programs listed in the Catalog of Federal Domestic Assistance are affected.

Jay Moskowitz,

Associate Director, Office of Science Policy and Legislation, National Institutes of Health.

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Part VI

Department of Transportation

Urban Mass Transportation Administration

49 CFR Part 633

Project Management Oversight; Final Rule

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Part 633

[Docket No. 87-B]

RIN 2132-AA31

Project Management Oversight

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Final rule.

SUMMARY: This final rule implements section 324 of the Surface Transportation and Uniform Relocation Assistance Act of 1987. This section permits UMTA to use up to ½ of 1 percent of the funds made available in each fiscal year under UMTA's capital grants programs for project management oversight of major capital projects. Section 324 also requires a recipient implementing a major capital project with Federal financial assistance from UMTA to prepare and implement a project management plan. Finally, section 324 requires UMTA to implement its provisions by regulation. This rule will improve the quality of major capital projects receiving funding from UMTA.

EFFECTIVE DATE: This rule will be effective on October 2, 1989.

FOR FURTHER INFORMATION CONTACT: For general program questions: Frank McCarron, Office of Grants Management, Room 9315, UMTA, 400 7th St., SW., Washington, DC 20590, (202) 366-2440. For legal matters: Susan Schruth, Office of Chief Counsel, Room 9316, same address, (202) 366-4011.

SUPPLEMENTARY INFORMATION:

I. Background

UMTA provides Federal financial assistance to support urban areas in the planning, development, and improvement of comprehensive mass transportation systems. This assistance is provided by means of a variety of programs within the statutory authority granted by the Urban Mass Transportation Act of 1964, as amended (the UMT Act). UMTA assistance comes in many forms, including providing a matching share for capital construction of mass transportation projects, research and development dollars, assistance for operations, and several small, specialized programs.

A. *UMTA Project Management Initiatives.* Beginning in 1983, UMTA reviewed the way in which it provided oversight of one of its principal functional areas—construction of major capital projects by recipients of its funds. After examining a number of other Federal and related agency oversight programs, UMTA concluded that it was important to increase its independent oversight of significant UMTA-funded projects. UMTA developed a national project management oversight program for major capital projects using independent contractors. At that time, the definition of major capital project focused on new rail start projects. Under the program, UMTA assigned independent contractors, paid by and reporting directly to UMTA, to perform project management oversight functions on certain major capital projects. This arrangement allowed UMTA to more carefully monitor certain major capital projects without increasing its staff.

The program was useful immediately to UMTA and its recipients. The contractor's report became a key resource document UMTA used in evaluating a recipient's technical capacity and capability to execute a major capital project. The contractor's report also enabled the recipient to objectively assess various aspects of its capabilities.

There were, however, significant funding problems with this UMTA initiative. UMTA was not authorized to use funds from any of its major capital programs to provide for such a program, and instead had to rely on funding from its smaller research and study programs. This problem was resolved when Congress, in both the FY 1986 and FY 1987 DOT appropriation acts, authorized UMTA to use up to ½ of 1 percent of the funding available under its major capital programs in each of those fiscal years to contract directly with independent contractors for project management oversight.

By competitive procurement in 1986, UMTA retained a number of highly qualified national firms as contractors. Currently these contractors are working actively on over 25 separate assignments covering over 40 projects. In making assignments, considerable effort is taken to make certain that there is no real or apparent conflict of interest between an UMTA contractor and the project(s) assigned to the contractor. Once assigned to a project, the contractor monitors the recipient's overall implementation of the project and reports on it directly to UMTA. Such a report emphasizes project cost, schedule, and quality, and enables UMTA to assess effectively a recipient's performance on a particular project. When necessary, the report also makes recommendations for modifying practices to improve project performance.

B. *Statutory Program.* Because of the success and usefulness of UMTA's project oversight initiative, Congress included a project management oversight program in UMTA's reauthorization legislation (the Surface Transportation and Uniform Relocation Assistance Act of 1987, (STURAA) Pub. L. 100-17, effective April 2, 1987). Section 324 of STURAA added a new section 23 to the UMT Act.

Section 23 goes beyond UMTA's initiative of the mid-1980's by specifying three elements of the project management oversight program. First, UMTA may use up to ½ of 1 percent of the funds available under sections 3, 9, and 18 of the Urban Mass Transportation Act of 1964, as amended, 23 U.S.C. 103(e)(4) (interstate transfer—transit projects), and section 14(b) of the National Capital Transportation Amendments of 1979 (the Washington, DC Metrorail system) for project management oversight. Second, section 23 of the UMT Act requires a recipient constructing a major capital project to prepare a project management plan and, upon UMTA approval, to implement such plan. And third, section 23 requires UMTA to issue regulations to implement its provisions. This rulemaking is intended to fulfill this third provision of section 23.

