

GRANT GUIDELINES FOR TRAFFIC SAFETY PROGRAMS

Prepared by

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A. TRAFFIC SAFETY OFFICE

The North Dakota Traffic Safety Office is located in the North Dakota Department of Transportation's (NDDOT) Safety Division. The Traffic Safety Office receives funds through the National Highway Traffic Safety Administration (NHTSA) to administer programs to reduce motor vehicle crashes on North Dakota roads and the fatalities and injuries associated with these crashes.

Traffic Safety Office Staff

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Mark Nelson	Director, Safety Division	All	701-328-4559	mnelson@nd.gov
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Sandy Wilson	Program Manager	Impaired Driving, Police Traffic Services, Speed Management	701-328-2899	swilson@nd.gov

Annually, the Traffic Safety Office solicits proposals from agencies statewide to develop and implement programs to address the traffic safety problems identified in the North Dakota Highway Safety Plan (HSP).

The most recent HSP can be located at: <http://www.dot.nd.gov/divisions/safety/trafficsafety.htm>.

B. NORTH DAKOTA HIGHWAY SAFETY PLAN

1. Introduction

The HSP is a planning document, a federal grant request, and a state budget document. The HSP is completed annually by the Traffic Safety Office to meet requirements of NHTSA to receive federal highway grant funds through the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)* and the *Highway Safety Act of 1966*.

The HSP consists of a problem identification and problem solution plans (PSPs).

2. Problem Solution Plans

Problem solution plans (PSPs) are the areas within the HSP with the greatest potential for traffic safety intervention. Each PSP area receives a portion of federal funds to support traffic safety programs specific to that area.

The PSP areas currently include:

Community Traffic Safety Programs. Traffic safety is addressed at the local level through community-based outreach in numerous forms. (Program Manager, Carol Thurn)

Impaired Driving Countermeasures. The Impaired Driving Countermeasures Program exists to decrease the number of alcohol- and drug-related crashes, fatalities, and injuries occurring on North Dakota roadways each year. Funds are available to support impaired driving prevention projects including media campaigns, high visibility enforcement (i.e., saturation patrols and sobriety checkpoints), compliance checks, server training for alcohol retailers, and other projects. (Program Manager, Sandy Wilson)

Motorcycle Safety. The Motorcycle Safety Program (MSP) exists to keep North Dakota's roadways safe for motorcyclists. Funds in this area are to support motorcycle safety training and awareness programs including improvements of training curricula, delivery of training, recruitment and retention of motorcycle safety instructors, and public awareness and outreach programs. The program also receives state funds generated from fees collected through motorcycle registration fees. The MSP provides the *Basic Rider Course* and the *Experienced Rider Course*. (Program Manager, Carol Thurn)

Occupant Protection. Occupant protection devices (seat belts and child restraints) must be accurately and consistently used by all vehicle occupants to decrease crash-related injuries and fatalities in the state. Occupant protection funds are used to develop public information and education programs and conduct behavior change programs in partnership with applicable stakeholders. (Program Manager, Carol Thurn)

Police Traffic Services. Law enforcement agencies play a critical role to deter impaired driving, increase seat belt and child restraint use, encourage compliance with speed laws, and reduce other unsafe driving behaviors. Funds in this area are available to law enforcement agencies to: (1) provide officer training, and (2) offer law enforcement incentive programs for officers and/or agencies including the ASSISTS (Alcohol, Seat Belts, and Speed Intervention to Support Traffic Safety) Award program which acknowledges officers who have made significant contributions to traffic safety in their communities and rewards their agency with a grant incentive. (Program Manager, Sandy Wilson)

Speed Management. Speed is a factor in about one-third of fatal motor vehicle crashes. Funds in this area are available to law enforcement agencies to purchase radar equipment. Funds may also be used to support community-based speed management intervention to include engineering, education, enforcement and public policy solutions. (Program Manager, Sandy Wilson)

Traffic Records. Data for effective traffic safety decisions are derived from timely, accurate, and complete traffic records from law enforcement. The traffic records program collects and analyzes crash report data via a computer information system called the *Crash Reporting System* (CRS). Funds in this area are used by the Traffic

Safety Office to enhance the CRS, to promote the use of an electronic crash reporting software by law enforcement agencies statewide, and to provide training to law enforcement officers to facilitate timely, accurate, and complete crash reports. (Program Manager, Lynn Heinert)

Youth/Young Adults. Teen drivers account for about one-quarter of fatal motor vehicle crashes. Youth/young adult program funds are used to develop public information and education programs and conduct behavior change programs in partnership with applicable stakeholders. (Program Manager, Carol Thurn)

For more information related to these program areas, contact the Traffic Safety Office (see Page 2 for contact information).

