

Terms and Conditions for All Grants

The following terms and conditions must be met in order to obtain and conduct a federally-funded traffic safety program. Upon approval of this grant award, these terms and conditions will become a part of the executed agreement. The term “sub-recipient” refers to the Administering Agency of the project.

1.) **Agreement**

Any inconsistencies between agreements and any attached documents shall be resolved in favor of the most current revised agreement on the online system, which shall be the controlling document. All activities conducted under this grant program must address problem ID as shown in the county profile and be data driven and evidence-based. “Countermeasures That Work” must be used to determine the work plan activities to achieve the goals of the grant.

2.) **Legislative Authority**

The Authorizing Official shall obtain the legal legislative authority necessary to implement the activity, to make expenditures and to receive funds, as set forth by this agreement.

3.) **Nondiscrimination**

The sub-recipient and any sub-contractors (if applicable) shall comply with affirmative action as required by the Ohio Department of Public Safety/Ohio State Highway Patrol (OSHP) program policies and procedures and federal/state regulations. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) 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; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (Pub. L. 101-336), as amended (42 U.S.C. 12101, et seq.), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (3) the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), which requires Federal-aid recipients and all subrecipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific

statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

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

The sub-recipient 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 sub-recipient'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:
 - a. The dangers of drug abuse in the workplace.
 - b. The sub-recipient'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.
 - e. 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:
 - 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.
- D.) Notifying the agency within ten days after receiving notice under subparagraph (C) (b) 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)(b), 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 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.

5.) **Buy America Act**

The sub-recipient 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 on non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

6.) **Political Activity (Hatch Act)**

The sub-recipient will comply, as applicable, with provision 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.

7.) **Certification Regarding Federal Lobbying**

A.) 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, and 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 modifications of any federal contract, grant, loan, or cooperative agreement.

B.) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence and 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.

C.) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients 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 no less than \$10,000 and not more than \$100,000 for each such failure.

8.) **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.

9.) **Certification Regarding Debarment and Suspension**

Instructions for Primary Certification

- A.) By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
- B.) 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.
- C.) 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.
- D.) 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.
- E.) 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.
- F.) 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.
- G.) 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.
- H.) 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.

- I.) 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.
- J.) Except for transactions authorized under paragraph F 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 transactions, 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:

- A.) 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 (A)(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.
- B.) 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

- A.) By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

- B.) 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.
- C.) 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.
- D.) 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.
- E.) 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.
- F.) 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 Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
- G.) 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.
- H.) 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.
- I.) Except for transactions authorized under paragraph E 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 transactions, 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:

- A.) 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.
- B.) 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.

10.) **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 on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.nhtsa.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, D.C. metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 9 (888) 221-0045 or visit its website at 222.trafficsafety.org.

The Administering Agency certifies that an "employee seat belt usage policy" is in place that requires employees to wear seat belts while working on agency business. This policy will be made available for review by OTSO representatives upon request.

11.) **Policy to Ban Texting 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 when on official Government business or when performing any work on 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 testing while driving.

12.) **Environmental Impact**

The Governor's Representative for Highway Safety reviews the state's fiscal year highway safety planning document (which includes all individual approved grants) and declares that no significant environmental impact will result from implementing projects listed in the Highway Safety Plan. If, under a future revision, this grant 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, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

13.) **Limitations**

This agreement is a commitment to perform the work identified herein and this authorization is limited to:

A.) The scope of work performed after the "Authorized to Proceed" and before the "Agreement Termination" dates, as specified in the transmittal letter.

B.) The scope of work, rates of participations, federal funds, special conditions, and cost category amounts as defined by the Work Plan, Budget, Addendum (as appropriate), and other attachments;

C.) Actual costs that are incurred in accordance with OMB Circulars A-87, A-21, A-122, 45 CFR Part 74 Appendix E limited to the approved activity.

14.) **Supplanting**

Federal funds must not be used to supplant state or local funds, meaning that federal funds must not be used to replace routine or local expenditures for costs of activities that constitute general expenses required to carry out the overall responsibilities of the sub-recipient and/or its sub-recipients.

15.) **Food**

Costs relating to food for meetings, award banquets, etc. are not allowable.

