

**STATE OF SOUTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY
HIGHWAY SAFETY GRANT APPLICATION**

FOR OFFICE OF HIGHWAY SAFETY (OHS) USE ONLY

Grant #

App # T09149

Award Date:

Prior Grant #1

#2

#3

Requested Grantor Amount

State/Local Benefit

Fund Year:

To Be Completed by Project Director

Section 1

County Name: 40 - RICHLAND

Section 2

Project Location: Jonesville

Section 3

Program Area: Police Traffic Services

Section 4

Project Period: 10/1/2009-9/30/2010

Begin:

End:

Section 5

Grant Period: 10/1/2009-9/30/2010

Begin:

End:

Section 6

Project Title: Jonesville Traffic Enforcement

Section 7

Project Summary: This project will allow Jonesville Police Department to adequately enforce traffic laws and effectively prosecute violators.

Section 8

Type of Application Initial

b. Year of Funds : 1

Do you plan to apply for additional years of funding after 1st year?

No

Section 9

a. Organization Type : City

Other:(Specify)

b. U. S. Congressional District 06

Section 10

Agency Name Jonesville Police Depar

Address 111 Main Street

City Jonesville

State South Carolina

(Please use the Name/Address
above instead of this field)
Name and Address of Implementing
Agency

10 Digit Zip 29000

(Area) Phone #: 803-123-5555

(Area) Fax #: 803-555-1234

COMPLETE PAGES 2-5 BEFORE COMPLETING THIS SECTION

Section 11

BUDGET

Use whole dollars only (For example: \$1,500 not \$1,500.00)

a. BUDGET CATEGORIES	GRANTOR	AGENCY MATCH	TOTAL
A321 Personnel	\$0	\$0	\$0
A331 Contractual Services	\$0	\$0	\$0
A341 Travel	\$0	\$0	\$0
A351 Equipment	\$14,000	\$0	\$14,000
A371 Other	\$1,200	\$0	\$1,200
TOTAL:	\$15,200	\$0	\$15,200

Local political subdivisions and private, non-profit organizations are required to assume a cash match of 20%. State agencies are exempt from matching requirements.

Section 12

APPROPRIATION OF NON-GRANTOR
MATCHING FUNDS City

Other (Explain):

CATEGORIES	GRANTOR	CASH MATCHING FUNDS	TOTAL
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1. PERSONNEL

A. SALARIES

Position Title	Annual Salary/Rate	X	% of Time On Project			
TOTAL SALARIES:				\$0	\$0	\$0

B. FRINGE BENEFITS, EMPLOYER PORTION:

(Itemize - i.e FICA, Work, Comp, Retirement, etc.)

Description	% or Rate	X	Base			
Social Security & Medicare (FICA)						
Retirement						
Worker's Compensation Insurance						
Unemployment Insurance						
Health Insurance						
Other:						
TOTAL FRINGE BENEFITS				\$0	\$0	\$0
TOTAL PERSONNEL:				\$0	\$0	\$0

CONTRACTUAL SERVICES:

(Describe services to be performed)

				\$0	\$0	\$0
TOTAL CONTRACTUAL SERVICES				\$0	\$0	\$0

TRAVEL:

(Itemize-include mileage, airline cost, lodging, parking, per diem)

In-State Travel:				\$0	\$0	\$0
Out-of State Travel:				\$0	\$0	\$0
TOTAL TRAVEL:				\$0	\$0	\$0

CATEGORIES	GRANTOR	CASH MATCHING FUNDS	TOTAL
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IV. EQUIPMENT:

(Itemize - DO NOT Use Brand Names. DO NOT include leased or rented items.)

ITEM	QUANTITY	GRANTOR	CASH MATCHING FUNDS	TOTAL
In-car Video Cameras	2	\$9,000	\$0	\$9,000
Dual Antenna Radars	2	\$5,000	\$0	\$5,000
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
		\$0	\$0	\$0
TOTAL EQUIPMENT:		\$14,000	\$0	\$14,000

V. OTHER:

Passive Alcohol Sensors (2)		\$1,200	\$0	\$1,200
TOTAL OTHER:		\$1,200	\$0	\$1,200
TOTAL PROJECT COST:		\$15,200	\$0	\$15,200

BUDGET NARRATIVE

BUDGET DESCRIPTION: List items under each Budget Category heading. Explain exactly how each item listed in your budget (both grantor and match) will be utilized. It is important that the necessity of these items, as they relate to the operation of the program, be established. Please provide descriptions only. **No dollar amounts should be provided.**

EQUIPMENT:

In-car Video Cameras - This equipment will be used to document the activities of traffic enforcement officers during traffic stops. This equipment is critical in making DUI cases against impaired drivers.