II. The NPRM

UMTA published its notice of proposed rulemaking (NPRM) on August 11, 1987 (52 FR 29702). In response to the NPRM, UMTA received seventeen (17) comments, broken-down by the following categories:

11 UMTA urban recipients and lcoal governments
1 Contractor providing PMO services
4 State governments
1 Public Trade Association

All commenters were in general support of the PMO regulation, although most made recommendations on specific aspects of the rule. These specific recommendations are noted below and discussed in detail in the next section of the preamble ("Section-by-Section Analysis").

UMTA specifically sought comment on the definition of major capital project, and seven commenters requested clarification of this definition. Two commenters addressed the time period for the submission of the project management plan. Five commenters proposed that the requirement for monthly submissions of cost and data be changed to a quarterly submission. Two commenters suggested that a project

management plan be deemed approved if the Administrator's review is not completed within sixty days.

Commenters also sought deletion of updated ridership estimates, the addition of exemptions from the PMO program, exclusion of the section 18 program from the PMO regulation, and clarification of the process for obtaining a waiver from certain items otherwise required to be included in the project management plan.

The final rule published today is substantively similar to the proposed rule. The following section-by-section analysis discusses these significant comments in more detail, as well as the agency's response to these comments.

III. Section-by-Section Analysis and Response To Public Comments

This portion of the preamble discusses each section of the final rule. It includes a review of any significant comments on a particular issue, as well as UMTA's response to such comments and its reasons for making the decisions incorporated in the final rule. The structure of the final rule is somewhat different from the proposed rule: to make the rule clearer, the agency has broken down a few large sections into several smaller sections. This, combined with descriptive section headings, should make the rule easier to use.

Subpart A—General Provisions

Section 633.1 Purpose

This section explains that the purpose of the rule is to implement section 23 of the UMT Act, as added by section 324 of the Surface Transportation and Uniform Relocation Assistance Act of 1987. The agency received no comments on this section. The agency has added to this section a brief description of the two different thrusts of the part—project management oversight and project management plans.

Section 633.3 Scope

This section provides that the part applies to any recipient of UMTA financial assistance undertaking a major capital project. The agency received no comments on this section.

Section 633.5 Definitions

This section contains ten definitions specifically applicable to this part. Several definitions drew comment.

Major Capital Project. "Major Capital Project" is an important element of this regulation, since it triggers both project management oversight on the part of UMTA and requires a recipient to comply with the project management plan provisions of the regulation. The NPRM defined a major capital project as having three separate categories: (1) Any new start rail project or extension; (2) any rail modernization project costing more than $100 million; or (3) a project determined to be a major capital project for purposes of this program by the Administrator. We noted in the preamble to the NPRM that one area in which the Administrator generally would be expected to exercise discretion to designate a project as major is any project costing more than $100 million.

Seven commenters recommended that further consideration be given to our definition. Commenters noted that the $100 million threshold language was not included in the proposed rule itself. Similarly, commenters criticized the lack of concise criteria or process for determining what constitutes a major capital project in the third instance—that is, the Administrator's discretionary designation of a project as "major"—and suggested that UMTA establish evaluation criteria to define more narrowly and objectively the Administrator's discretion. Commenters are concerned that the lack of objective criteria in this regard could create uncertainty and confusion as project planning, programming and implementation proceed without a recipient knowing whether the project might at some point be deemed "major" by UMTA.

UMTA recognizes this concern; in response, we have included in the final rule more specific guidance regarding the determination of what may constitute a major capital project. The final rule breaks down the concept of major capital project into three principal types. First is any new start project or extension. Second is any rehabilitation or modernization project, if costs exceed $100 million. These projects automatically are subject to the provisions of Part 633. That is, automatically these recipients will have to develop a project management plan, and they will be subject to some kind of project management oversight. The agency anticipates that these first two categories will constitute the great majority of the projects covered by part 633.

The third principal category identified in the major capital project definition includes those projects "deemed major" by the Administrator. It is this third category which has caused confusion among commenters and which we have clarified in the final rule. This category provides the Administrator with the necessary flexibility to apply the benefits of the project management oversight program to projects on an as-needed basis. This is not to say that a decision about any project would be arbitrary or capricious. Indeed, a necessary element of each decision by the Administrator is a determination that the project management oversight program will benefit specifically the agency or the recipient, or both.

Although the agency cannot specifically identify all types of cases in which the Administrator may make this type of determination, we have tried to list both here and in the definition section of the regulation the most likely types of projects under this third category:

(1) A project that generally is expected to have a total project cost in excess of $100 million;

(2) A project that is not exclusively for the routine acquisition, maintenance, or rehabilitation of vehicles or other rolling stock;

(3) A project that involves new technology;

(4) A project that is of a unique nature for the recipient; or

(5) A project involving a recipient whose past experience indicates to the agency the appropriateness of the extension of this program.

The final rule also makes it clear that any project deemed major by the Administrator will be subject to both parts of the project management oversight program—developing a project management plan and subject to project management oversight.