16.) **Pre-Activity**

A grant pre-activity is required before any costs can be eligible for reimbursement. OTSO will notify the sub-recipient of the availability of the pre-activity prior to the "Authorized to Proceed Date" in the transmittal letter for the executed agreement. The pre-activity must be reviewed by, but not limited to, the designated project director and fiscal officer. Changes in the project director and/or fiscal officer will required a new pre-activity.

17.) **Regional Meetings**

Attend regional meetings to coordinate and review activity including current crash data throughout the region to achieve high visibility enforcement and awareness.

18.) **Press Release**

Each sub-recipient is required to submit a press release to their local media announcing the grant award, including amount and purpose of award. Additional press releases are required depending on grant type; see Special Conditions beginning on page 23 for additional requirements.

19.) **Grant Revisions**

Any changes, additions, or deletions to this agreement must be submitted online and approved by OTSO prior to implementing proposed changes. All final revisions to this agreement (either programmatic or fiscal), must be submitted online prior to September 1, 2016. Any requests for revisions after this date will not be approved.

OTSO reserves the right to limit grant amounts at any time based on performance and/or available funding. Any changes made to the executed agreement limiting grant amounts by OTSO shall be made in writing.

20.) **Required Personnel**

Each proposal/grant is required to have, at a minimum, an authorizing official, a project director and a fiscal officer. See pages 6-7 for a description of each. This information must be kept current. See the help menu on the GRANTS system for directions on how to update/change personnel information.

21.) **GRANTS User Accounts/Password Security**

For security purposes, each person using the GRANTS system must have a separate user name and password. Each account must have its own email account. **Sub-recipient agency personnel must not share passwords with agency staff or ODPS staff.**

22.) **Labor Costs**

All work (personnel labor costs) reimbursed under this grant must be for actual paid hours worked. Labor costs based on a percentage of hours worked or hours accrued as comp time will not be accepted for reimbursement. Leave hours (i.e., sick, vacation, personal, holiday, etc.) are not reimbursable as direct labor. The employer's share of fringe benefits (i.e., retirement, Workers' Compensation, Medicare, etc.) are eligible for reimbursement. Documentation verifying fringe percentages must be available to the OTSO upon request.

23.) **Personnel Activity Reports**

Personnel activity reports may be required for any individual working on this federal grant program. These reports, at a minimum, must document date worked, actual activity performed and the number of hours per day to be charged to this agreement. This document must be signed by the individual and his/her immediate supervisor, maintained by the administering agency and submitted as a part of the reimbursement documentation required.

24.) **Sub-Contracts**

All sub-contracts and all purchases made under a sub-contract with any one vendor in excess of a combined total of \$5,000 must be submitted to the OTSO for review prior to their execution and are subject to the same laws, regulations, and policies

that govern this agreement. Contracts and procurements must include “Special Provisions” as provided by OTSO. Do not include a specific contractor’s name/vendor’s name in the proposal/grant.

All supplies, materials, incentives, promotional items, education materials, and/or equipment that are purchased as a part of this sub-contract must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring the cost.

Any training courses must be submitted to and approved by OTSO on a Request to Purchase form prior to scheduling.

25.) **Equipment**

All non-expendable equipment (i.e., having a useful life of one year or more and cost \$1,000 or more) shall be entered into the OTSO equipment inventory system. All purchased equipment must be used for approved traffic safety activities throughout its useful life. All purchases must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring the cost.

26.) **Central Services**

Costs for certain operational services provided to an agency on a centralized basis are unallowable. To be eligible for a reimbursement, a cost must be documented with an actual transfer of funds.

27.) **Rate/Cost Allocation Charges**

Costs that cannot be charged as an actual cost and are charged to a program on a percentage basis (e.g., phone, copies, postage, etc.) can be reimbursed based on a rate/cost allocation plan. Any agency wanting to claim these costs must submit to OTSO a copy of their agency’s rate/cost allocation plan showing the following: the list of programs/grants the costs are being distributed between, the percentage being charged to each program/grant, the list of costs being charged (with explanation if not clear), the dollar amount being charged for those costs, and the grand total being charged to the programs/grants. If the rate/cost allocation plan shows more costs than you want to claim on your grant, mark which costs you are claiming on the grant.

28.) **Supplies, Materials, Incentives, Promotion Items, Educational Materials**

All supplies, materials, incentives, promotional items and educational materials must be used for approved traffic safety activities throughout its useful life. All purchases must be submitted to and approved by the OTSO on a Request to Purchase form prior to incurring the cost. Outreach efforts should be made and materials should be provided to reach the county’s ethnic and/or limited English speaking populations.

