OMB No. 2060-0663
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SmartWay® Transport Partnership
U.S. Environmental Protection Agency

Affiliate Agreement

EPA's SmartWay Transport Partnership is a public/private collaboration that helps freight shippers, carriers, and logistics companies improve fuel efficiency, reduce emissions and save money. Affiliate organizations play a key role in supporting these objectives.

With this agreement the Devens Enterprise Commission joins EPA's SmartWay Transport Partnership as a SmartWay Affiliate (please check Affiliate category).

SmartWay Non-Profit Affiliate Categories

Trade and professional associations' membership, nongovernmental organizations, academic institutions and governmental agencies that educate their constituents about the SmartWay Program.

- ☐ Academic: Schools, Universities
- ☐ Air Transportation
- ☐ Auto Transportation
- ☐ Chemical/Pharmaceutical
- ☐ Clean Cities
- ☐ Energy
- ☐ Environmental
- ☐ Food/Beverage
- ☐ Health
- ■ Local/State/Federal Government
- ☐ Other _____
- ☐ Paper
- ☐ Printing
- ☐ Rail Transportation
- ☐ Retail
- ☐ State Trucking Association
- ☐ Supply Chain
- ☐ Trucking Transportation
- ☐ Water Transportation: Barge, OGV

Following are <u>suggested</u> activities to help Non-Profit Affiliates support SmartWay goals:

- Display the Proud Supporter SmartWay Affiliate logo on website
- Provide a link to the SmartWay website on the Affiliate's website.
- Inform and educate the Affiliate's members, constituents, and/or customers about the SmartWay Program
- Distribute, feature and promote educational materials about the SmartWay Program
- Register new Partners from the Affiliate's membership/constituents, or assist other Affiliates with SmartWay registration eforts
- Publish articles or other informational materials about freight sustainability and SmartWay
- Distribute social media posts, provided by SmartWay, to your members
- Distribute Take Action Tuesday! news brief to your members
- Identify and provide opportunities for EPA to communicate with the Affiliate's members

SmartWay For-Profit Affiliate Categories

Organizations and/or companies committed to reducing emissions and educating their clients/customers about SmartWay, freight sustainability, strategies and technologies for efficient freight operations.

- ☐ Dealerships-sell/lease SmartWay Designated Tractors or Trailers
- ☐ Leasing companies-lease SmartWay Designated Tractors or Trailers

Following are <u>suggested</u> activities to help For-Profit Affiliates support SmartWay goals:

- Display the Proud Supporter SmartWay Affiliate logo on website
- Educate/train your sales staff and customers on benefits of operating SmartWay Designated equipment
- All: See suggested activities above. Feel free to incorporate them in your support for SmartWay. etc.

In return, EPA agrees to:

- Educate SmartWay Transport Partners about the Affiliates' involvement.
- Publicize Affiliate's participation through SmartWay Transport Partnership events, the website, and listing in related educational, promotional and media materials. EPA will obtain written consent from an Affiliate before publishing its name in a context beyond increasing public awareness of its participation as described above.
- Provide Affiliate with materials to market the SmartWay Transport Partnership including program materials, posters, articles for journals, presentations and talking points.

- Allow Affiliate to use the SmartWay Transport name in the promotion of the SmartWay Transport Partnership and in the Affiliate's activities for participating in the SmartWay Transport Affiliate Program, provided the name is used consistently with this Agreement and is never used to imply EPA endorsement of Affiliate, its products or services.
- Make EPA representatives available to speak about the SmartWay Transport Partnership at Affiliate's events.
- Assist Affiliate by working to address challenges, create incentives, and provide technical assistance and support.

General Terms:

The Affiliate agrees that it will not claim or imply that its participation in the SmartWay Transport Affiliate Program constitutes EPA approval or endorsement of anything other than the Affiliate's commitment to the program. The Affiliate will not make statements or imply that EPA endorses the purchase or sale of the Affiliate's products and services or the views of the organization.

Affiliate agrees to indicate EPA's ownership of "SmartWay Transport®" by using the ® symbol when using the name and by including the following statement on the web site, report, or other material where the term is used: "SmartWay Transport®" is a registered service mark of the U.S. Environmental Protection Agency". Affiliate also agrees to abide by the terms of this Agreement pertaining to the use of the SmartWay Transport name and acknowledges that EPA may terminate this Agreement if Affiliate uses the SmartWay Transport name inconsistently with these terms.

Either party can terminate the Agreement at any time without prior notification or penalties or any further obligation. EPA and the Affiliate agree not to comment publicly regarding the withdrawal of an Affiliate. Upon termination, Affiliate agrees to no longer use the SmartWay Transport name or any variation of the SmartWay Transport mark.

All commitments made by EPA are subject to the availability of appropriated funds. The Affiliate understands that it bears its own costs for participation in this program, that it participates without recourse to EPA, and agrees not to submit a claim for compensation to EPA or any other Federal agency based on this agreement.

Nothing in this agreement exempts the Affiliate from EPA regulations or policies relating to competition for financial assistance or procurement contracts.

This Agreement does not direct or apply to any person outside Affiliate and EPA and therefore does not create any right or benefit, substantive or procedural, enforceable by law or equity against the Affiliate or EPA, their officers or employees, or any other person.

The parties enter into this Agreement voluntarily. Thus, except as explained in the preceding, EPA is not imposing any legally binding obligations on Affiliate or any other entity through this Agreement, nor is Affiliate imposing any legally- binding obligations on the EPA or on any other entity through this Agreement.

Authorized Affiliate Official:

The undersigned, on behalf of the Devens Enterprise Commission understands and agrees to the terms of the EPA SmartWay Transport Affiliate Program.

_____	Director, Land Use Administrator
Signature	Title
Peter Lowitt	
Print Name	Date

Designated Affiliate Representative

Note: Please notify SmartWay if your organization's point of contact changes.

Name Neil Angus Title Environmental Planner

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Email completed agreement to Affiliate Program Manager: martz.kathleen@epa.gov

Burden Statement: This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2060-0663). Responses to this collection of information are voluntary (Energy Policy Act of 2005; citation 109-58). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be .82 hours to review, compile information and submit the SmartWay Transport Partnership Affiliate Agreement. This is a one-time submittal. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.