

GRANT AGREEMENT

BETWEEN

BROOKINGS COUNTY

314 6th Avenue
Brookings, SD 57006

AND

THE U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

1200 New Jersey Avenue, SE, E22-229
Washington, D.C. 20590-0001

CONCERNING

“Technical Assistance Grants Program-Demonstration”

Agreement No.: DTPH56-09-G-PHPT03

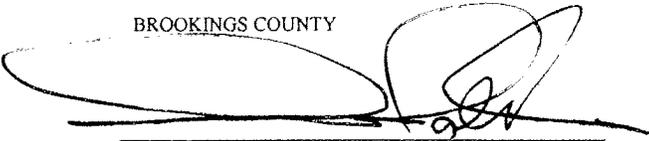
Total Amount of the Grant Agreement: \$12,000.00

Government Funds Obligated: \$12,000.00

PHMSA Line of Appropriation: 1400A09DA0/2009/50D0104031/PAADM21010/41010 \$12,000 PR# 954-09-6208

Authority: This agreement is entered into between the United States of America, represented by the U.S. Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA), and Brookings County, pursuant to and under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, Section 5, codified at 49 U.S.C. §60130, Technical Assistance Grants (TAG) Program – Demonstration Grants.

BROOKINGS COUNTY



Signature

Dennis Falken, Vice-Chair
Name and Title Brookings County Commission

05-19-09
Date

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION (PHMSA)



Signature Warren D. Osterberg
Contracting Officer

MAY 20 2009

Date JUN 01 2009

Effective Date

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Article I. Award Information

Section 1.01 Grantee Information

Brookings County
314 6th Avenue
Brookings, SD 57006
DUNS: 192830755
EIN/TIN: 46-6000070

Primary Contact: Robert Hill, rhill@brookingscountysd.gov, (605) 696-8350

Section 1.02 Awarding Agency Information

U.S. Department of Transportation (US DOT)
Pipeline and Hazardous Materials Safety Administration (PHMSA)
1200 New Jersey Avenue, SE
Room E22-305
Washington, D.C. 20590

Primary Contact: Glen Vierk, glen.vierk@dot.gov, (202) 366-5102

Section 1.03 Basic Award Information

Funding Opportunity Title: "Technical Assistance Grants (TAG) Program – Demonstration Grants"
Funding Opportunity Number: DTPH56-09-SN-0002
CFDA Number: N/A
Award Type: Grant Agreement
Award Number: DTPH56-09-G-PHPT03
Project Title: Develop a Pipeline Safety Appendix to the Brookings County Zoning Ordinance
Project Period: June 1, 2009 – November 30, 2009
Grant Amount: \$12,000.00

Article II. Background

Section 2.01 Background

The first Technical Assistance Grants (TAG) must be demonstration grants, each not to exceed \$25,000. The Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), is awarding these TAG demonstration grants to four communities participating in the Pipelines and Informed Planning Alliance (PIPA) initiative. These demonstration grants are for the purpose of demonstrating and evaluating the utility of the grants required in 49 U.S.C. 60130.

Section 2.02 Statement of Purpose

These demonstration grants will provide funding to local governments and community groups for engineering and other technical assistance related to pipeline safety matters.

Section 2.03 Specific Objective(s) of the Agreement

Under this grant award Brookings County will develop a Pipeline Safety Appendix to the Brookings County Zoning Ordinance utilizing standards set forth and recommended by the Pipeline and Informed Planning Alliance (PIPA) initiative.

Article III. Expected Program Outputs

Under the terms of this agreement, the Grantee must demonstrate completion of the work through the actions it has specified in its Application.

- *Developed a Pipeline Safety Appendix to the Brookings County Zoning Ordinance;*
- *Mailing of safety brochure from Brookings County detailing the procedures to apply for a building permit and the applicable setback requirements.*

Article IV. Deliverables

Brookings County must submit the following reports:

- Final Report;
- Final Financial Status Report.

Additional information about the reporting requirements is in Article IX, Reports.

Article V. Dissemination of Technical Findings

The Grantee must make available any technical findings to the relevant operators in the Grantee's area and have open communication with local operators, local communities and other interested parties.

