

GRANT GUIDELINES FOR TRAFFIC SAFETY GRANT PROGRAMS

Prepared by

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A. BACKGROUND

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

In accordance with NHTSA guidelines, the Safety Division passes funding along to entities that can achieve measurable safety impacts. These entities are commonly referred to as “sub-grantees” or “contractors.”

This grant guidance serves to provide information to entities applying for or awarded NHTSA funds to assure compliance with required processes.

B. THE NORTH DAKOTA HIGHWAY SAFETY PLAN (HSP)

1. Introduction

The HSP is a planning document, a federal grant request, and a state budget document. The HSP is completed annually by the Safety Division to meet requirements of NHTSA to receive federal highway grant funds.

2. Overview of the HSP and Grant Process

The Safety Division develops the annual problem identification based on data from multiple sources, including crash data, driver data, injury data, roads data, court/adjudication data, motor vehicle data, seat belt use survey data, etc. This problem identification process determines the priority emphasis areas to be addressed through projects/strategies.

Project applications and proposals are solicited, and all proposals received are evaluated based on criteria, including: (1) response to identified problems, (2) proposed project/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 the project.

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

Once the HSP is approved by NHTSA, the Safety Division initiates project contracts consistent with the federal fiscal year beginning on October 1 and ending September 30.

Contracts are fully executed when signed by the sub-grantee and the NDDOT Director, typically in the months of September and October, but will have an October 1 start date unless otherwise specified in the contract terms. Contracts delayed for signature in the month of October (for example, a political subdivision’s inability to appear before the city/county commission for contract approval) are signed as soon as practicable, with a note to the file explaining the delay, but are still retroactive to the October 1 start date.

The Safety Division's program managers monitor grantees throughout the contract year via the following activities:

- Ongoing contact through emails, phone calls, meetings, and correspondence
- On-site monitoring reviews of project operations, management, and financial systems
- Ongoing review of progress reports
- Ongoing review and approval of claims

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

On the Safety Division's *Grant Application Cover Sheet* sub-grantees are required to acknowledge that they've reviewed and understand the terms of the grant as outlined in the grant guidance. The guidance can be located on the Safety Division's traffic safety webpage at:

<http://www.dot.nd.gov/divisions/safety/trafficsafety.htm> under "Applying for Funds."

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 USC Chapter 4 – *Highway Safety Act of 1966*, as amended
- 2 CFR 200 – *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*
- 23 CFR 1300 – *Uniform Procedures for State Highway Safety Grant Programs*
- *Highway Safety Grant Funding Guidance*

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. However, lodging costs may be approved at a higher 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

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. See 2 CFR 200.420, *General Provisions for Selected Items of Cost*. Federal and state regulations apply.

- Office furnishings and fixtures (desk, chairs, filing cabinet, fixed lighting/lamp, etc.)
- Mainframe computers
- Bad debts
- Contingencies
- Contributions and donations
- Costs incurred by advisory councils or committees
- Entertainment (this includes gift certificates or tickets for any entertainment venue including sporting or musical events)
- Fines and penalties
- Food
- Interest and other financial costs
- Legislative expenses
- Fund raising and investment management costs
- Lobbying
- Planning and administrative costs of application, bid, or proposal preparation
- 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
- 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 Safety Division.

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.

Sub-grantee Property Management Systems

Sub-grantees must establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of property furnished to them by the Safety Division or purchased through a grant, sub-grant, 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 2 CFR 200.313, *Equipment*, 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.

State Agencies: See *Safety Division Inventory* below.

Local Agencies and Other Non-State Sub-grantees: Standards for property management described in 2 CFR 200.313 will be used in documenting equipment purchased under a grant agreement.

The contractor shall seek disposition instructions from the Safety Division prior to disposing of any item of equipment purchased. (Disposition is addressed in detail on page 8.) The sub-grantee may follow their own existing property management standards if they exceed the requirements set out in 2 CFR 200.313.

Sub-grantee Property Records Requirements

The sub-grantee 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 sub-grantee)
- 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 in accordance with 2 CFR 200.313(e) (including date of disposal and sales price or the method used to determine current fair market value)

Sub-grantee Inventory

Sub-grantees will maintain an inventory control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. Sub-grantees will provide a copy of their inventory policies and procedures to the Program Manager upon request. Sub-grantees will institute adequate maintenance procedures to keep the property in good condition.

