



IDAHO TRANSPORTATION DEPARTMENT
OFFICE OF HIGHWAY SAFETY

TRAFFIC ENFORCEMENT GRANT PROJECT AGREEMENT (TEGPA)
Federal Fiscal Year 2023 – 10/01/2022 – 09/30/2023

THIS AGREEMENT for FFY 2023 is made and entered into by and between:

(Agency Name) _____, hereinafter referred to as "Contractor" and the Idaho Transportation Department Office of Highway Safety, hereinafter referred to as "OHS" on this ____ day of _____, 20__.

IT IS THE PURPOSE OF THIS AGREEMENT to provide National Highway Traffic Safety Administration (NHTSA), funded assistance to the Contractor, for participation in local and statewide traffic enforcement projects, as specified in the Highway Safety Plan (HSP) focus areas for the following traffic safety related activities:

- High Visibility Traffic Enforcement (HVE) Mobilizations
- Mini Grants that support Special Emphasis Traffic Enforcement
- Mini Grants that support Traffic Enforcement Equipment Projects
- Mini Grants that support Public Information and Education (PI&E)
- Mini Grants that support Traffic Safety Related Training

THE GOAL OF THIS AGREEMENT is to establish project requirements and a funding process to support the efforts of the Contractor, to reduce deaths, serious injuries, and economic loss, as established in the annual Highway Safety Plan (HSP).

IT IS, THEREFORE, MUTUALLY AGREED THAT:

1. Contractor will conduct Traffic Enforcement Mobilizations and/or Mini Grants in accordance with the criteria established by OHS, as established for each Mobilization and/or traffic mini grant.
 - A. Contractor will provide a commissioned police officer (active or paid reserve) with appropriate equipment (vehicle, radar, etc.) on a **paid overtime basis** to enforce impaired driving, alcohol beverage control, distracted driving, aggressive driving, safety restraint, school zone violations, distracted driving, bicycle, pedestrian, motorcycle laws with emphasis as designated by OHS and/or crash problem identification.
 - B. For this agreement, regular on-duty personnel hours are not eligible for reimbursement.
 - C. For this agreement, salaried positions are ineligible for reimbursement unless overtime is allowed and documented through employer policies.
 - D. Necessary additional dispatch service overtime may be reimbursed, if requested prior to the grant activity.
2. Contractor and/or partnering enforcement agencies will publicize the enforcement effort to increase effectiveness by:
 - A. Working with media to increase the awareness of enforcement efforts; and
 - B. Provide pre and post public outreach such as press release, social media posts, or local message boards regarding the HVE mobilization efforts.

3. Contractor will take a zero tolerance for unrestrained passengers and children during all OHS funded mobilizations and mini grants.
4. Based on the availability of funding and by signing this AGREEMENT, Contractor agrees to support statewide highway safety public awareness campaigns and will accept the benefits of having the earned and paid media run in their local communities.
5. OHS will reimburse Contractor for paid overtime hours. Contractor will be reimbursed at the rate of up to 1.5 times the officer's regular hourly rate plus Contractor's contributions to employee benefits, which are FICA/Medicare, Unemployment, Worker's Compensation, and PERSI.
6. Participation in future mobilizations and mini grants is contingent on at least satisfactory performance during the prior mobilization, as determined by OHS. NHTSA has published a guide that outlines specific strategies and countermeasures relevant to the focus areas.

Contractor must submit the following forms in accordance with OHS requirements:

- A. Performance Reports are required to be completed and submitted via WebCars.
 - i. Only the grant funded citations, warnings and contacts are required to be reported.
 - ii. Agencies are encouraged to conduct educational outreach and report it in the Performance Reports.
 - iii. For Seat Belt Enforcement, pre and post seat belt surveys are no longer required.
- B. Overtime Reimbursement Claim Form must be completed and submitted via WebCars.
 - i. The claim must be signed by an authorizing official whose signature can be verified through their individual logon.
 - ii. The overtime claim cannot be signed by someone who worked the mobilization.
- C. Payroll Register for period claimed must be available upon request from OHS, or available for review during annual site visits.
 - i. Payroll verification can be computer generated payroll registers or copies of payroll warrants.
 - ii. Time sheets must be provided and cannot not be considered payroll verification.
 - iii. When possible, payroll verification should be coded to differentiate between OHS grant funded overtime and other sources.
- D. Contractor will submit reimbursement claims and performance reports within 30 days of completion of the mobilization or grant activity.