One final note concerning projects subject to a discretionary determination of "major" by the Administrator. Section 23 of the UMT Act also provides that the definition of major capital project "shall exclude projects for the acquisition of vehicles or other rolling stock, or for the performance of vehicle maintenance or rehabilitation." UMTA believes that the legislative intent in this regard was to exclude *routine* acquisition, rehabilitation or maintenance of vehicles or rolling stock from coverage of the rule—that is, to exclude those activities undertaken by a recipient in its normal course of business to maintain current service with existing or on-the-shelf technology. On the other hand, in UMTA's view the acquisition rehabilitation, or maintenance of vehicles by a recipient using technology or methods not utilized curently in the day-to-day operation of transit systems in this country, or in the day-to-day operations of a particular recipient, should not be excluded categorically from the project management oversight program, nor was it meant to be. Accordingly, projects involving non-routine acquisition, rehabilitation or maintenance are included in the third

category of major capital projects—those within the descretion of the Administrator to designate as major if the Administrator determines it is to the benefit of UMTA, the recipient, or both.

Project Management. UMTA has added a definition of "project management plan" to the final rule. Under the statute, such a plan must be prepared by each recipient undertaking a major capital project, and must be approved by UMTA. The plan is the key reference document for a project participant to implement, and for an observer to monitor, a project. It is a dynamic document which may change often and be revised as the project passes through different phases. In addition to being a recipient's key management tool, the project management plan is a primary resource document used by UMTA in determining a recipient's technical capacity and capability to carry out a project.

Grantee. Finally, to be consistent with other UMTA regulations, we have replaced the definition of the term "grantee" with a definition of "recipient" in the final rule. A recipient is the entity that enters into a grant agreement with UMTA. Thus, we have deleted from the final rule the term "grantee" and replaced it in each case with "recipient." If the recipient does not actually carry out a proposed project, but rather passes funds through to some other entity, and the project is major for purposes of this regulation, it remains the responsibility of the recipient to make certain that this regulation is complied with either directly by the recipient or by the entity carrying out the project.

Subpart B—Project management oversight services

Section 633.7 of the NPRM contained all of the provisions relating to PMO services. There were no comments on these provisions. In the final rule, this material is broken down into five sections. New § 633.11 indicates which statutory funding programs are covered by this part. Section 633.13 discusses the timing of the initiation of this program—noting that while UMTA normally will contract for PMO services during the grant application process, it is possible that the agency will determine a project is a major capital project at some later date. The agency then would contract for PMO services at this later time.

Section 633.15 sets out the information access provisions—that the recipient must make records and sites available to UMTA or the PMO contractor.

Section 633.17 states that project management oversight services may be provided by any person or entity. UMTA anticipates that PMO will continue to be carried out by private companies, but it it possible that other entities, such as states, may be used. No recipient can provide PMO services in connection with its own project. Furthermore, the entity carrying out PMO may not have a conflict of interest with regard to the project and would be required to have an objective and unbiased outlook vis a vis the particular project. There also may be instances in which UMTA staff would itself provide all required PMO services. This section also makes it clear that UMTA uses government-wide procurement regulations found at 48 CFR CH I when contracting for PMO services.

Section 633.19 describes the Federal share for a PMO contract—100 percent—and indicates that UMTA is authorized to expend for project management oversight an amount not to exceed one-half of one percent of the funds made available each year under sections 3. 9, and 18 of the UMT Act, as well as under 23 U.S.C. 103(e)(4) and section 14(b) of the National Capital Transportation Amendments of 1979. Under sections 9 and 18, UMTA, as necessary, takes these funds "off the top" of the appropriation before the funds are allocated or apportioned under their particular requirements.

The practice under Section 3 and under the Interstate Transfer provision is somewhat different given the practice by Congress of earmarking those programs. Section 3 by law is divided into separate categories. UMTA takes the PMO ½ of 1 percent from each separate category, rather than directly "off the top". For the New Starts category, Congress fully earmarks projects to be funded. Thus, each earmark may be reduced by ½ of 1 percent to fund PMO activities. Under the Interstate Transfer Program, Congress specifically sets aside funds for PMO activities as part of their earmarks. Thus, the earmarks do not have to be reduced. Of course, if Congress were to change any of its practices discussed above the agency would have to reexamine how it takes down the PMO funds.

Subpart C—Project Management Plans

Old § 633.11, project management plans, has been broken down into two sections to help readability. New § 633.21 provides that, as a condition of Federal financial assistance, a recipient undertaking a major capital project submit a project management plan to UMTA. Two commenters addressed the timing of the submission of the project management plan. One suggested that it should not be required until after a grant is awarded; another proposed that it should be submitted after grant approval.

UMTA recognizes that each project is different, and that establishing absolute procedures without exceptions can be problemmatic in the grants area. The PMP is a dynamic document reflecting the four stages of a project (preliminary engineering, final design, construction, start up). The initial PMP must address subsequent elements of the project—if only in a general way. For example, it may not be possible for a recipient to submit detailed information on its change order procedure at the preliminary engineering stage, even though this is a required element of the plan. Initially, the recipient must address this requirement in general terms. Section 633.27 makes it clear that the recipient must submit periodic updates to the plan, as needed and appropriate.