Alcohol is not allowed to be purchased with funds from this grant.

The sub-recipient must submit a final draft copy of all promotional materials to the OTSO for approval prior to production. In addition:

- A.) All materials shall include federal sponsorship credit and/or disclaimer clauses as directed by the OTSO. The credit line shall state: Funded by U.S. DOT/NHTSA and ODPS.
- B.) All public service announcements funded with federal funds, in whole or in part, must be closed captioned for the hearing impaired.
- C.) All data results, reports, equipment, supplies and other materials (including but not limited to electronic versions) developed by the sub-recipient must be available to the ODPS/OTSO upon request.
- 29.) **Request for Bids**
OTSO will not reimburse for costs incurred by a sub-recipient for “requests for bids” for any services or purchases.
- 30.) **Travel**
Any request for travel and associated costs must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring any travel related costs.
- Attendance at any conference/seminar/workshop that charges a registration fee must be submitted to and approved by OTSO on a Request to Purchase form prior to registration. All conferences/seminars/workshops must be traffic safety related; an agenda must be provided to OTSO.
- A current travel policy must be submitted with the grant proposal. OTSO will not reimburse for meals provided by the conference. Alcohol is not allowed to be purchased with funds from this grant.
- All claims for travel reimbursement must be accompanied by a Conference Workshop Reporting form.
- 31.) **Training**
The cost of training personnel for traffic safety purposes may be funded when the training supports both the goals and scope of work of the approved grant program and the goals of the OTSO. All training requests and purchases must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring the cost.
- 32.) **Request to Purchase (RTP)**
All RTPs must be submitted to OTSO by August 1, 2016.
- 33.) **Program Income**
NHTSA and OTSO encourage sub-recipients to generate program income. Program income means gross income received by the grantee or sub-recipient directly generated by a grant-supported activity or earned only as a result of the grant agreement during the grant period. Program income may be added to the funds committed to the grant agreement. Program income shall be used to further the objectives of the program area under which it was generated. Program income generated through the federal grant agreement must be properly and accurately documented (e.g., activity generating income, amount generated, how funds were/will be used in support of traffic safety, invoices, etc.). Income will be

reviewed during an OTSO grant monitoring visit, and this information must be reported as part of the activity report.

34.) **Reimbursement Claims**

This agreement will operate on a reimbursement basis only. The administering agency must first incur the costs for approved expenditures and then apply for the reimbursement. Appropriate and accurate documentation will be required for each expense. Claim schedules are set up either monthly or quarterly based on sub-recipient's selection on the pre-activity form. Any changes from this schedule must be made by the sub-recipient in writing. Each sub-recipient must submit reimbursement claims by the due date assigned to the claim in the GRANTS System.

35.) **Denial of Costs**

OTSO may deny costs for non-compliance with OTSO policies and procedures, terms and conditions and/or federal and state regulations by requesting the cost(s) be removed from the online claim. A written response to all denials must be provided to OTSO within 30 days after the date transmitted to the sub-recipient or the sub-recipient relinquishes all rights to the denied cost(s).

36.) **Narrative Progress Reports**

The timetable for submission of narrative progress reports will be determined by OTSO. Each sub-recipient must submit progress reports by the due date assigned to the report in the GRANTS System.

37.) **Monitoring**

Programmatic and fiscal monitoring of grants shall be conducted in accordance with U.S. DOT/NHTSA and OTSO guidelines. Programmatic and fiscal monitoring may include representatives from the federal and/or state government.

38.) **Sub-Recipient on Notice**

Sub-Recipients that fail to meet performance standards and/or grant requirements may be placed in "Sub-Recipient on Notice" status. This designation will last until an agency satisfies agreed upon requirements.

Criteria for being placed in "Sub-Recipient on Notice" status:

- a) A pattern of untimely submissions of required activity reports (including required supporting documentation)
- b) A pattern of untimely submission of required reimbursement claims (including required supporting documentation)
- c) Sub-recipient fails to perform activities according to the approved plan
- d) A pattern of utilizing funds for unapproved activities, or has attempted to so as identified in the review of reimbursement claims and submission of supporting documentation.

For more information about Sub-Recipient on Notice, contact OTSO.

39.) **Final Report and Final Claim**

A final comprehensive annual project activity report must be submitted to OTSO by November 1.

