, applicants and subrecipients are hereby notified the State of New York has set an overall goal of 6% for SDVOB participation or more.

Contractor will report on actual participation by each SDVOB during the term of the contract to the contracting agency/authority according to policies and procedures set by the contracting agency/authority.

### **Worker's Compensation and Disability Benefits Insurance Coverage**

By submitting this application, Applicants are certifying that Applicant has workers' compensation and disability coverage. If Applicant cannot make the certification, the Applicant may provide an exemption statement with its bids detailing the reasons why the certification cannot be made.

### **3.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.

By submitting a proposal in response to this RFA, or by assuming the responsibility of a Contract awarded hereunder, the applicant (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, applicants are advised that once the list is posted on the OGS website, any applicant seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to the solicitation, must certify at the time the Contract is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract, should DHSES receive information that a person is in violation of the above-referenced certification, DHSES will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then DHSES shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default. DHSES reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

#### **4. Vendor Responsibility**

State Finance Law §163(9)(f) requires a State Agency to make a determination that an applicant is responsible prior to awarding that applicant a State contract which may be based on numerous factors, including, but not limited to the applicants: (1) financial and organizational capacity; (2) legal authority to do business in this State; (3) integrity of the owners, officers, principals, members, and contract managers; and (4) past performance of the applicant on prior government contracts. Thereafter, applicants shall at all times during the Contract term remain responsible. The applicant 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. DHSES requires that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System, see the VendRep System Instructions available at: [http://www.osc.state.ny.us/vendrep/info\\_vrsystem.htm](http://www.osc.state.ny.us/vendrep/info_vrsystem.htm) or go directly to the VendRep system online at <https://onlineservices.osc.state.ny.us/Enrollment/login?0>. Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at [ITServiceDesk@osc.ny](mailto:ITServiceDesk@osc.ny). Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website [http://www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm) or may contact the Office of the State Comptroller's Help Desk for a copy of the paper form. Applicants will also be required to complete and submit a Vendor Responsibility Questionnaire prior to contracting.

**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 applicant. In the event of such suspension, the applicant 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 applicant, 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 applicant's expense where the applicant 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. Applicants shall at all times during the Contract term remain responsible. The applicant 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.

#### **F. 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.

#### **G. 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 RFA, 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 subrecipients 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>)
5. If your organization is not currently doing business with NYS, you will need to submit a Substitute W-9 form to obtain a NYS Vendor ID. The form is available on the Office of the State Comptroller website at: <http://www.osc.state.ny.us/state-agencies/forms>.
6. Contract Changes - Contracts with applicants/subrecipients may be executed, terminated, renewed, increased, reduced, extended, amended, or renegotiated at the discretion of the Commissioner of DHSES, in light of applicants/subrecipients performance, changes in project conditions, or otherwise.
7. Records – Applicants/subrecipients must keep books, ledgers, receipts, work records, consultant agreements and inventory records pertinent to the project; and in a manner consistent with DHSES contractual provisions and mandated guidelines.
8. Liability - Nothing in the contract between DHSES and the applicant shall impose liability on the State of New York or DHSES for injury incurred during the performance of approved activities or caused by use of equipment purchased with grant funds.
9. Reports - A provider agency shall submit to the DHSES reports in a format and time schedule specified in the grant contract, which shall include a description of the



program efforts undertaken during the report period and the current status of the project.

10. Tax Law Section 5-a Certification – In accordance with section 5–a of the Tax Law, sub-recipients will be required, prior to the approval of any contract awarded as a result of this RFA, to certify that it and its affiliates, subcontractors, and subcontractors’ affiliates have registered with the New York State Tax Department for the purpose of collection and remittance of sales and use taxes. In order to trigger this certification requirement, a subrecipient or its affiliates, subcontractor, or subcontractors’ affiliates must have made more than \$300,000 in sales of tangible personal property or taxable services to location within New York State and the contract must be valued in excess of \$15,000. Certification will take the form of a completed Tax Form ST-220 (1/05).
11. Standard Contract Provisions - Grant contracts executed as a result of this RFA process will be subject to the standard clauses for New York State Contracts as referenced herein and as located at:  
[https://online.ogs.ny.gov/purchase/biddocument/23128i\\_AppendixA.pdf](https://online.ogs.ny.gov/purchase/biddocument/23128i_AppendixA.pdf)
12. Compliance with Procurement Requirements - The applicant shall certify to DHSES that all applicable federal and contractual procurement procedures were followed and complied with for all procurements.