However, UMTA also believes that the PMP is a key document in determining a recipient's technical capability and capacity to implement a project. Even as early as the grant application stage, a potential recipient needs to have considered how the project will be administered as much as it has defined what actual work and construction needs to be done. In this connection, section 3(a)(2)(A)(i) of the UMT Act states that "[n]o grant * * * shall be provided under this section unless the Secretary determines that the applicant has or will have the technical capacity to carry out the proposed project."

To assist UMTA in making the statutory determination noted above, the final rule provides generally that a project management plan must be submitted during the grant review process and is part of UMTA's grant application review. UMTA recognizes that the due date for such a plan may vary depending on the nature of the major capital project involved, the circumstances surrounding its development, as well as the fact that UMTA may not have even determined that there is a major capital project involved. UMTA will strive to make its determination as early as possible.

In most cases, then, UMTA will notify the recipient of the plan's due date for the final plan during the grant review process. In those cases where the Administrator determines after grant review that a project is major, UMTA will notify the applicant as soon as possible after the determination. The final rule adds a provision (§ 633.21(c)) that the grantee will have at least 90 days from UMTA notification of the

project management plan requirement to the due date of the plan. (Of course, an applicant for a new start or a major rail modernization project knows that it has to prepare a project management plan and may wish to submit it with its grant application to UMTA.)

New § 633.23 provides that UMTA has 60 days from the receipt of a final plan to notify the recipient that the plan is approved or disapproved; that it will require some changes before approval; or indicate that UMTA has not yet completed review of the plan, and state when that review will be completed. Two commenters suggested that the plan be deemed approved if UMTA's review is not complete within the 60 days. UMTA believes that such a provision would not be prudent management on its part. We recognize, however, that action must be taken within 60 days, either in the form of approval or disapproval of the plan, or a statement that UMTA needs more time to review the plan, and the regulation so provides.

Section 663.25, contents of a project management plan, discusses the contents of a project management plan and reflects, as did the provision in the NPRM, the specific requirements of the statute. One commenter suggested that the submission of updated ridership estimates be deleted. This is a statutory requirement, and as such cannot be deleted from the rule.

As noted in the NPRM, section 324 of the Act enumerated specific elements of the plan. The Act also stated, however, that the plan "* * * shall, as required in each case by the Secretary, provide for * * *" the specifically listed elements. The agency believes that the language "as required in each case by the Secretary" provides some discretion to the Administrator in determining the proper contents of each plan. Section 633.29 permits the Administrator, upon application of a grantee or on the Administrator's own initiative, to waive certain requirements upon a clear showing that any of the elements are unnecessary.

In this connection, one commenter suggested a more specific process for obtaining a waiver. In response, the agency does not believe that it would be possible to describe every specific basis for granting a waiver. Waivers will be considered on a case-by-case basis as requested in writing by a recipient. UMTA will grant waivers based on the merits of a specific request, consistent with the underlying purpose of section 23 of the UMT Act.

One commenter suggested that a recipient with an approved project management plan be exempt from submitting a new plan for a new project. The agency believes that it would not be prudent to approve a one-time submission of the project management plan. UMTA needs to verify periodically that the recipient is following the approved plan for a particular project and to monitor its implementation and changes. However, a recipient that manages multiple major capital projects using a plan that has been approved previously by UMTA, may resubmit the document, state that it seeks to execute the proposed project using the same plan, and request a waiver. UMTA will consider granting a waiver from the requirement of a new plan and let the existing plan be used for the new project. If this approach is approved by UMTA and any changes to the old plan are to be made, the recipient need only document those changes.

Section 633.27 discusses implementation of a project management plan after approval by the Administrator, as well as the requirement that a recipient submit periodic updates to the project management plan. Further, the recipient is required to submit monthly data on the project's cost and schedule data. Several commenters suggested that this requirement was too burdensome and duplicative. Section 23 of the UMTA Act specifically includes this requirement and consequently, the agency must include it in the final rule. In any event, the monthly submission of cost and schedule information is data that the recipient should have available and the provision requires the minimum—that the recipient send UMTA a copy of its basic project monitoring data on a monthly basis. Further, this request is not in conflict with the more detailed data required on a quarterly basis.

IV. Regulatory Impacts

A. Significant Rulemaking Analysis

This action has been reviewed under Executive Order 12291, and it has been determined that it is not a major rule. If promulgated, this rule would not result in an annual effect on the economy of $100 million or more, nor would it create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete in domestic or export markets. Moreover, this regulation is not significant under the Department's Regulatory Policies and Procedures. UMTA finds that economic impact of this regulation is minimal and a full regulatory evaluation is not necessary.

B. Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Public Law 95–354, UMTA certifies that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities within the meaning of the Act.