3. Overview of the HSP and Grant Process

The Traffic Safety Office develops the annual problem identification based on traffic data from multiple sources including vehicle and motorcycle crashes, seat belt survey results, emergency medical services, roadways, etc. PSPs are selected and prioritized based on the problem identification and consideration of national traffic safety priority areas identified by NHTSA.

Then, the Traffic Safety Office solicits project applications that respond to the PSPs from eligible state and local public agencies and for-profit and non-profit groups. All proposals submitted in response to the Highway Safety Plan must be received by the Traffic Safety Office by close of business on June 30.

Project proposals are evaluated based on criteria including: (1) response to identified problems, (2) proposed strategy, (3) clear objectives, (4) comprehensive evaluation plans, and (5) cost-effective budgets.

Each project selected through the solicitation process is included in the HSP with a description of how the project addresses a specific PSP.

The HSP is submitted to NHTSA on or before September 1 for approval prior to receipt of funding for the upcoming federal year.

Once the HSP is approved by NHTSA, the Traffic Safety Office initiates project contracts consistent with the federal fiscal year beginning on or around October 1 and ending September 30. **Project implementation can begin only after the contract is fully executed (i.e., signed by both parties).**

The Traffic Safety Office program managers monitor grantees throughout the contract year via the following activities: (1) review of grantee reporting requirements, as established in the contract, that document progress toward meeting project goals; and (2) periodic on-site monitoring.

The final step in the annual HSP process is project evaluation to assess the impact of each

project on traffic-related crashes, injuries, and fatalities. Project evaluation results are used to determine if projects should continue or be revised to increase impact.

C. FEDERAL GRANT REQUIREMENTS

Failure to comply with applicable federal statutes, regulations and directives may subject grantees to civil or criminal penalties and/or place the state in a high risk grantee status.

Grantees will comply with all applicable state and federal statutes, regulations and directives in effect with respect to the periods for which the grantee receives grant funding. Applicable provisions include, but are not limited to:

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- 49 CFR Part 18 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 49 CFR Part 19 – Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations
- 23 CFR Chapter II – (§1200, 1205, 1206, 1250, 1251, and 1252) Regulations governing highway safety programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

1. Allowable Costs

Costs are unique to each contract. Costs must be allowable, reasonable and necessary to complete the scope of work.

Direct Costs

Direct costs include salary and fringe benefits for program staff, supplies, equipment, travel, subcontracts, and other direct costs.

In-State Travel

Mileage. Mileage is reimbursed at the state rate.

Meals and Lodging. Meal and lodging reimbursement is capped at the state per diem rate. A lodging receipt from a commercial place of lodging must be provided in order to receive reimbursement for lodging expenses. Meal receipts are not necessary.

Other Travel Expenses. These expenses may include items such as taxi fares, parking fees, and other miscellaneous expenses. Receipts must be submitted for all miscellaneous expenses.

Out-of-State Travel

Out-of-state travel must be included in the grant application budget for approval by the Traffic Safety Office.

Meals and Lodging. Meal and lodging reimbursement is capped at the domestic per diem rate established by the U.S. General Services Administration in accordance with location of travel. A lodging receipt from a commercial place of lodging must be provided in order to receive reimbursement for lodging expenses. Meal receipts are not necessary.

Other Travel Expenses. These expenses may include items such as taxi fares, parking fees, and other miscellaneous expenses. Receipts must be submitted for all miscellaneous expenses.

2. Unallowable Costs

The following costs are not allowable. This list is not all-inclusive. Federal and state regulations apply.

- Office furnishings and fixtures (desk, chairs, filing cabinet, fixed lighting/lamp, etc.)
- Mainframe computers
- Food
- Bad debts
- Contingencies
- Contributions and donations
- Entertainment (this includes gift certificates or tickets for any entertainment venue including sporting or musical events)
- Fines and penalties
- Interest and other financial costs
- Legislative expenses
- Fund raising and investment management costs
- Lobbying
- The planning and administrative costs of application, bid or proposal preparation
- Costs incurred before all parties have signed the contract
- Costs incurred after the last date covered by the contract Vehicles (including ambulances)
- Vehicle and equipment maintenance
- Police officer uniforms and firearms
- Alcoholic beverages
- Alcohol/drug treatment costs
- Paid media, such as ads on radio or television
- Other activities or items that are not related to traffic safety

3. Equipment Management

Any purchase of equipment using contract funds must receive prior approval through the Traffic Safety Office.

For equipment approved for purchase with a useful life of more than one year and an acquisition cost of \$5,000 or more, the following applies:

Subgrantee Property Management Systems

Subgrantees must establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of property furnished to them by the Traffic Safety Office or purchased through a grant, subgrant, or other agreement in accordance with their own property management procedures, provided that the procedures are not in conflict with the standards contained in this section or federal property management standards procedures specified in *49 CFR Part 18.36, Procurement*, as appropriate.