## **H. 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, applicants must arrange for DHSES-specified applicant 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 applicant 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 applicant 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. Applicants 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. Applicants 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 applicant to ensure that it is effective.
4. All applicants 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 recipients or subrecipients; and (2) the status of any corresponding recipients or subrecipients 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 applicants 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.

## **XVII. Questions**

Questions regarding the FY2022-23 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 extent possible, each inquiry should cite the RFA section and paragraph to which it refers.

## Exhibit A: Allowable Costs Matrix

**Reminder:** Please note that the allowable costs for the FY2022-23 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 Exhibit A of this Request for Applications (RFA) for details on allowable costs. **All costs must relate to an allowable activity or project.**

<b>Allowable Planning Activities- Must Have Focus on the Transportation of HazMat</b>
<b>Enhancing HazMat Plans</b>
Developing, improving, and implementing emergency plans required under the Emergency Planning and Community Right-to-Know Act of 1986.
Workshops, drills, and exercises associated with HazMat emergency plans.
Risk assessments to enhance plans.
Capability assessments that evaluate the ability for first responders, non-governmental organizations, and other involved stakeholders to respond to a HazMat emergency.
Gap analysis to enhance planning objectives.
Improving interagency interoperability to better respond to and mitigate hazmat incidents.
Determining commodity flow patterns of HazMat, and developing and maintaining a system to keep such information current.
Assessing the need for regional hazmat emergency response teams.
Providing technical staff to support planning efforts (consultants).
Aerial photography for use with Commodity Flow Study research.
<b>Planning &amp; Training Courses</b>
Courses aimed at developing, improving, and implementing emergency plans under the Emergency Planning and Community Right-to-Know Act (EPCRA) sections 301 and 303 (42 U.S.C. Chapter 116).
HazMat transportation emergency preparedness and response courses. Courses required to meet NFPA 472 or OSHA 29 CFR 1910.120 competencies. Grant funds may be used for travel and per diem to attend NYS Office of Fire Prevention and Control (OFPC) provided HazMat training. Other training requests must be provided at application and must be pre-approved by OFPC.
HazMat risk analysis.
Commodity Flow Study courses.
Regional Response Strategy Selection courses.
<b>Allowable Planning &amp; Training Equipment, Supplies, and Materials</b>
Supplies and equipment required for HMEP funded exercises and activities. Equipment for response remains unallowable.
Computer equipment dedicated to HMEP Grant activities. (e.g., approved computer-based training activities). Must provide detailed justification. Use for operations purposes not allowable.
HazMat publications for permanent collections, such as the NFPA 472 guide.
Rental equipment necessary to provide specific training. In most cases, equipment costs are expected not to exceed 5 percent of the total cost of the grant awarded and must be fully justified.
Publications, manuals, and other materials necessary to provide training and are used by instructor(s) and trainees--where appropriate, this may include the printing and copying of such materials and any cost of distributing these materials (such as mailing the materials to trainees in advance of the first training session).