C. Federalism Analysis

This proposed rule has been reviewed under Executive Order 12612 on "Federalism", and UMTA has determined that it does not have implications for principles of Federalism that warrant the preparation of a Federalism Assessment. If promulgated, this rule will not limit the policymaking and administrative discretion of the States, nor will it affect the States' abilities to discharge traditional State governmental functions or otherwise affect any aspects of State sovereignty.

D. Paperwork Reduction Act

The collection of information requirements in this rule is subject to the Paperwork Reduction Act, Public Law 96–511, 44 U.S.C. Chapter 35. Section 324(e) of the Act specifically requires a grantee constructing a major capital project to prepare a plan and submit it to UMTA for approval. These requirements have been submitted to the Office of Management and Budget (OMB) and have received approval under OMB control number 2132–0502.

List of Subjects in 49 CFR Part 633

Government contracts. Grant programs—Transportation, Mass Transportation.

Accordingly, for the reasons described in the preamble, 49 CFR chapter VI is amended by adding a new part 633, as set forth below:

PART 633—PROJECT MANAGEMENT OVERSIGHT

Sec.

Subpart A—General Provisions

633.1 Purpose.
633.3 Scope.
633.5 Definitions.

Subpart B—Project Management Oversight Services

633.11 Covered projects.
633.13 Initiation of PMO services.
633.15 Access to information.
633.17 PMO contractor eligibility.
633.19 Financing the PMO program.

Subpart C—Project Management Plans

633.21 Basic requirement.
633.23 UMTA review of PMP.

Authority: 49 U.S.C. 1601 et. seq., 1619.

Subpart A—General Provisions

§ 633.1 Purpose.

This part implements section 324 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100–17), which added section 23 to the UMT Act. The part provides for a two-part program for major capital projects receiving assistance from the agency. First, Subpart B discusses project management oversight, designed primarily to aid UMTA in its role of ensuring successful implementation of federally-funded projects. Second, Subpart C discusses the project management plan (PMP) required of all major capital projects. The PMP is designed to enhance the recipient's planning and implementation efforts and to assist UMTA's grant application analysis efforts.

§ 633.3 Scope.

This rule applies to a recipient of Federal financial assistance undertaking a major capital project using funds made available under:

(a) Sections 3, 9, or 18 of the Urban Mass Transportation Act of 1964, as amended;

(b) 23 U.S.C. 103(e)(4); or

(c) Section 14(b) of the National Capital Transportation Amendments of 1979 (93 Stat. 1320, Pub. L. 96–184).

§ 633.5 Definitions.

As used in this part:

Administrator means the Administrator of the Urban Mass Transportation Administration or the Administrator's designee.

Days means calendar days.

Fixed guideway means any public transportation facility which utilizes and occupies a separate right-of-way or rails. This includes, but is not limited to, rapid rail, light rail, commuter rail, automated guideway transit, people movers, and exclusive facilities for buses and other high occupancy vehicles.

Full funding agreement means a written agreement between UMTA and a recipient that establishes a financial ceiling with respect to the Government's participation in a project; sets forth the scope of a project; and sets forth the mutual understanding, terms, and conditions relating to the cosntruction and management of a project.

Major capital project means a project that:

(1) Involves the construction of a new fixed guideway or extension of an existing fixed guideway;

(2) Involves the rehabilitation or modernization of an existing fixed guideway with a total project cost in excess of $100 million; or

(3) The Administrator determines is a major capital project because the project management oversight program will benefit specifically the agency or the recipient. Typically, this means a project that:

(i) Generally is expected to have a total project cost in excess of $100 million or more to construct;

(ii) Is not exclusively for the routine acquisition, maintenance, or rehabilitation of vehicles or other rolling stock;

(iii) Involves new technology;

(iv) Is of a unique nature for the recipient; or

(v) Involves a recipient whose past experience indicates to the agency the appropriateness of the extension of this program.

Project management oversight means the monitoring of a major capital project's progress to determine whether a project is on time, within budget, in conformance with design criteria, constructed to approved plans and specifications and is efficiently and effectively implemented.

Project management plan means a written document prepared by a recipient that explicitly defines all tasks necessary to implement a major capital project.

Recipient means a direct recipient of Federal financial assistance from UMTA.

UMT Act means the Urban Mass Transportation Act of 1964, as amended.

UMTA means the Urban Mass Transportation Administration.

Subpart B—Project Management Oversight Services

§ 633.11 Covered projects.

The Administrator may contract for project management oversight services when the following two conditions apply:

(a) The recipient is using funds made available under section 3, 9, or 18 of the Urban Mass Transportation Act of 1964, as amended; 23 U.S.C. 103(e)(4); or section 14(b) of the National Capital Transportation Amendments of 1979; and

(b) The project is a "major capital project".

§ 633.13 Initiation of PMO services.

PMO services will be initiated as soon as it is practicable, once the agency determines this part applies. In most cases, this means that PMO will begin during the preliminary engineering phase of the project. However, consistent with other provisions in this part, the Administrator may determine that a project is a "major capital project" at any point during its implementation. Should this occur, PMO will begin as soon as practicable after this agency determination.