Safety Division Inventory

North Dakota Century Code 54-27-21, Fixed asset minimum reporting value, establishes the requirements that all state agencies must follow regarding asset reporting, and reads:

“All state departments, agencies, boards, bureaus, commissions, industries, and institutions shall include all fixed assets under their control in their financial statements, except those having a value of five thousand dollars or less. The state auditor is authorized to provide for the written exemption of specific fixed assets having a value of more than five thousand dollars when an exemption is justified upon generally accepted accounting principles.”

When a grant-funded item that exceeds the \$5,000 threshold is in the control of the Safety Division, the Safety Division must include the item in the NDDOT’s fixed asset reporting.

To track grant-funded equipment purchases, the Safety Division uses a Microsoft Excel spreadsheet which includes the purchasing agency, make and model, serial number, purchase date, and cost. The Safety Division verifies the status of the equipment with the grant-funded entity every two to three years. The results of the verification process are also tracked on the spreadsheet.

To verify equipment status, an email form letter is sent to each agency having possession of Safety Division-funded equipment. The letter requires a response from the agency to certify via electronic response the status of the equipment (i.e., in use or not in use). A response also confirms the equipment is still in the agency’s possession.

The Finance/Contract Manager is responsible to track equipment through disposition or estimated useful life has been exceeded, whichever occurs first.

While there is no requirement that the state physically inventory grant-funded activity, the Safety Division does complete this to some degree through on-site monitoring processes. The Safety Division’s *On-Site Monitoring Report* has an area for Program Managers to document responses to the following equipment-related questions and issues:

- Was equipment purchased during this contract agreement period?
- Was written approval from the state office obtained prior to equipment purchase?
- Does the sub-grantee have a system in place to tag, control, protect, preserve, use, maintain, and inventory (annually) the property?
- Is equipment still accounted for and being used for designated highway safety purposes?

- Verify the source documentation for all expenditures over \$5,000.
- Is equipment certification current?

Disposition

Equipment shall be used by the sub-grantee 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 sub-grant, or if it is determined by the Safety Division that equipment is no longer needed for the purpose for which it was acquired, the equipment may, at the option of the Safety Division, become the property of the Safety Division.

Permission for any other disposition must be obtained from the Safety Division before any action can be taken regarding the equipment. However, equipment which is no longer tracked by the Safety Division does not require approval of the Safety Division for disposal.

The Safety Division may determine that a unit of equipment is no longer appropriate for tracking by using the following criteria:

- The equipment is no longer used or needed for the original purpose;
- The equipment is damaged beyond repair or salvage; or
- The equipment has passed its expected useful life.

A Depreciation Guide for the estimated useful life of typical traffic safety equipment has been developed for use by the Safety Division to determine useful life.

D. GRANT APPLICATION PROCESS

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.”

<https://www.dot.nd.gov/divisions/safety/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 Safety Division staff member (see Page 12).

4. Policies – Seat Belt Use, Drug and Alcohol Driving, and Distracted Driving/Texting

To support the state and national priorities of increased seat belt use and decreased impaired and distracted driving, the Safety Division requires all contracted entities to have a seat belt use, drug and alcohol driving, and distracted driving/texting policies for agency personnel.

Safety Division program managers will locate and review the policies during scheduled on-site monitoring visits. Absence of any policy may result in the Safety Division withholding payment until said policy is put into place.

5. Submittal

Applications should be submitted by April 1 for consideration for funding in the following fiscal year (October 1 – September 30). Applications can also be submitted during a fiscal year. Consideration will be provided for funding in the year of application or the following fiscal year as funding allows.

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

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

6. Risk Management

Agencies receiving a notice of grant award from the Safety Division 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 an attachment, which will be Appendix B of the Contract.

E. REPORTING PROCESS

Each agency funded through the Safety Division 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/quarter worked.
- The voucher must be submitted within 30-45 days of the end of the activities for the month/quarter (as specified in the contract scope).
- 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.**

F. QUESTIONS

Grant questions can be directed to Safety Division staff. See the table below for specific contact information.