A.) Final reports not received by November 1 will result in a 10 percent penalty deduction to the final claim reimbursement.

B.) If a final project activity report is received after November 15, the final claim will not be reimbursed.

A properly documented final claim for reimbursement must be submitted to OTSO by November 1.

A.) Final claims not received by November 1 will result in a 10 percent penalty deduction in final claim reimbursement.

B.) Final claims received after November 15 will not be reimbursed.

40.) **Records Retention**

All records relating to project activity and/or expenditures must be maintained for review by representatives of the federal or state government for at least three years following the final reimbursement payment.

41.) **Management Letter/Audit Report Submission**

As a pass-through agency for federal funding, OTSO is required by the Office of Management and Budget (OMB) Circular A-133 Audits of States, Local Governments, and Non-Profit Organizations to ensure you have met the audit requirements of the circular.

To access the Circular, visit: <http://www.whitehouse.gov/omb/circulars/index.html>

You are required to retain a copy of your most recent Audit Report, Management Letter and/or Single Audit Report and provide to ODPS/OTSO upon request.

42.) **Termination of Agreement**

Either OTSO or the sub-recipient may terminate this Agreement for any reason by giving the other party 30 days written notice. If the Agreement is cancelled under this provision, OTSO shall reimburse the sub-recipient for approved work completed and documented to that date. Upon termination all data results, reports and other materials developed by the sub-recipient will become the property of OTSO. All of the equipment, materials and/or supplies provided to the sub-recipient for use under this agreement must be returned to OTSO upon request within 30 days of said written notice. Should any change in federal funding adversely affect OTSO's ability to complete the fiscal year's activities, OTSO has the right to revise or terminate the agreement in writing.

43.) **End of Grant**

If a subsequent grant is not awarded after the end of the grant period, all data results, reports, equipment, supplies and other materials developed by the sub-recipient must be returned to OTSO upon request within 30 days.

Special Conditions

In addition to Terms and Conditions # 1 – 43, the following Special Conditions apply to OVI Task Forces (OVITF), Selective Traffic Enforcement Program (STEP), Impaired Driving Enforcement Program (IDEP), Safe Communities (SC) and General (GG) grant awards:

Selective Traffic Enforcement Program/Impaired Driving Enforcement Program/OVI Task Forces

44.) **Enforcing Seat Belt Laws**

The agency will enforce all seat belt and child restraint laws on all traffic stops made under this grant.

45.) **Site Selection**

Justification for sites selected for enforcement activities must be documented and maintained as a part of the sub-recipient's file for this agreement.

46.) **Training Certification**

The sub-recipient must assure that all enforcement personnel involved in approved overtime enforcement-related activities are certified in the following type(s) of training, as appropriate:

Alcohol-related traffic enforcement – (Arresting officer only): Standard Field Sobriety Testing (SFST)

Speed management-related traffic enforcement – Electronic Speed Measuring Device Training (ESMD)

47.) **Mandatory Blitzes**

Funding for all OTSO identified blitzes must be used for overtime traffic enforcement, saturation patrols and OVI checkpoints only. Directing traffic, conducting parking detail at events, crash investigations, any non-traffic safety related activities, or any activities not identified in scope of work or work plan are not reimbursable activities.

48.) **National Enforcement Campaigns**

All agencies utilizing overtime enforcement funds from OTSO are required to participate in the "Click It or Ticket" (CIOT) mobilization and the "Drive Sober or Get Pulled Over" (DSOGPO) alcohol crackdown.

Scheduled dates for the national enforcement campaigns are:

CIOT: May 23 – June 5, 2016

DSOGPO: August 19 – September 5, 2016

49.) **Press Releases**

In addition to the grant award press release, OVI Task Forces are required to conduct three press conference events (one in coordination with the Drive Sober or Get Pulled Over alcohol crackdown), promote the task force through press releases and publicize checkpoints as required by law. STEP and IDEP must attempt to publicize its local efforts during each blitz and national enforcement campaign prior to the enforcement activity and again with the results of the enforcement effort.

OTSO will provide media toolkits for the blitzes and enforcement campaigns to assist with these efforts.