§ 633.15 Access to information.

A recipient of UMTA funds for a major capital project shall provide the Administrator and the PMO contractor chosen under this part access to its records and construction sites, as reasonably may be required.

§ 633.17 PMO contractor eligibility.

(a) Any person or entity may provide project management oversight services in connection with a major capital project, with the following exceptions:

(1) An entity may not provide PMO services for its own project; and

(2) An entity may not provide PMO services for a project if there exists a conflict of interest.

(b) In choosing private sector persons or entities to provide project management oversight services, UMTA uses the procurement requirements in the government-wide procurement regulations, found at 48 CFR CH I.

§ 633.19 Financing the PMO program.

(a) UMTA is authorized to expend up to ½ of 1 percent of the funds made available each fiscal year under sections 3, 9, or 18 of the UMT Act, 23 U.S.C. 103(e)(4), or section 14(b) of the National Capital Transportation Amendments of 1979 (93 Stat. 1320) to contract with any person or entity to provide a project management oversight service in connection with a major capital project as defined in this part.

(b) A contract entered into between UMTA and a person or entity for project management oversight services under this part will provide for the payment by UMTA of 100 percent of the cost of carrying out the contract.

Subpart C—Project Management Plans

§ 633.21 Basic requirement.

(a) If a project meets the definition of major capital project, the recipient shall submit a project management plan prepared in accordance with § 633.25 of this part, as a condition of Federal financial assistance. As a general rule, the PMP must be submitted during the grant review process and is part of UMTA's grant application review. This section applies if:

(1) The project fails under one of the automatic major capital investment project categories (§ 633.5(1) or (2) of this part); or

(2) UMTA makes a determination that a project is a major capital project, consistent with the definition of major capital project in § 633.5. This determination normally will be made during the grant review process. However, UMTA may make such determination after grant approval.

(b)(1) UMTA will notify the recipient when it must submit the PMP. Normally, UMTA will notify the recipient sometime during the grant review process. If UMTA determines the project is major under its discretionary authority after the grant has been approved, UMTA will inform the recipient of its determination as soon as possible.

(2) Once UMTA has notified the recipient that it must submit a plan, the recipient will have a minimum of 90 days to submit the plan.

§ 633.23 UMTA review of PMP.

Within 60 days of receipt of a project management plan, the Administrator will notify the recipient that:

(a) The plan is approved;

(b) The plan is disapproved, including the reasons for the disapproval;

(c) The plan will require modification, as specified, before approval; or

(d) The Administrator has not yet completed review of the plan, and state when it will be reviewed.

§ 633.25 Contents of a project management plan.

At a minimum, a recipient's project management plan shall include—

(a) A description of adequate recipient staff organization, complete with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

(b) A budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and such miscellaneous costs as the recipient may be prepared to justify;

(c) A construction schedule;

(d) A document control procedure and recordkeeping system;

(e) A change order procedure which includes a documented, systematic approach to the handling of construction change orders;

(f) A description of organizational structures, management skills, and staffing levels required throughout the construction phase;

(g) Quality control and quality assurance programs which define functions, procedures, and responsibilities for construction and for system installation and integration of system components;

(h) Material testing policies and procedures;

(i) Plan for internal reporting requirements including cost and schedule control procedures; and

(j) Criteria and procedures to be used for testing the operational system or its major components;

§ 633.27 Implementation of a project management plan.

(a) Upon approval of a project management plan by the Administrator the recipient shall begin implementing the plan.

(b) If a recipient must modify an approved project management plan, the recipient shall submit the proposed changes to the Administrator along with an explanation of the need for the changes.

(c) A recipient shall submit periodic updates of the project management plan to the Administrator. Such updates shall include, but not be limited to:

(1) Project budget;

(2) Project schedule;

(3) Financing, both capital and operating;

(4) Ridership estimates, including operating plan; and

(5) Where applicable, the status of local efforts to enhance ridership when estimates are contingent, in part, upon the success of such efforts.

(d) A recipient shall submit current data on a major capital project's budget and schedule to the Administrator on a monthly basis.

§ 633.29 PMP waivers.

A waiver will be considered upon initiation by the grantee or by the agency itself. The Administrator may, on a case-by-case basis, waive:

(a) Any of the PMP elements in § 633.25 of this part if the Administrator determines the element is not necessary for a particular plan; or

(b) The requirement of having a new project management plan submitted for a major capital project if a recipient seeks to manage the major capital project under a previously-approved project management plan.

Issued on: May 28, 1989.

Roland J. Mross,

Deputy Administrator.

