

Pool Safely Grant Program (PGSP) (CPSC-16-001)

Frequently Asked Questions (*Updated August 18, 2015*)

The questions and answers are organized by the following headings and topics for the U.S. Consumer Product Safety Commission (CPSC), Pool Safely Grant Program (PGSP). The PGSP Funding Opportunity Announcement (FOA) is available at <http://www.grants.gov/web/grants/search-grants.html?keywords=CPSC>.

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Summary

1. What is the purpose of the PGSP funding opportunity?

The PGSP funding opportunity is intended to assist state and local governments in implementing enforcement and education programs aimed at preventing the drowning and drain entrapments of children in pools and spas. The specific activities authorized under this program, and for which funding may be used, are:

- 1) To hire and train enforcement personnel for implementation and enforcement of standards under the state or local swimming pool and spa safety law. At least 50 percent of funding must be used for this purpose.
- 2) To educate:
 - a) pool construction and installation companies and pool service companies about the standards;
 - b) pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas.

3) To defray administrative costs associated with such training and education programs.

2. When will the grants be awarded? *(Revised)*

It is anticipated that the grants will be awarded on or about December 10, 2015, with an anticipated project period start date of January, 4, 2016.

3. How much federal funding can an applicant request per application?

Each applicant can request up to \$250,000 in federal funds under the PGSP.

4. How much is available for the PGSP funding opportunity?

Approximately \$1 million is available to be awarded in FY 2016.

5. How many applications can an applicant submit?

Only one application per entity will be considered for funding. If more than one application is submitted, CPSC will accept the last electronic application submitted by the applicant and validated by Grants.gov.

Eligibility

6. Is this funding opportunity limited to state governments?

No. Eligible applicants include State and local governments and some territories.

Specifically:

- The 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated State of Micronesia, the Republic of the Marshall Islands, , Midway Island, Wake Island, Kingman Reef, and Johnston Island.
- Local Governments – political subdivisions of a state, which may include a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments, or any agency or instrumentality of a local government.

In order to be eligible, applicants must also demonstrate to CPSC's satisfaction that the applicant has a state or local law that meets the requirements specified under Sections 1405 and 1406 of the VGB Act, P.L. No. 110-140, Title XIV, as amended, 15 U.S.C. §§ 8004-8005 .

CPSC will determine in its discretion whether a particular entity is a state, or political subdivision of a state, eligible under the Virginia Graeme Baker Pool and Safety Act (VGB Act) for PSGP grants.

7. What does CPSC mean by “demonstrate to the satisfaction of CPSC that the applicant has an enacted or amended an state or local law that meets the “minimum state law” requirements specified in Section 1406 of the VGB Act (15 U.S.C. § 8005)”?

An applicant must submit a full copy of the applicable state or local law as part of the application along with an explanation of how applicable state or local law meets each of the safety standards set forth in Section 1406(a)(1) of the VGB Act. The VGB Act can be accessed at www.poolsafely.gov/pool-spa-safety-act/read/.

8. What are the requirements of the “minimum state law” specified under Section 1406?

An applicant shall demonstrate to the satisfaction of CPSC that the applicant has in effect a state or local law that meets the requirements specified in Section 1406 of the VGB Act (15 U.S.C. § 8005) and that the applicant provides for enforcement of the law. The minimum state law requirements for eligibility are:

- i. The enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;
- ii. That pools and spas built more than 1 year after the date of the enactment of such state or local law have:
 - I. More than 1 drain;
 - II. 1 or more unblockable drains; or
 - III. No main drain.and how the applicant provides for enforcement of the law. Please see Section IV.B.3) f) for additional instructions.

The barriers to entry requirement in Section 1406(a)(1)(A)(i) of the VGB Act must apply to all outdoor residential pools and spas in the state or locality. The requirement in Section 1406(a)(1)(A)(ii) must apply to all pools and spas in the state or locality, both public and residential, built more than one year after the date of enactment of the state or local law.

The applicant must:

- Submit a full copy of the applicable state or local law(s).
- Identify the specific sections of the applicable law(s) that meet each requirement in Section 1406(a)(1)(A).

- Provide an explanation of how the applicable state or local law meets each requirement in Section 1406(a)(1)(A)¹.

Applicants that do not submit a full copy of the applicable state or local law and an explanation of how applicable state or local law meets each of the safety standards set forth in Section 1406, or whose state or local law does not meet the requirements specified in the VGB Act, will be determined ineligible.

The statutory requirements for PGSP eligibility, including applicable state and local law requirements are located under the heading, “Minimum State Law Requirements,” which can be accessed at www.poolsafely.gov/pool-spa-safety-act/read/.

9. Would any state or local jurisdiction that has adopted into law the International Swimming Pool and Spa Code (ISPSC) be eligible for this Grant?