Simulation software for HazMat training courses.
Hazmat training suits for specific transportation related exercises.
Firefighting foam for <b>specific</b> transportation related exercise.
<b>Examples of Allowable Training and Planning Conferences:</b>
National Association of SARA Title III Program Officials (NASTTPO) Conference.
International Association of Fire Chiefs (IAFC) International Hazmat Conference, <a href="http://www.iafc.org">www.iafc.org</a> . The IAFC hosts the International Hazardous Materials Response Team Conference, which presents “what’s new in HazMat” and how it impacts today’s HazMat teams on the job.
HazMat Continuing Challenge, <a href="http://www.hazmat.org">www.hazmat.org</a> . The Continuing Challenge provides safe response training for all emergency responders to HazMat incidents affecting transportation, public health, and the environment. This annual workshop is attended by HazMat responders from across the globe and is held every September in Sacramento, CA.
HOTZONE, <a href="http://www.hotzzone.org">www.hotzzone.org</a> . The HOTZONE Committee is composed of representatives from the local, state, and federal levels of the HazMat response community serving Federal Region 6. This annual training conference provides HazMat technical training and promotes professional relationships within Region 6 to meet the unique needs of this region.
COLDZONE, <a href="http://www.coldzone.org">www.coldzone.org</a> . The Cold Zone Conference will offer a variety of hazardous material courses for first responders of all skill levels. This conference will provide the most recent information available, hands-on workshops and a variety of topics relating to many aspects of today’s hazards. Cold Zone will also provide an opportunity to meet other responders from around the region and neighboring states.
TRANSCAER® (Transportation Community Awareness and Emergency Response), <a href="http://www.transcaer.com">www.transcaer.com</a> . TRANSCAER® is a voluntary national outreach effort focusing on assisting communities with preparing for, and responding to, possible HazMat transportation-related incidents. TRANSCAER® educates emergency responders and their communities and includes safety training cars from the Firefighters Education and Training Foundation.
Midwestern Hazmat Conference, <a href="http://www.emerysafety.com/mhmrc/index.html">http://www.emerysafety.com/mhmrc/index.html</a> Two-day conference on hazmat and related response training presented by instructors in the HazMat response community.
<b>Allowable General Training Expenditures</b>
Reimbursement for instructor(s) and trainees for tuition and travel expenses (lodging and per diem) to and from a training facility.
Facility rental cost reimbursement.
Overtime and Backfill to participate in approved training courses and exercises.
Volunteer Stipends to participate in approved training courses and exercises.
Expenses associated with training, such as staff to support the training effort, evaluation forms, etc.
<b>Conditionally Allowable Training and Planning Expenses- Requires pre-approval by US DOT</b>
Tier II Chemical Inventory Reports.
Tier II Databases.
State-wide conference emphasizing Hazmat emergency response capabilities, collaboration, networking, and planning opportunities for responders, particularly those related to transportation.
Regional HazMat Conferences and Workshops, specifically those related to transportation.
Fire Department Instructors’ Conference (FDIC), <a href="http://www.fdiconlineevent.com">www.fdiconlineevent.com</a> . Comprehensive training for all levels of fire service practitioners with more than 24 hands-on training evolutions, 34 pre-conference workshops, and more than 160 classroom presentations. Conditions include: transportation HazMat themed schedule.

Emergency Operations Center (EOC) Leadership Training and Exercises- Conditions include: Leadership exercises for events concerning HazMat preparedness and response.
Hospital Drills- Conditions include: Decontamination from a transportation incident (radiological, chemical, or other HazMat).
Fixed-facility hazmat training and preparedness– Conditions include: Training, exercises and plans that include transportation of materials to and from fixed facilities; exercises that test the same capabilities that would be used to respond to a hazmat transportation incident.
Title III Software (e.g., CAMEO/PEAK/PLUME) – Use of software must be tied to planning for hazmat transportation related accidents and incidents; use of software to assist with transportation related exercises.
Refreshments- Conditions include: Beverages for trainings that are in rural locations or training conducted outside where hydration is needed to ensure training and exercises are conducted safely. Food is not allowable.
Exhibitors for Outreach and Preparedness Booths- Activity must tie-in to hazardous materials transportation.