Note: Reimbursement claims received after **October 15th** may not be eligible for reimbursement.

- E. No documentation, reports, or claims submitted to OHS may contain Contractor, or its employees', agents' or subcontractors', Protected Personally Identifiable Information (Protected PII). See Term D.2.

7. Assurances and Other Grant Requirements required by NHTSA for all organizations receiving federal grant funds:

- A. Agency Certification and Assurances FFY22, Attachment 1. Contractor will comply with certification and assurances, as applicable.
- B. Risk Assessment FFY22, Attachment 2. Contractor will provide information as applicable.
- C. Contractor's Financial Contact will provide information on the TEGPA and Attachments 1 & 2.

D. Other Grant Requirements:

1) UEI Unique Entity Identifier:

- a. The General Services Administration (GSA) will require Federal funding recipients to have a Unique Entity Identifier (UEI).
- b. The UEI is generated by SAM.gov therefore recipients need to keep their registrations current to ensure they receive their UEI.
- c. The Contractor agrees it shall maintain current registrations in the System for Award Management (SAM) (<http://www.sam.gov>) at all times during which it has active federal awards.
- f. If OHS discovers the Contractor, or its principals or affiliates, is disbarred, suspended, or ineligible from federal contracting, AGREEMENT may be terminated immediately.

2) Personally Identifiable Information (PII). As noted under 2 CFR Chapter I, Chapter II, Part 200:

- a. §200.79 Personally Identifiable Information (PII).
- b. §200.82 Protected Personally Identifiable Information (Protected PII).
- c. §200.303 Internal Controls.

3) Procurement of Equipment and Materials: All mobilizations, mini-grants, and equipment purchases shall be subject to the requirements governing this AGREEMENT, including those for procurement of materials and leasing of equipment.

4) Code of Conduct: No employee, officer, or agent of the Contractor shall participate in the selection, award, or administration of a contract supported by grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict might arise when any of the following have a financial or other interest in the firm selected for award:

- a. The employee, officer, or agent.
- b. Any member of his or her immediate family.
- c. His or her partner.
- d. An organization which employs or is about to employ any of the above-listed.

The Contractor's officers, employees, or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

The Contractor guarantees it has not entered into any form of collusion with anyone, involving any form of payment, dependent upon or resulting from the award of this contract or subcontract(s).

5) Conferences, Inspection of Work, Grant Monitoring: Conferences may be held at the request of either party to this AGREEMENT. Conferences may be held in person or by virtual meeting. A representative of OHS and/or the U.S. Department of Transportation can conduct an onsite visit for the purpose of inspection and/or assessment of work being performed at any time.

6) Travel: Grant related local vicinity travel, travel to other parts of the state, and travel outside the state must conform to state policies and procedures. Allowable reimbursements cannot be greater

than those authorized for state employees, and reimbursements will be made to the Contractor for grant project travel. State policy requires economical and practical modes of travel, as well as moderate dining and lodging.