Each application must be reviewed on an individual basis to determine grant eligibility. However, as a general matter, it appears that state or local governments that have adopted the 2015 International Swimming Pool and Spa Code (ISPSC), or local jurisdiction enforcing a State’s adopted 2015 International Swimming Pool and Spa Code (ISPSC) law, may be eligible.

10. Are the barrier requirements outlined in FAQ 8 exempt from existing pools and spas? Do the barrier requirements apply only to new installations?

Under the law, a jurisdiction that has the appropriate barrier requirements would be eligible, regardless of whether the barrier requirements apply prospectively or retroactively. In order to be eligible for a grant, the state or local jurisdiction statute must include barrier requirements that apply to all swimming pools constructed in the State (or local jurisdiction) after the State (or local jurisdiction) submits an application to the Commission for a grant.

11. Are local governments eligible to apply if they are enforcing a local law?

Yes, local governments may apply if they provide for enforcement of their own state or local law. To be determined an eligible applicant, a local government is also required to demonstrate that the state or local law meets Section 1406(a)(1) of the VGB Act.

12. How does the VGB Act define a public pool or spa?

¹ The enclosure of all outdoor residential pools and spas by barriers to entry, and that all pools and spas be equipped with devices and systems designed to prevent entrapment.

According to the VGB Act, a public pool or spa means a swimming pool or spa that is: a) open to the public generally, whether for a fee or free of charge; b) open exclusively to members of an organization and their guests; c) open exclusively to residents of multi-unit apartment building, apartment complex, residential real estate development, or other multi-family residential area; d) open exclusively to patrons of a hotel or other public accommodations facility; or e) operated by the Federal Government or by a concessionaire on behalf of the Federal Government for the benefit of members of the Armed Forces and their dependents or employees of any department or agency and their dependents.

13. What types of projects are permitted through the PGSP funding opportunity?

Applicants may propose activities consistent with the authorized activities listed under section I.A., Purpose under the PGSP FOA (CPSC-16-001) (reference question 1 of this FAQ).

14. Can applicants propose education/outreach projects only?

No. Section 1405(d) of the VGB Act requires that at least 50 percent of the grant funds be used for the hiring and/or training of officials who enforce the state pool and spa safety law.

15. What if we want to allocate more funds to one activity over another?

Section 1405(d)(1) of the VGB Act states that at least 50 percent of the grant funds must be used to hire and train enforcement personnel for implementation and enforcement of standards under the state or local swimming pool and spa safety law under Section 1406. Use of the remaining funds is limited to the authorized activities under section 1405 of the VGB Act. However, there are no restrictions on allocation of funds among those authorized activities.

Examples of allocations include proposing to use funds for:

- 100 percent hiring and training enforcement personnel
- 50 percent hiring and training enforcement personnel and 50 percent for education, but no administrative costs

Please keep in mind that, regardless of the allocation, the proposed budget should align with the application narrative.

16. Can we propose sub-recipient activities under this award?

No, sub-recipients may not be proposed as part of the grant proposal. However, an applicant may propose that some aspects of the grant proposal be achieved by contracting with other entities.

Note that contractor activities to be funded with grant funds are limited to activities permitted by the VGB Act and are subject to the overall allocation requirements of the VGB Act. For example, no more than a total of 50 percent of any grant award may be spent on education activities, whether such activities are conducted by the grantee or pursuant to contract. In addition, contracts must be procured according to state and local law and the requirements of 2 C.F.R. § 200.317 and § 200.318, as applicable.

17. Are there specific materials that must be included in our proposed PGSP training and education initiatives?

To help ensure accurate and consistent messaging, proposals must include appropriate inclusion of CPSC training and communication materials. The materials include:

- The 8-part CPSC training video, which provides instruction for the proper inspection of pools and spas for compliance with the VGB Act. This training MUST be included in all proposals. The video is available online at <http://www.poolsafely.gov/pool-safely-videos/guidance-compliance-1/>.
- Additional CPSC education and communications resources, available for use at <http://www.poolsafely.gov/news-resources/tools-resources/>, including:
 - Brochures & Tip Cards
 - Technical Guides
 - Toolkits
 - Posters
 - Video/Radio PSAs
 - Print PSAs
 - Outdoor Signs & Billboards
 - Social Media Tools
 - Promotional items

Materials may be ordered from CPSC without charge by contacting poolspa@cpsc.gov or downloaded at www.poolsafely.gov/state-local-officials.tools-resources/. Many items are also available in PDF format and can be printed by the user on an as-needed basis.

18. Can we modify CPSC training and communication materials?

Content of CPSC materials cannot be altered. Information about procedures for co-branding materials with the *Pool Safely* campaign are at www.poolsafely.gov/wp-content/uploads/2013/06/Communications-Toolkit_Updated.pdf.

19. Will recipients be allowed to extend beyond the 1 year project/budget period?

Grantees must complete the PSGP project within the 1 year project/budget period. No extensions of the project/budget period will be granted.