[FR Doc. 89-20644 Filed 8-31-89; 8:45 am]

BILLING CODE 4910-57-M

federal register

Friday
September 1, 1989

Part VII

Department of Education

Student Literacy Corps Program; Invitation for Applications for New Awards for Fiscal Year 1990; Notice

DEPARTMENT OF EDUCATION

[CFDA No. 84.219]

Student Literacy Corps Program; Invitation for Applications for New Awards for Fiscal Year 1990

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), the notice contains information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: To promote student literacy corps projects operated by institutions of higher education (IHEs) where volunteer undergraduates will serve as unpaid literacy tutors in public community agencies.

Deadline for Transmittal of Applications: January 2, 1990.

Deadline for Intergovernmental Review: March 2, 1990.

Available Funds: $5,108,000.

Estimated Range of Awards: Up to $50,000.

Estimated Average Size of Awards: $45,000.

Estimated Number of Awards: 90–110.

Note: The Department is not bound by any estimate in this notice.

Project Period: 24 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals and Nonprofit Organizations), part 75 (Direct Grant Programs), part 77 (Definitions that Apply to Department Regulations), part 79 (Intergovernmental Review of Department of Education Programs and Activities), and part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

Description of Program: The Secretary of Education will make two-year non-renewable grants to eligible institutions of higher education to support literacy training at public community agency facilities. No more than $25,000 can be expended by any IHE during the first year. To be eligible to receive a grant, an IHE must demonstrate that it has previously engaged in community service activities. Specifically, it must indicate that it has either used a portion of its allotment under part C of title IV of the Higher Education Act of 1965, as amended (HEA), for work study and community service learning under section 443(b)(2)(A), or conducted a cooperative education program.

Upon request of the IHE, the Secretary may grant a waiver of the prior community service requirement described above if the IHE provides assurances that: (a)(1) it has conducted some other significant program involving community outreach and service; or (2) if it has not conducted such a program, it can demonstrate that it currently has the ability to engage in outreach efforts necessary to carry out Student Literacy Corps requirements; and (b) in the event that it receives an allotment under part C of title IV of the HEA, that a portion of this allotment will be used for community service learning programs.

Each IHE applicant must provide assurances in its application for Student Literacy Corps Program funds that—

(a) Its grant will be used to cover an IHE's costs of participation in the Student Literacy Corps Program for which assistance is sought, including evaluation and stipends for student coordinators, and funds made available will not be used for the payment of stipends or salaries to tutors, in accordance with the USES OF FUNDS provision in the authorizing legislation (20 U.S.C. 1018b);

(b) It will provide literacy tutoring services in structured classroom settings supervised by qualified personnel in one or more public community agencies in the community in which it is located that serve educationally or economically disadvantaged individuals (the term "public community agency" means an established community agency with an established program of instruction such as elementary and secondary schools, Head Start Centers, prisons, agencies serving youth, and agencies serving the handicapped, including disabled veterans);

(c) It will offer one or more courses for academic credit (in such academic areas as the social sciences, economics or education) designed to combine formal study with undergraduates' experience as literacy tutors;

(d) As a condition of receiving credit for the courses of instruction referred to in paragraph (c) above, undergraduates will perform not less than six hours of voluntary, uncompensated service each week of the academic term in a public community agency as tutors in its educational or literacy programs;

(e) The tutoring service referred to in paragraph (d) above will be supplementary both to the IHE's regular academic program and the existing instructional services offered by the community service learning programs; and

(f) It will make arrangements for adequate training of volunteers, depending upon available resources, which may include the training of student coordinators to assist in the process of preparing and placing undergraduates as tutors in community service learning programs.

Selection Criteria:

(a)(1) The Secretary uses the following selection criteria to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria.*—(1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purpose of Title I, part D of the Higher Education Act of 1965, as amended, including consideration of—

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of Title I, part D of the Higher Education Act of 1965, as amended.

(2) *Extent of need for the project.* (20 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in Title I, part D of the higher Education Act of 1965, as amended, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (30 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective;

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition; and

(vi) For grants under a program that requires the applicant to provide an opportunity for participation of students enrolled in private schools, the quality of the applicant's plan to provide that opportunity.

(4) *Quality of key personnel.* (7 points)

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraph (b)(4)(i) (A) and (B) will commit to the project; and

(D) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(4)(i) (A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590 Evaluation by the grantee.)

(7) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR Part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on November 18, 1987, pages 44338–44340.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA # 84.219, U.S. Department of Education, Room 4161, 400 Maryland Avenue, SW., Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that this address is not the same address as the one to which the applicant submits its completed application. Do not send application to the above address.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # 84.219), Washington, DC 20202–4725.

or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # 84.219), Room # 3633, Regional Office Building # 3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Posal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) An applicant wishing to know that its application has been received by the Department must include with the application a stamped, self-addressed postcard containing the CFDA number and title of this program.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Information—Non-Construction Programs (Standard Form 424A) and instructions.

Part III: Application Narrative.

Additional Materials:

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification regarding Debarment, Suspension, and Other Responsibility Matters: Primary Covered Transactions (ED Form GCS–008) and instructions.

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form GCS–009) and instructions. (**Note:** ED Form GCS–009 is intended for the use of grantees and

should not be transmitted to the Department.)