Equipment and other property acquired under a grant agreement for use in highway safety projects shall be used and kept in operation for highway safety purposes.

Local Agencies and Other Non-State Subgrantees: Standards for property management described in *49 CFR Part 18.32(c) through (e)* will be used in accounting for equipment purchased under a grant agreement.

The contractor shall seek disposition instructions from the Traffic Safety Office prior to disposing of any item of equipment purchased. The subgrantee may follow their own existing property management standards if they exceed the requirements set out in *49 CFR Part 18.32(c) through (e)*.

Subgrantee Property Records Requirements

The subgrantee property management requirements include, but are not limited to, the maintenance of accurate property records. Such records will include:

- A description of the property
- Manufacturer's serial number, model number, federal stock number, national stock number, or other identification number
- Inventory number
- Source of the property (including grant or agreement number)
- Indication of with whom title is vested (generally vests with the subgrantee)
- Acquisition date
- Percentage (at the end of the budget year) of federal participation in the cost
- Location, use, and condition of the property and the date the information was reported
- Unit acquisition cost

- Ultimate disposition date (including date of disposal and sales price or the method used to determine current fair market value)

Subgrantee Inventory

Subgrantees will maintain an inventory control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. Subgrantees will provide a copy of their inventory policies and procedures to the Program Manager upon request. Subgrantees will institute adequate maintenance procedures to keep the property in good condition. *49 CFR Part 18, Section 18.32 (d) (2)* provides that, “A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.”

Disposition

Equipment shall be used by the subgrantee in the program or project for which it was acquired as long as needed including after the project or program is no longer supported by federal funds.

Upon completion or termination of a traffic safety grant or subgrant, or if it is determined by the Traffic Safety Office that equipment is no longer needed for the purpose for which it was acquired, the equipment may, at the option of the Traffic Safety Office, become the property of the Traffic Safety Office. Permission for any other disposition must be obtained from Traffic Safety Office before any action can be taken regarding the equipment. Disposition of the equipment will be made as follows:

Items of equipment with a current per unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency

Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from the sale by the awarding agency’s share of the equipment

In cases where a subgrantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or subgrantee to take disposition actions.

4. Timekeeping

Subsections of 2 CFR 225 outline timekeeping requirements in support of salaries, wages, and related costs for program management and planning and administration of NHTSA-funded projects.

Following is a synopsis of applicable timekeeping regulations.

Scenario	Documentation Required	Regulation
Time charged to more than one federal grant award/cost center	After-the-fact Personnel Activity Report (PAR)	2 CFR 225, Appendix B, 8(h)(4)
Charges solely for work on a single award/cost center	Semi-annual certifications**	2 CFR 225, Appendix B, 8(h)(3)
Charges solely to a single award for work on multiple priority areas (for example, Section 402 funds for impaired driving and occupant protection projects)	After-the-fact PAR or before-the-fact charge distribution based on proportional work, number of projects, and/or funds managed	2 CFR 225, Appendix B, 8(h)(3)
Charged to a federal grant program when an employee works on a federal award and a non-federal award; an indirect cost activity and a direct cost activity; an unallowable activity and a direct or indirect cost activity	After-the-fact PAR	2 CFR 225, Appendix B, 8(h)(4)(a-e)

D. GRANT APPLICATION INFORMATION

1. Eligible Entities

Grants are awarded to governmental agencies (city, county, state), tribal governments, and for-profit and non-profit organizations.

2. Funding Period

Grants run congruent to the federal fiscal year which is October 1 through September 30 each year.

3. Grant Application Process and Format

Grant documents including the application, the application cover sheet, and grant guidelines can be located at the following web link under “Applying for Funds.”

<http://www.dot.nd.gov/divisions/dlts/trafficsafety.htm>

A *Grant Application Cover Sheet* must be completed and signed by the proposed Project Director and the Authorizing Official of the agency making the application. If the agency is subsequently awarded a grant, the Authorizing Official listed on the cover sheet is the authority who must sign the contract issued by the NDDOT.

Applicants are encouraged to read all grant application instructions carefully and to follow them closely. If you have any questions, contact a Traffic Safety Office staff member (see Page 2).

4. Seat Belt Policy

To support the state and national priority of increased seat belt use, the Traffic Safety Office requires all contracted entities to have a seat belt use policy. Traffic Safety Office program managers will locate and review the policy during scheduled on-site monitoring visits. Absence of a policy may result in the Traffic Safety Office withholding payment until a policy is put into place.

All project personnel receiving reimbursement through federal funds associated with the contract are required to wear seat belts and obey traffic laws while on official business of the project.

5. Submittal

Grant applications must be received by the Traffic Safety Office on or before **June 30 at 5 PM Central Time**.