Safety Division Staff

| Title | Program Area | Telephone |
|--------------------------------|---------------------------------------------------------------------------------------------------|--------------|
| Safety Division Director | All | 701-328-4434 |
| Program Manager | Safety Public Information Specialist | 701-328-2598 |
| Research Analyst | Crash Data Analysis | 701-328-1805 |
| Program Manager | Contract/Finance Manager | 701-328-2402 |
| Program Manager | Traffic Records, Traffic and Criminal Software (TraCS) | 701-328-4352 |
| Program Manager | Law Enforcement Grant Programs | 701-328-4692 |
| Traffic Safety Program Manager | Occupant Protection, Community and Tribal Outreach Programs, Motorcycle Safety, Youth/Young Adult | 701-328-4354 |
| Traffic Safety Program Manager | Law Enforcement Grant Programs; Speed Management, Impaired Driving, Bike/Ped Safety | 701-328-2899 |

G. APPENDIX B

GENERAL TERMS, CONDITIONS, CERTIFICATIONS AND ASSURANCES

Federal Funding Accountability and Transparency Act (FFATA)

The Contractor will report for each **subgrant** 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:
 - (i) the entity in the preceding fiscal year received:
 - (I) 80 percent or more of its annual gross revenues in Federal awards;
 - (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 Office of Management and Budget guidance.

Non-Discrimination

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 *et seq.*), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);

- The Civil Rights Restoration Act of 1987 (Pub.L. 100-209), (broadens scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal aid recipients, subrecipients, and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR Parts 37 and 38;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR at 74087 to 74100).

The Contractor:

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted.
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Nondiscrimination Authorities identified in this Assurance;
- Agrees to comply (and require any of its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulations governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Nondiscrimination Authorities and this Assurance;

- Insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees:

- To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- Not to participate directly or indirectly in the discrimination prohibited by any Federal nondiscrimination law or regulation, as set forth in Appendix B of 49 CFR Part 21 and herein;
- To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT, or NHTSA;
- That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determines are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or canceling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- To insert this clause, including paragraphs a through e, in every subcontract and subagreement and in every solicitation for a subcontract or subagreement that receives Federal funds under this program.

Drug-Free Workplace Act of 1988 (41 U.S.C. 8103)

The Contractor will provide a drug-free workplace by:

- 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;
- Establishing a drug-free awareness program to inform employees about:
 - The dangers of drug abuse in the workplace.
 - The grantee's policy of maintaining a drug-free workplace.
 - Any available drug counseling, rehabilitation, and employee assistance programs.
 - The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 - 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).
- Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the grant, the employee will:
 - Abide by the terms of the statement.

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.
- D. Notifying the agency within ten days after receiving notice under subparagraph (C)(2) from an employee or otherwise receiving actual notice of such conviction.
 - E. Taking one of the following actions, within 30 days of receiving notice under subparagraph (C)(2), with respect to any employee who is so convicted:
 1. Taking appropriate personnel action against such an employee, up to and including termination.
 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.
 - F. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

Political Activity (Hatch Act)

The Contractor will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

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 subaward 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.

Debarment and Suspension

Instructions for Primary Certification

1. By signing the traffic safety contract, the Contractor is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
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 or may pursue suspension or debarment.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this contract 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*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and Coverage sections of 2 CFR Part 180. You may contact the department or agency to which this contract is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by signing the traffic safety contract 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 NHTSA.
7. The prospective primary participant further agrees by signing the traffic safety contract that it will include the clause titled "Instructions for Lower Tier Certification" including the "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 and will require lower tier participants to comply with 2 CFR Parts 180 and 1300.
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, the department or agency may disallow costs, annul, or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

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 contract 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 contract 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 the traffic safety contract.

Instructions for Lower Tier Certification

1. By signing the traffic safety contract, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
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 contract 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*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 2 CFR Part 180. You may contact the person to whom this contract is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by signing the traffic safety contract 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 NHTSA.
6. The prospective lower tier participant further agrees by signing the traffic safety contract that it will include the clause titled "Instructions for Lower Tier Certification" including the "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 and will require lower tier participants to comply with 2 CFR Parts 180 and 1300.
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, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

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

1. The prospective lower tier participant certifies, by signing the traffic safety contract, 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 the traffic safety contract.

Buy America Act

The Contractor will comply with the provisions of the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase only steel, iron, and manufactured products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items 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. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

Prohibition on Using Grant Funds to Check for Helmet Usage

The Contractor will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcycles.

Policy on Seat Belt Use

Pursuant to Paragraph X of the traffic safety contract, Contractors must have a seat belt use policy in place. By Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, Contractors are encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles.

Policy on Banning Text Messaging While Driving

Pursuant to Paragraph X of the traffic safety contract, Contractors must have a distracted driving policy in place. By 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 company-owned or rented vehicles, or government-owned, leased or rented vehicles; or privately-owned vehicles when on official Government business or when performing any work on behalf of the Government.

Contractors are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.