Article VI. Delineation of Tasks/Deliverables

Section 6.01 Incorporation of Grantee Application

The Grantee's application and Project Plan dated **April 3, 2009** is incorporated by reference into this Agreement.

The Grantee is responsible for accomplishing the objectives, tasks and deliverables of this Grant Agreement, and performing the tasks and the deliverables outlined in the Grantee's Project Plan.

Article VII. Agreement Officials

Refer to the Award Terms and Conditions (Attachment 1), Section 1, for a detailed description of each official's responsibilities below.

Agreement Officer (AO)

Mr. Warren D. Osterberg
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Contracts and Procurement, PHA-30
1200 New Jersey Avenue, SE, E22-103
Washington, D.C. 20590
Telephone: (202) 366-6942
Fax: (202) 366-7974
E-mail: Warren.Osterberg@dot.gov

Agreement Administrator (AA)

Mr. Glen Vierk
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Contracts and Procurement, PHA-30
1200 New Jersey Avenue, SE, E22-305
Washington, D.C. 20590
Telephone: (202) 366-5102
Fax: (202) 366-7974
E-mail: Glen.Vierk@dot.gov

Agreement Officer's Technical Representative (AOTR)

Mr. Sam Hall
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety, PHP-20
2180 Adventure Lane
Maidens, VA 23102
Telephone: (804) 556-4678
Fax: (804) 556-3183
E-mail: Sam.Hall@dot.gov

Principal Investigator (PI)

Mr. Robert Hill
Brookings County
314 6th Avenue
Brookings, SD 57006
Telephone: (605) 696-8350
Fax: (605) 696-8355
E-mail: rhill@brookingscountysd.gov

Article VIII. Terms and Conditions

The Grantee must comply with and spend funds consistent with all the terms and conditions of this award, including the Award Terms and Conditions in **Attachment 1** and any other terms and conditions spelled out in this document. Attachment 1, Award Terms and Conditions is incorporated into this Agreement.

Article IX. Special Terms and Conditions

Section 9.01 Modifications

Modifications to this Grant Agreement may be made only in writing, signed by both the Grantee and the Agreement Officer, and specifically referred to as a modification to this Grant Agreement.

Section 9.02 Travel

Any travel necessary to carry out the objectives of this agreement must use the most economical form of transportation available. All travel is to be scheduled sufficiently in advance, to the extent practicable, to take advantage of offered discount rates. Travel and Per Diem authorized under this agreement must be incurred in accordance with the Government Travel Regulations currently in effect. Current per diem rates are listed at: <http://www.gsa.gov/perdiem>.

Article X. Reports

Section 10.01 Final Report

At the end of the grant period, the Grantee must deliver a letter-type final report to the AOTR and the AA that describes the results of all activities undertaken as a result of this grant. The report to PHMSA must demonstrate completion of the work as outlined in the grant agreement.

This report must be submitted to the AOTR and the AA in electronic form via e-mail no later than 90 day after the end of the period of performance.

Section 10.02 Final Financial Status Report

At the end of the grant period, the Grantee must submit a Final Financial Status Report, Standard Form 269 (SF-269), to report the status of all funds. In addition to SF-269, the Grantee should provide the break down of costs for each object class category (Personnel, Fringe Benefits, Travel, Equipment, Supplies, Contractual, Other, and Indirect Charges). This report must be submitted to the AA in electronic form via e-mail no later than 90 day after the end of the period of performance.

Article XI. Consideration and Payment

Section 11.01 Request for Advance/Reimbursement

Subject to the requirements in 49 CFR 18.21 being met (refer to Award Terms and Conditions, Section 14, "Payments") payments will be made after receipt of "Request for Advance or Reimbursement," SF-270. Each request must be submitted in an original to the AA, one copy to the AOTR and one copy to the Payment Office listed below:

U.S. Department of Transportation
Federal Aviation Administration, MMAC
Financial Operations, AMZ-160
P.O. Box 269039
Oklahoma City, OK 73126-9039
Attn: Ms. Margaret Gorman
(405) 954-7468

Section 11.02 Approved Project Proposal/Budget

The Grantee's application dated **April 3, 2009** is incorporated by reference into this Agreement.