Applications must include appropriate signatures and can be submitted via email to kamongeon@nd.gov or mail to:

North Dakota Department of Transportation
Safety Division
Traffic Safety Office
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Faxed proposals will not be accepted.

6. Risk Management

Agencies receiving a notice of grant award from the Traffic Safety Office may need to provide the following risk management assurances: (1) a general liability insurance policy, (2) workers compensation, and (3) proof of automobile liability insurance.

A government agency covered through the North Dakota Insurance Reserve Fund will meet the risk management provisions of the NDDOT.

7. Certifications and Assurances

As part of the contract execution process, grantees must comply with the Certifications and Assurances provided as Attachment 1.

D. Reporting Process

Each agency funded through the Traffic Safety Office must report on contract activities and submit a monthly or quarterly report and request for reimbursement as specified in the contract.

Generally, the following rules are established for reporting and reimbursement.

- Expenses are paid on a reimbursement basis only. No advances are permitted.
- If a written narrative is required, it must be submitted within 30 days of the end of the month.
- The voucher must be submitted within 30-45 days of the end of the month's activities (as specified in the contract scope).
- A late monthly report and/or voucher may result in a 10 percent reduction in the reimbursement for that month.
- With few exceptions, contracts require a final report. An equipment purchase, such as radar, may only require a copy of the invoice.
- The final report is due no later than November 14 (45 days after the end of the federal fiscal year). **A reimbursement request made after this date will not be reimbursed.**

ATTACHMENT 1
CERTIFICATIONS AND ASSURANCES

GENERAL TERMS, CONDITIONS, CERTIFICATIONS AND ASSURANCES

Buy America Act

The Contractor will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

Debarment and Suspension

Instructions for Primary Certification

1. By signing this agreement, the Contractor certifies the following.
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 which this proposal is submitted if at any time the prospective primary participant learns 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 meaning set out in the Definitions and Coverage sections of 49 CFR Part 29. 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 proposed for debarment under 48 CFR Part 9, subpart 9.4, 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 Transaction," 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 proposed for debarment under 48 CFR Part 9, subpart 9.4, 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 list of Parties Excluded from Federal Procurement and Non-procurement Programs.
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 proposed for debarment under 48 CFR Part 9, subpart 9.4, 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, and Other Responsibility Matters—Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded 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 record, 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.

Instructions for Lower Tier 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 whom 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 Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom 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 proposed for debarment under 48 CFR Part 9, subpart 9.4, 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 Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below.)
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 proposed for debarment under 48 CFR Part 9, subpart 9.4, 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 List of Parties Excluded from Federal Procurement and Non-procurement Programs.

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 proposed for debarment under 48 CFR Part 9, subpart 9.4, 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.

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

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is 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.

Drug-Free Workplace Act of 1988 (41 U.S.C. 702)

The Contractor will comply with the requirements of the Drug-Free Workplace Act of 1988 by:

1. 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;
2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace.
 - b. The grantee's policy of maintaining a drug-free workplace.
 - c. Any available drug counseling, rehabilitation, and employee assistance programs.
 - d. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
3. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
4. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement.
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

5. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.
6. 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:
 - a. Taking appropriate personnel action against such an employee, up to and including termination.
 - b. 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.
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

Environmental Impact

Signatories to this agreement hereby declare that no significant environmental impact will result from implementing this grant or service. If, under a future revision, this grant or service will be modified in such a manner that a project would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, the North Dakota Department of Transportation (NDDOT) has certified to the National Highway Traffic Safety Administration (NHTSA) that it is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

Federal Funding Accountability and Transparency Act

The Contractor will report for each **sub-grant** awarded:

- Name of the entity receiving the award;
 - Amount of the award;
 - Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
 - Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
 - A unique identifier (DUNS);
 - The names and total compensation of the five most highly compensated officers of the entity if-- of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;
- (i) the entity in the preceding fiscal year received:
 - (I) 80 percent or more of its annual gross revenues in Federal awards; and
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;

- Other relevant information specified by the Office of Management and Budget in subsequent guidance or regulation.

Lobbying Restrictions

Federal Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The Contractor certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Contractor to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Contractor shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Contractor shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Non-Discrimination

The Contractor will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to:

1. 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 (and 49 CFR Part 21);
2. 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;
3. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27);
4. The Age Discrimination Act of 1975, as amended (42U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
5. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
6. 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 of alcoholism;
7. §§ 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;
8. 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;
9. Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made;
10. The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; and
11. The requirements of any other nondiscrimination statute(s) which may apply to the application.

Policy to Ban Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, Contractors are encouraged to:

Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving:

1. Company-owned or rented vehicles, or Government-owned, leased or rented vehicles;
or
2. Privately-owned when on official Government business or when performing any work on or behalf of the Government.
3. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Political Activity (Hatch Act)

The Contractor will comply, as applicable, with 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.