## **Unallowable Costs**

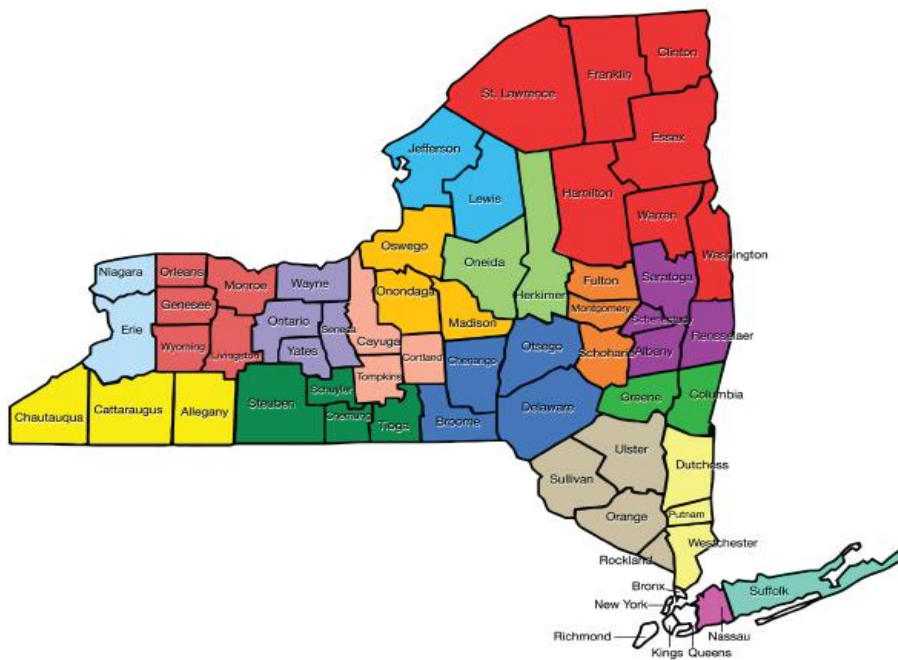
<b>Management and Administrative (M&amp;A) Costs</b>
Management & Administration costs are not allowable.
<b>Unallowable Costs for Planning and Training</b>
Natural Disaster Exercises (e.g., Pandemic Flu, avalanches, cruise ship, wildfire, earthquake).
All-Hazards Warning System Drills.
Joint Terrorism Task Force (JTTF) Exercises.
WMD/Terrorism activities and WMD/Terrorism training courses.
WebEOC (EOC-Emergency Operations Center) mapping.
Public Officials Conference that does not have a tie-in to HazMat Incidents in Transportation.
Town-wide (or jurisdiction-wide) alert system.
Development and distribution of a HazMat Calendar.
Courses not related to HazMat emergency response.
Emergency Preparedness Presentation to Child Care Providers.
School Violence Prevention.
Weapons of Mass Destruction (WMD) Radiological Training.
Purchase of cell telephone(s).
Pro Board® accreditation and certification.
Mobile meth lab training.
Active shooter training.
Entertainment costs.
Foreign travel.
Equipment unless specifically authorized in advance and required to complete an HMEP funded activity or exercise. Equipment for the purpose of response operations is not allowable.
Any costs disallowable or stated as ineligible in 49 Code of Federal Regulations (CFR) Part 110 or in 2 CFR 200 Subpart E.
Any cost specifically prohibited in the General Terms and Conditions of the award, PHMSA policy as detailed in Expenditure Guides, or Special Terms and Conditions listed on the Notification of Grant Award (Remarks section).

Expenses counted as matching funds toward another Federal grant program or cooperative agreement.
Overtime and Backfill for planning activities.
Membership fees and subscriptions, except as otherwise noted.
Volunteer Stipends for planning activities.
Food.
<b>Unallowable Planning and Training Conferences</b>
Fire Rescue International (FRI) conference.

## Exhibit B: New York State HazMat Regions

### Existing HazMat Regional Structure in New York State

Through a voluntary, inclusive process, local HazMat Teams identified 18 consolidated HazMat regions in the State outside of the City of New York. Regions were determined by local stakeholders based on geography, existing partnerships, and similar operational models. New York City, while not identified as one of the 18 existing HazMat regions within the state, is eligible to apply for HMEP funds under the HMEP Grant Program as its own region consisting of Bronx, Kings, New York, Queens, and Richmond counties.



## Exhibit C: HMEP Semi-Annual Report

A form-fillable version of this document will be provided semi-annually to recipients of HMEP funding for the purpose of meeting U.S. DOT reporting requirements.