- 7) Tax and Compensation Liability: OHS will not incur any liability for worker compensation, FICA, withholding tax, unemployment compensation, or any other payment, which is not a part of the grant agreement.
- 8) Policy Inclusions: In order to receive highway safety grant funds, OHS requires that the Contractor currently have a Safety Restraint Use policy in effect or implement one prior to completion of the AGREEMENT. If requested by OHS, Contractor will submit their safety restraint policy to OHS prior to execution of the AGREEMENT.
- 9) Responsibility for Claims and Liability: Contractor shall be required to save and hold harmless OHS, ITD, NHTSA, FHWA, and U.S. Department of Transportation from all claims and/or liability due to the negligent acts of the Contractor or the Contractor's subcontractor(s), agents, or employee(s).
- 10) Failure to Comply with any of the terms of this AGREEMENT may jeopardize Contractor in receiving future funding from OHS.
- 11) Eligible Organizations agree to indemnify, defend and hold harmless ITD, its officers, agents, employees' from and against any and all claims, suits, losses, damages or costs, including reasonable attorney's fees, arising from or by the use of grants.
- 12) Any Dispute, Disagreement, or Question of Fact concerning this AGREEMENT shall be decided by the OHS Highway Safety Manager. The decision shall be in writing and shall be distributed to the parties concerned. If Contractor disagrees with the decision by the OHS Highway Safety Manager, the decision may be appealed to the Director of the Idaho Transportation Department. The appeal must be made in writing within 30 days of the OHS decision and served by certified mail.
- 13) This AGREEMENT, including any attachments, constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations (oral or written), not specified herein regarding this AGREEMENT, shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained.
- 14) Nothing in this AGREEMENT shall be construed as limiting or expanding the statutory or regulatory responsibilities of any involved agency or individual in performing functions granted to them by law; or as requiring either entity to expend any sum in excess of its respective appropriation. Each provision of this AGREEMENT is subject to the laws and regulations of the State of Idaho and of the United States.
- 15) Either party may terminate this AGREEMENT upon 30 days written notice to the other party. In the event of termination of this AGREEMENT, the terminating party shall be liable for the performance rendered prior to the effective date of termination.
- 16) This Parent entity for this agency certifies that it conducts an annual audit in accordance to (2. **CFR Part 200 Subpart F**), which is available for review upon request. In addition, this agency has no financial or compliance issues.

Agency Primary Contact (Required)

(Individual with signing authority for the organization.)

Name	
Title	
WebCars Account : Yes/No	
Telephone	
Fax	
Email Address	
Agency Physical Address	
Warrant Mailing Address	
UEI (Unique Entity Identifier <i>available from www.SAM.gov</i>)	
*Benefit Percentage Rate for Overtime.	
Parent Entity Name (if applicable)	

**Benefit rate is FICA/Medicare, Unemployment, Worker’s Compensation, and PERSI- cannot be more than 25%.*

Agency Grant Manager Contact (Required)

(Individual who manages day-to-day grant activities.)

Name	
Title	
WebCars Account : Yes/No	
Telephone	
Email Address	

Other Agency Contact (Optional)

(Individual who will act as a backup for day-to-day grant activities.)

Name	
Title	
WebCars Account : Yes/No	
Telephone	
Email Address	

Financial Details

Parent Entity (City or County) Financial Contact Information (Required)

Name	
Title	
WebCars Account: Yes/No	
Organization	
Telephone	
Email Address	

Note: Complete and sign Attachment 1: Certification and Assurances and Attachment 2: Subrecipient Financial Risk Assessment FY22.

Contractor's Agent

Agency Authorizing Signature:

(Individual with legal authorization to enter into agreement with the Idaho Transportation Department on behalf of the Contractor)

Print Name:

Title:

Date: _____

State's Agent (OHS)

By: Highway Safety Manager

Date: _____

Certifications and Assurances

for Fiscal Year 2023 Highway Safety Grants

(23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended By Sec. 4011, Pub. L. 114-94)

Agency: _____

Fiscal Year: 2023

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, the Agency/Contractor acknowledges and agrees to the following conditions and requirements. In my capacity as the Agency's Representative, I hereby provide the following Certification and Assurances: GENERAL REQUIREMENTS the Agency will comply with applicable statutes and regulations, including but not limited to:

GENERAL REQUIREMENTS

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The Agency will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, (https://www.fsr.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSR.gov for each sub-grant awarded.

NONDISCRIMINATION

The agency 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 74087-74100).

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

- a. 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;
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 5. 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);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition

of employment under the grant, the employee will –

1. 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 (HATCHACT)

The Agency 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.

CERTIFICATION REGARDING FEDERAL LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned 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 undersigned, 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 undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

3. The undersigned 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.
4. 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.

RESTRICTION ON 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.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

Instructions for Primary Tier Participant Certification (States)

- 1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.*
- 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 primary tier 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 tier 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 tier 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 tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. 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 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 entering into this transaction.