Section 11.03 Payment of Advance/Reimbursement

All Grantees must be registered in the Central Contractor Registration (CCR) in order to receive payments on their invoices. For information on how to register, visit www.ccr.gov.

See Attachment 1 "Award Terms and Conditions" for additional payment requirements.

Article XII. Attachments

Attachment 1 - DTPH56-09-G-PHPT03 - Award Terms and Conditions

Who: Brookings County, South Dakota would like to file the following grant request with the Department of Transportation.

What: Technical Assistance Grants (TAG) to Communities – Demonstration Grants for Calendar Year 2009.
PHMSA Funding Opportunity Number: DTPH56-09-SN-0002

When: Closing Date: April 3, 2009
Closing Time: 12:00 Noon Central Standard Time

Completion Date: Six months after approval of grant.

Where: Brookings County, South Dakota

Why: Brookings County currently has a 15.1 mile transmission pipeline owned by Northern Natural Gas Company. The pipeline runs parallel to US Hwy 14 and runs through three townships and two municipalities. The total population of Brookings County is 28,220. There are approximately 217 people within a 1,500 foot radius and approximately 69 people living within a 660 feet radius of the existing pipeline.

Why part II. Basin Electric Power Cooperative, Inc. has filed a Notification of Intent to Apply for a Permit for an Energy Conversion Facility. This facility will consist of a natural gas pipeline running approximately twelve miles to a tap in the existing Northern Pipeline located in Deuel County, South Dakota.

How: The County proposes to use the Consultation and/or Planning Zone as defined by the PIPA as a basis for creating and implementing an additional chapter to the Brookings County Zoning Ordinance. The ordinance will be written to protect existing pipelines and newly constructed pipelines.

The Brookings County Drainage, Planning, Zoning and Drainage Department, Emergency Management Department, Highway Department, Sheriffs Department and Human Resources (Geographic Information Systems Technician) Department will work together in a concerted effort to accomplish this task.

The Cities of Brookings and Volga will be invited to all meetings because the existing pipeline runs through their respective jurisdictions. Fire and EMS Departments from three different communities will be involved. Since the pipeline crosses a Class I railroad, The Canadian Pacific's Dakota, Minnesota and Eastern Railroad will also be invited.

It is anticipated that the pipeline owner, Northern Natural Gas Company, will be a key player along with the Brookings County Planning Commission to develop the actual distances used in the Consultation and/or Planning Zone(s). Along with the two main players all landowners within 1,500 feet will be invited to participate in the discussions to set the final distance of the Consultation and/or Planning Zone(s).

A brochure will also be developed that can be provided to landowners and County citizens and it is anticipated that Northern Natural Gas Company's existing safety brochures will also be handed out along with the newly developed brochure.

Final outcome: At the conclusion of the grant we will have a Pipeline Safety ordinance that applies to the existing transmission pipeline and future pipelines constructed in Brookings County. The citizens of Brookings County will have been afforded the opportunity to participate in the process. Landowners that own land in the Consultation and/or Planning Zones will have been mailed a safety brochure from Brookings County detailing the procedures to apply for a building permit and the applicable setback requirements.

Vierk, Glen <PHMSA>

From: Robert Hill [rhill@brookingscountysd.gov]
Sent: Tuesday, May 19, 2009 4:59 PM
To: Vierk, Glen <PHMSA>
Subject: Grant Agreement DTPH56-09-G-PHPT03
Attachments: Grant_DTPH56-09-G-PHPT03_Signed.pdf

Sir,
I am mailing the original signed copy today.
Sincerely,
Robert

Brookings County Zoning & Drainage

Robert W. Hill

601 4th Street, Suite 105

Brookings, SD 57006

605-696-8350

605-696-8355 (Fax)

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended individual(s) or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original.

5/20/2009

Vierk, Glen <PHMSA>

From: Robert Hill [rhill@brookingscountysd.gov]
Sent: Friday, May 15, 2009 2:27 PM
To: Vierk, Glen <PHMSA>
Subject: RE: ACTION REQUIRED - Brookings County TAG Demonstration Grant Agreement

Sir,
I have received your email with four attachments.
Thank you for your assistance in applying for this grant.
Sincerely,
Robert

From: glen.vierk@dot.gov [mailto:glen.vierk@dot.gov]
Sent: Friday, May 15, 2009 1:21 PM
To: Robert Hill
Cc: glen.vierk@dot.gov; warren.osterberg@dot.gov; sam.hall@dot.gov
Subject: ACTION REQUIRED - Brookings County TAG Demonstration Grant Agreement

Dear Mr. Hill,

PLEASE ACKNOWLEDGE RECEIPT OF THIS MESSAGE.