Hazardous Materials Emergency Preparedness (HMEP) Grant Program Semi-Annual Report							
<b>Jurisdiction Name:</b>							
<b>Reporting Period:</b>							
<i>In the space below, please provide details on the HMEP funded planning and training activities that were completed in the period. Funds spent should reflect requests submitted for reimbursement. The information being gathered is required as part of the reporting that DHSES must submit to the US Department of Transportation. Please only describe those activities completed with HMEP federal funds.</i>							
1. HMEP Funded Planning Activities	Funding Year	Amount of HMEP federal funds spent on this activity this period (do not include match)	Number of Each Activity Conducted	Mode of Transport: Air, Water, Highway, Rail, All, Other (specify). List all that apply.	Type of HazMat	Completion Date	Comments or Additional Information for "Other"
Plan(s) written with HMEP funds							
Plan(s) updated with HMEP funds							
Hazard Analysis or Risk Assessment conducted with HMEP funds							
Commodity flow study conducted with HMEP funds							
Other (specify in the space provided below)							
Exercises/Drills conducted with HMEP funds (please describe and include all supplies such as foam paid for with HMEP funds)							
2. HMEP Funded Training Activities (List course name(s) below and include any props purchased to support courses. List conferences in Section 3.	Funding Year	Amount of HMEP federal funds spent on this activity this period (do not include match)	Level of training (Awareness, Operations, Specialist, Technician, Incident Command, or Other)	Initial or Refresher	Number Trained	Training Competency (NFPA 472, OSHA 1910.120, or Other- please specify)	Comments
OFPC HazMat Seminar							
Other (specify course name)							
3. HMEP Funded Conferences (List conference name)	Funding Year	Amount of HMEP federal funds spent on this activity this period (do not include match)	Number of attendees				
IAFC International HazMat Conference							
Other (Specify)							



## Exhibit D: U.S. DOT/PHMSA Policy on Overtime/Backfill and Volunteer Stipends



U.S. Department of Transportation  
**Pipeline and Hazardous Material Safety Administration**

1200 New Jersey Ave, S.E. Washington, D.C. 20590

### **Overtime and Backfill (OTB) Reimbursement and Volunteer Stipend Guidance**

**Effective: October 2020**

#### **PURPOSE:**

Guidance Regarding Overtime/Backfill Reimbursement and Emergency Responder Volunteer Stipend

#### **SCOPE**

This guidance applies to the Pipeline and Hazardous Materials Safety Administration's (PHMSA) recipients of the Hazardous Materials Emergency Preparedness (HMEP) grant.

#### **GUIDANCE**

Generally, overtime and backfill expenses are permitted under this grant in order to perform allowable HMEP training and exercise activities. To be eligible for any form of personnel time reimbursements, the individual's employing department must have experienced an actual cost beyond normal operational personnel expenses. Qualified expenses may include overtime, backfill or loss of salary/compensation by the individual attending a grant eligible activity or backfilling for someone attending an eligible activity. Backfill, overtime and stipend reimbursements must be supported by actual payroll records.

The following limitations apply to this guidance:

- PHMSA will allow HMEP recipients to request up to 30% of its award for backfill, overtime and stipend costs.
- Overtime to attend training conferences or symposiums will not be covered.
- Planning activities will not be considered for overtime, backfill or stipends.
- Course instructors and administrative staff are not eligible to be reimbursed under this guidance.

**STIPULATIONS FOR INCURRING COSTS:** HMEP recipients must have these costs pre- approved prior to incurring the costs. Grant recipients must provide PHMSA with an internal management plan to ensure adequate oversight for these costs prior to the activity occurring. Grant recipients must retain a list of all individuals involved in these costs and their salary (individual trained and individual backfilling). A training record and actual payroll records must be maintained for all responders who receive overtime, backfill or stipends by name, county, training date(s) and the total amount paid to each individual volunteer for each individual training event.

#### **DEFINITIONS**

**Overtime:** Expenses limited to the additional costs which result from personnel working over and above 40 hours (or the number of hours considered fulltime per week) of weekly work time as a direct result of HMEP-approved activities. Overtime shall not exceed 1.5 times an individual's hourly wage.

**Backfill-related Overtime,** also known as "overtime as backfill": Expenses are limited to overtime costs that result from personnel who are working overtime (as identified above) to perform the duties of other personnel who are temporarily assigned to PHMSA-approved activities outside their core responsibilities.

**Volunteer Stipend:** A nominal amount of money to be paid directly to a volunteer who attended an HMEP training activity. A stipend is nominal if it does not exceed 20 percent of what the fire department would otherwise pay a full-time firefighter to perform response services. Conditions for receiving a stipend must be in writing and training and/or exercise completion should be verifiable through certificates of completions and/or rosters.