7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant 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 1200.

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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

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 the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions 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 records, 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 tier 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 Participant Certification

1. By signing and submitting this proposal, 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 1200.

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 or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which 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*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. 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 "Instructions for Lower Tier Participant 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 1200.

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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

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 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 participating in covered transactions 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.

BUY AMERICA ACT

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, 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 for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is 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. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING 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, States 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, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States 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.

SECTION 402 REQUIREMENTS

1. To the best of my personal knowledge, the information submitted in the Highway Safety Plan in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
3. The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation. (23 U.S.C. 402(b)(1)(B))
4. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or for the benefit of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and for the benefit of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
5. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
6. The State will provide for an evidenced-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. (23 U.S.C. 402(b)(1)(E))
7. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:
 - Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to –
 - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
 - Increase use of seat belts by occupants of motor vehicles;
 - Sustained enforcement of statutes addressing impaired driving, occupant

protection, and driving in excess of posted speed limits;

- An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
- Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
- Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a). (23 U.S.C. 402(b)(1)(F))

8. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
9. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4))

I understand that my statements in support of the State’s application for Federal grant funds. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.

Signature, Agency Representative

Date

Printed name of Agency Representative

Subrecipient Financial Risk Assessment FFY23

Instructions: Subrecipient must provide information for areas in blue only.

Subrecipient Name:		Project:			
Subrecipient UEI Number:		Award Period:			
	Topic	Yes	No	NA	Comments
A. Financial Assessment <i>(Information under Section A must be provided by the Financial Contact for the Subrecipient)</i>					
1	Did the Subrecipient's Parent Entity (City or County) expend more than \$750,000 in federal funding during the previous fiscal year ? If yes , please complete Comments section to indicate whether a single audit through the Federal Audit Clearinghouse (FAC) was conducted in accordance with 2 CFR 200.514. <i>Attach audit summary pages (if applicable).</i>				Amount of Federal Funding Expended \$_____ Year 20_____ Audit submitted to FAC? Yes / No Year Audit Completed : _____
2	Subrecipient's prior year financial audit did not have material finding(s) that affected ITD funding. (If the answer is "no," subrecipient must indicate when or if the finding(s) was resolved.) <i>Attach a copy of pages showing finding results and corrective plan (if applicable).</i>				Findings: Yes / No Page#_____ Summary pages attached: _____ Findings Resolved: Yes/ No Date: _____
3	Federal funding recipients are required to obtain a UEI (Unique Entity Identifier) and CAGE number. <i>The UEI is generated by SAM.gov and recipients need to keep their registrations current to ensure they receive their UEI.</i>				UEI (if available) _____ CAGE # _____ Expiration Date: _____
4	The Subrecipient retains documentation records for grant funded activities for up to three (3) Federal Fiscal Years, for monitoring by OHS?				
B. Organization					
1	Is the subrecipient's accounting system the same as the previous year?				
2	Has the subrecipient's grant management remained unchanged during the previous year?				
3	Has the subrecipient's organization remained unchanged during the previous year? (i.e. Chief, Sheriff, management staff)				
Signature on original required by the Parent Entity Financial Contact					
<i>The information above is accurate to the best of my knowledge.</i>					
Signature:		Date:		Print Name:	
To be completed by The Office of Highway Safety					
		Yes	No	NA	
C. Experience					
1	Does the recipient have experience with the same or similar grants?				
2	Has the subrecipient had at least three years of experience with federal grants?				
3	Did the subrecipient consistently and accurately submit their claims and reports on time?				
TOTALS					
Risk Score:					
Rating Scale (Based on the number of No's)					
0 - 2	Subrecipient is considered low risk.	Low Risk		Provide standard monitoring	
3 - 6	Subrecipient is considered medium risk.	Medium Risk		Provide additional monitoring including training is warranted.	
7 - 10	Subrecipient is considered high risk.	High Risk		Provide close monitoring, training and action if required.	
General overview of Subrecipient performance:					
Commendations, problems or concerns:					
Corrective action necessary:					
OHS Reviewer:				Date:	