Application

20. Does Executive Order (E.O.) 12372 (Intergovernmental Review of Federal Programs) apply to the CPSC-16-001 funding opportunity?

The PGSP program is not subject to the provisions of E.O. 12372.

21. Who can be listed as the Program Director?

The Program Director is the person responsible for the administration, direction, and oversight of the project.

22. Can the Program Manager be a contractor?

Yes, the Program Manager can be a contractor or temporary hire.

23. Is collaboration required?

No. Although collaboration is encouraged, it is not a requirement of the award. Collaboration with other stakeholders (i.e. other municipal departments; service organizations; pool construction, installation, and service companies; pool owners and operators; professional organizations; local businesses; school systems; parent/teacher organizations; civic organizations; local public officials; and the media) and letters of support or collaboration are not required for this funding opportunity.

Budget

24. What are the limitations for use of funding under this opportunity?

Applicants may propose activities consistent with the authorized activities listed under question 1 of this FAQ and I.A., Purpose under the PGSP FOA (CPSC-16-001). Use of PGSP funds for any other activities is not permitted. Funding restrictions specific to the PGSP include:

- At least 50 percent of award funds must be used to hire and train personnel for implementation and enforcement.

- The remainder of the funds must be spent (a) to educate pool construction and installation companies and pool service companies about applicable state or local pool standards, (b) to educate pool owners, pool operators, and other members of the public about the state or local pool standards and about the prevention of drowning or entrapment of children using swimming pools and spas, and (c) to defray administrative costs associated with such training and education programs.
- Funds may not be used to pay for administrative costs associated with hiring enforcement personnel.
- Funds must be obligated and costs incurred by the end of the 1-year project/budget period. Obligated grant funds must be expended before the date that is 90 calendar days after the end of the project/budget period.
- Funds may not be used to construct, alter, or renovate pools or spas or to purchase, install, inspect, repair, or retrofit pool or spa equipment.

25. What is the difference between “obligated” and “expended”?

The term “obligated” means that the grantee has incurred an expense that may be charged to the grant, but the expense has not yet been paid. The term “expended” means that the grantee has drawn and liquidated grant funds to pay the obligated expense. Grantees must expend funds for obligated expenses within 90 calendar days after the end of the project/budget period.

Electronic Submission Requirement

26. How are applications submitted?

Applications must be submitted electronically to Grants.gov. Applicants will receive an e-mail from Grants.gov verifying successful submission of the application and will receive an application tracking number.

27. What is the registration process for Grants.gov?

Registration in Grants.gov is required. Instructions for Grants.gov registration can be found at <http://www.hrsa.gov/grants/userguide.htm>. Because registration may take up to a month, start the process as soon as possible. Call Grants.gov at (800) 518-4726 between 7 a.m. and 9 p.m. EST for technical assistance.

28. How are grant application packages accessed from Grants.gov?

To access the FY 2016 PGSP FOA (PGSP FOA (CPSC-16-001):

- Go to <http://www.grants.gov/> and click on the tab labeled “Applicants.”
- Choose “Apply for Grant Opportunities” from the pull-down menu.
- Select the “Download a Grant Application Package” red label. This will take you to the “Download Application Package” Web page.
- Under the “Download Application Package” Web page, enter the Funding Opportunity Number, CPSC-16-001, and click “Download Package.”
- Click on Download under the “Instructions and Application” heading to access the application package.

29. What if my application is late? Will I get an extension? *(Revised)*

The due date for applications is September 15, 2015. Only in limited circumstances may CPSC decide to extend the application deadline. Any extension of the application deadline is at CPSC’s sole discretion. Please refer to Section IV.C. Submission Dates and Times, under the PGSP FOA (CPSC-16-001) for additional information.

If the Grants.gov website or related functions are not operational such that applicants are not able to submit applications for the 24 consecutive hours immediately prior to the deadline date and time, then potential applicants will be notified by Grants.gov of the system failure and of CPSC’s decision regarding the length of the extension.

Application Review

30. What is the review process and how will the applications be evaluated?

Grant applications will be subject to several reviews. The eligibility review will assess application completeness and eligibility. The eligible applications will be reviewed by an Objective Review Committee (ORC) to assess technical merit. The application narrative and review criteria outlined in the PGSP FOA (CPSC-16-001) will be used by the ORC to review and rank applications.

31. Will the amount of funds be reduced if there are substantially more eligible applications than available funds or depending on the strength of the application?

Applications that are selected for grant awards will be funded at the full amount requested in the grant application.

32. Will projects with additional sources of funds be more competitive than projects that request grant funding for all allowable costs?

Applicants should request funds that are adequate, necessary, and reasonable to make the application competitive. Applications will be reviewed and scored independently by the ORC, as described and based on the application narrative and review criteria outlined under section IV. and V. of the PGSP FOA (CPSC-16-001). CPSC encourages applicants to review carefully the PGSP criteria to ensure that applications meet or exceed the established criteria.