50.) **Enforcement Hours Eligibility**

Direct labor hours expended in traffic safety enforcement programs must be over and above the normal active pay status work week as defined in the sub-recipient's current labor agreement or departmental policy. Part-time permanent staff members are eligible for funding, with prior approval by OTSO. Only one officer per patrol car will be funded as part of traffic enforcement grants. All full time officers working on the OTSO grant must be paid their actual overtime hourly rate.

51.) **Monthly Enforcement Reports**

Whether or not a sub-recipient conducts grant-related activity, each sub-recipient must submit an enforcement report monthly. The monthly enforcement report must be submitted online to OTSO by the 15th calendar day of the following month. Failure to submit these reports in a timely manner will cause a delay in payment of claims, may jeopardize funding for present and future projects and may result in being placed in "Sub-Recipient on Notice" status.

52.) **Transportation Costs**

OTSO will reimburse a maximum of five percent (dollars) of direct labor costs (saturation patrol and checkpoint hours for both the lead and participating agencies) for the agency to put towards fuel/transportation costs. Do not include coordination or education costs in the labor costs. Mileage logs, receipts, etc. are not required to be submitted with reimbursement claims, but must be maintained by the agency for auditing purposes.

53.) **Education Efforts**

OTSO will reimburse for hour/costs spent towards education efforts. These efforts can be used towards educating students, the general public at events, or officers and must be consistent with problem identification. Education efforts must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring any costs. A total of five percent (dollars) of direct labor costs (saturation patrol and checkpoint hours for both the lead and participating agencies) will be allowed towards education efforts. Do not include coordination costs in the labor costs.

OVI Task Forces Only

54.) **Participating Law Enforcement Agencies**

Participating law enforcement agencies performing activity under this grant must be paid for activity performed before reimbursement will be paid to the lead agency.

55.) **Documentation for Overtime Activity with Participating Agencies**

Documentation (check numbers, EFT, or DD) that the lead agency paid participating agencies working under the grant must be provided. Additional information may be requested.

Safe Communities

56.) Coalition Meetings

Safe Communities programs must conduct a minimum of four coalition meetings during the grant period. Copies of signature rosters and the coalition meeting agenda must be kept on file and made available during an OTSO grant monitoring visit.

57.) Kick-Off Events

Each Safe Communities program is required to conduct a “Click It or Ticket” and a “Drive Sober or Get Pulled Over” kick-off event. Each Safe Communities must conduct their own event in their own county. The CIOT event must be no earlier than May 16, 2016 and no later than May 27, 2016. The DSOGPO event must be no earlier than August 12, 2016 and no later than August 26, 2016. These events must include participation, at a minimum, by your coalition members, local law enforcement, community leaders, and the media. Each Safe Communities must complete and submit a Kick-off Event Form by the required deadline. Each form will be reviewed for content. Additional participation in an adjacent county’s event will be considered on a case by case basis.

58.) Fatal Crash Data Review Committee

A Fatal Data Review Committee will meet in any quarter that a fatality has been reported in the county to review fatal crash reports to identify patterns or trends that could increase impact of traffic safety countermeasures.

59.) Reporting of Fatality Information

In order for communities to be kept informed on fatal crashes occurring in their areas, each Safe Communities program is required to report to their local media, at least quarterly, on the fatal crashes occurring in the communities. This notification will be structured similar to a template developed by OTSO. Notification shall be sent to the media no later than the 15th of the month following the ending quarter. For example: Fatalities occurring in October, November and December must be reported by January 15th. Media can include: television, radio, newspapers, etc. Copies of these releases must be kept in file and will be subject to review by OTSO.

60.) Monthly Activity Report

Each sub-recipient must submit online monthly reports by the 15th calendar day of the following month.

61.) Personnel Activity Reports

Personnel activity reports are required for all individuals working on this federal grant program. These reports, at a minimum, must document date worked, actual activity performed and the number of hours per day to be charged to this agreement. This document must be signed by the individual and his/her immediate supervisor. It must be included as a part of the reimbursement documentation.

62.) **Self-sufficiency**

All Safe Communities programs must work towards self-sufficiency. Efforts to work towards this goal should be reported in activity reports, but as a minimum in the final comprehensive annual activity report.

General Grants

63.) **Personnel Activity Reports**

Personnel activity reports are required for all individuals working on this federal grant program. These reports, at a minimum, must document date worked, actual activity performed and the number of hours per day to be charged to this agreement. This document is to be signed by the individual and his/her immediate supervisor. It must be included as a part of the reimbursement documentation.