Certification Regarding Drug-Free Workplace Requirements: Grantees, Other than Individuals (ED 80-0004).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Dr. Donald N. Bigelow, Office of Higher Education Programs, U.S. Department of Education, Room 3082, (202) 732-5596, ROB-3, Mail Station 5131, 400 Maryland Avenue, SW., Washington, DC 20202.

Program Authority: 20 U.S.C. 1018-1018f.

Dated: August 28, 1989.

James B. Williams,

Acting Assistant Secretary for Postsecondary Education.

BILLING CODE 4000-01-M

Appendix

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☐ Non-Construction; *Preapplication* ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ . ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE_____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:

23. Remarks

SF 424A (4-88) Page 2
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INSTRUCTIONS FOR THE SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A,B,C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A,B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j – Show the amount of indirect cost.

Line 6k – Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

INSTRUCTIONS FOR THE SF-424A *(continued)*

Line 7 – Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8-11 – Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) – Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) – Enter the contribution to be made by the applicant.

Column (c) – Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) – Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) – Enter totals of Columns (b), (c), and (d).

Line 12 — Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 – Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 – Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 – Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16 - 19 – Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 – Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 – Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 – Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 – Provide any other explanations or comments deemed necessary.

Instruction for Part III—Application Narrative

Before preparing the Application Narrative, an applicant should read carefully the description of the program and the selection criteria the Secretary uses to evaluate applications.

The Narrative should encompass each function or activity for which funds are being requested and should—

1. Begin with an Abstract; that is, a single page summary of the proposed project;

2. Describe the project in terms of each of the selection criteria in the order in which they are listed; and

3. Include in the Narrative, information that will assist the Secretary in reviewing the application by indicating as fully as possible how the relevant "assurances" (a) to (f) in the Description of the Program will be carried out. Clearly describe the course(s) to be offered, the related training for undergraduate tutors and the duties of student coordinators, if any; explain which community agencies will be cooperating and why, with information about their programs and their clients; finally, describe the management and logistics of the proposed project, whether or not it is new, and, if it is new, how it will be combined with pre-existing projects.

Please limit the Application Narrative to no more than 15 double-spaced, typed pages (on one side only).

Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average four hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project 1840–0618, Washington, DC 20503.

(Information collection approved under OMB control number 1840–0618. Expiration date: 3/31/1992.)

BILLING CODE 4000-01-M

Student Literacy Corps Program
Program Assurances

As the duly authorized representative of the IHE applicant, I certify that the applicant will comply with all statutory and regulatory requirements applicable to this program and provide specific program assurances that:

a. Its grant will be used to cover an IHE's costs of participation in the Student Literacy Corps Program for which assistance is sought, including evaluation and stipends for student coordinators, and funds made available will not be used for the payment of stipends or salaries to tutors, in accordance with the USES OF FUNDS provision in the authorizing legislation (20 U.S.C. 1018b);

b. It will provide literacy tutoring services in structured classroom settings supervised by qualified personnel in one or more public community agencies in the community in which it is located which serve educationally or economically disadvantaged individuals (the term "public community agency" means an established community agency with an established program of instruction such as elementary and secondary schools, Head Start Centers, prisons, agencies serving youth, and agencies serving the handicapped, including disabled veterans).

c. It will offer one or more courses for academic credit (in such academic areas as the social sciences, economics or education) designed to combine formal study with undergraduates' experience as literacy tutors;

d. As a condition of receiving credit for the courses of instruction referred to in paragraph (c) above, undergraduates will perform not less than six hours or voluntary, uncompensated service each week of the academic term in a public community agency as tutors in its educational or literacy programs;

e. The tutoring service referred to in paragraph (d) above will be supplementary both to the IHE's regular academic program and the existing instructional services offered by the community service learning programs; and

f. It will make arrangements for adequate training of volunteers, depending upon available resources, which may include the training of student coordinators to assist in the process of preparing and placing undergraduate as tutors in community service learning programs.

Signature or Authorized Certifying Official	Title
Applicant Organization	Date Submitted

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made: and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

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Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the U.S. Department of Education, Grants and Contracts Service, 400 Maryland Avenue, S.W. (Room 3633 GSA Regional Office Building No. 3), Washington, D.C. 20202-4725, telephone (202) 732-2505.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature Date

ED Form GCS-008, (REV.12/88)

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature Date

ED Form GCS-009, (REV. 12/88)

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion–Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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Certification Regarding Drug-Free Workplace Requirements Grantees Other Than Individuals

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F. The regulations, published in the January 31, 1989 Federal Register, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment (see 34 CFR Part 85, Sections 85.615 and 85.620).

The grantee certifies that it will provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing a drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;
(2) The grantee's policy of maintaining a drug-free workplace;
(3) Any available drug counseling, rehabilitation, and employee assistance programs; and
(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--

(1) Abide by the terms of the statement; and
(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination; or
(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Organization Name PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature Date

ED 80-0004

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