Attached you will find 4 documents, and they are as follows:

- 1. Grant Agreement:** This document contains all the requirements associated with your grant award. Please carefully review this document in its entirety paying particular attention to Article II, Section 2.03; and Article XI, Section 11.01.
- 2. Award Terms and Conditions:** This document contains all the terms and conditions associated with this grant award.
- 3. SF-269A:** This is the Standard Form 269, "Financial Status Report (Short Form)." This form must be submitted as part of your Final Financial Status Report.
- 4. SF-270:** This is the Standard Form 270, "Request for Advance or Reimbursement." This form must be submitted to receive Reimbursement/Advance payments.

Assuming that you have no issues with the contents of the Grant Agreement (document 1) and the Award Terms and Conditions (document 2), please reproduce two (2) copies of the entire Grant Agreement (document 1), sign or have an authorized representative sign both of them, and return them within five (5) days of the date of this correspondence to the following address:

U.S. Department of Transportation (DOT)
Pipeline & Hazardous Materials Safety Administration (PHMSA)
Office of Contracts and Procurement (PHA-30)
1200 New Jersey Avenue, SE, Room E22-305
Washington, DC 20590
Attn: Glen Vierk

Immediately upon signature, please scan and e-mail one (1) copy of the entire Grant Agreement (document 1) to my attention. Upon execution by the PHMSA Contracting Officer, you will be provided with one (1) copy of the agreement for your files.

If you have any questions or concerns regarding this matter, please don't hesitate to contact me at (202) 366-5102 or Mr. Warren Osterberg at (202) 366-6942.

Thank you,

Glen Vierk
Contract Specialist
Office of Contracts and Procurement

5/15/2009

Pipeline & Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE Room E22-305
Washington, DC 20590
Phone: (202) 366-5102
Fax: (202) 366-7974
E-mail: glen.vierk@dot.gov

Vierk, Glen <PHMSA>

From: Vierk, Glen <PHMSA>
Sent: Friday, May 15, 2009 2:21 PM
To: 'Robert Hill'
Cc: Vierk, Glen <PHMSA>; Osterberg, Warren <PHMSA>; Hall, Sam <PHMSA>
Subject: ACTION REQUIRED - Brookings County TAG Demonstration Grant Agreement
Attachments: DTPH56-09-G-PHPT03 - Brookings.pdf; DTPH56-09-G-PHPT03 - Award Terms and Conditions.pdf; SF-269A.pdf; SF-270.pdf

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Thank you,

Glen Vierk
Contract Specialist
Office of Contracts and Procurement
Pipeline & Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE Room E22-305
Washington, DC 20590
Phone: (202) 366-5102
Fax: (202) 366-7974
E-mail: glen.vierk@dot.gov

5/15/2009



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

MAY 20 2009

Robert Hill
Brookings County
314 6th Avenue
Brookings, SD 57006

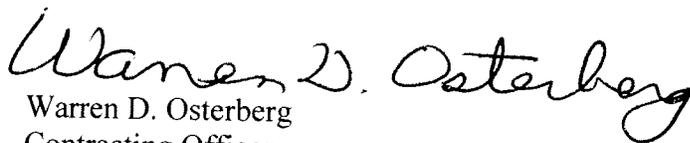
**RE: Executed Grant Agreement #DTPH56-09-G-PHPT03,
"Technical Assistance Grants Program-Demonstration"**

Dear Mr. Hill:

Enclosed is one (1) executed copy of the above referenced Grant Agreement for your files.

If you have any questions or concerns regarding this matter, please do not hesitate to contact Glen Vierk at (202) 366-5102.

Sincerely,


Warren D. Osterberg
Contracting Officer

Enclosures:
Executed Basic Grant Agreement
Award Terms and Conditions