Dual Antenna Radars - This equipment will be used by traffic enforcement officers to accurately determine vehicle speeds and assist in making cases against speed violators.

OTHER:

Passive Alcohol Sensors - This equipment will be used to detect ambient alcohol during a traffic stop and serves as a flashlight for officer safety during nighttime enforcement.

BUDGET NARRATIVE (Continued)

BUDGET DESCRIPTION: List items under each Budget Category heading. Explain exactly how each item listed in your budget (both grantor and match) will be utilized. It is important that the necessity of these items, as they relate to the operation of the program, be established. Please provide descriptions only. **No dollar amounts should be provided.**

ACCEPTANCE OF AUDIT REQUIREMENTS

PLEASE NOTE: State agencies whose annual audit is covered by the State Auditor's Office **do not** have to complete this form.

We agree to have an audit conducted in compliance with OMB Circular A-133, if required. If a compliance audit is not required, at the end of each audit period we will certify in writing that we have not expended the amount of federal funds that would require a compliance audit (\$300,000). If required, we will forward for review and clearance a copy of the completed audit(s), **including the management letter, if applicable**, to:

Stephen Fulmer, Manager
Accounting - Grants
S.C. Department of Public Safety
10311 Wilson Blvd.
Blythewood, SC 29016

The following is information on the next organization-wide audit which will include this agency: (Use your Agency's fiscal year)

1. *Audit Period: Beginning Ending

1. Audit or written certification will be submitted to Grants-Accounting by:
(Date)

NOTE: The audit or written certification must be submitted to Accounting - Grants, S.C. Department of Public Safety, **no later than the ninth month after the end of the audit period.**

Additionally, we have or will notify our auditor of the above audit requirements prior to performance of the audit for the period listed above. We will also ensure that, if required, the entire grant period will be covered by a compliance audit which in some cases will mean more than one audit must be submitted. We will advise the auditor to cite specifically that the audit was done in accordance with OMB Circular A-133.

Any information regarding the OMB Circular audit requirements will be furnished by Accounting-Grants, S.C. Department of Public Safety, upon request.

***NOTE: The Audit Period is the organization's fiscal or calendar year to be audited.**

Failure to complete this form will result in your grant award being delayed and/or cancelled.

PROGRAM NARRATIVE

PROBLEM STATEMENT: First, define the problem exactly as it exists in your particular community. Describe the nature and magnitude of the problem using valid, updated statistical data; cite the source and date of your information. Sufficient data should be provided to prove the problem is significant and should be addressed. Include a discussion and analysis of trends in traffic-related incidents, their scope and characteristics. Data should be presented covering the past three (3) years. Second, include a discussion of your existing efforts and level of activities (current resources and programs) in dealing with the problem and why new or additional intervention/activity is needed. Attach additional pages as needed.

The Town of Jonesville is located in Farr County and serves as the county seat. The residential population of Jonesville is estimated at 28,829 according to the U.S. Census Bureau 2006. In 2005 the census estimate was 27,490. This indicates a rise in population of over 1,300 people in just one year. The population within Farr County is 151,800 according to the 2006 U.S. Census Bureau estimates and increases during the daytime to approximately 200,000 as a result of a large commuting population entering Farr County for work. Population increases and an ever-growing daytime population for Farr County have resulted in increased vehicle travel, more vehicles on the roadways and increased frequency of traffic collisions and violations. The entire population of Farr County is either directly or indirectly affected by traffic collisions occurring through lost work time, loss of employment, increased health care/rehabilitative costs, or more tragically, the loss of loved ones.

According to the 2005-2007 Fatal & Severe Injury Crash data, Farr County ranks 10th in the state for DUI Fatal and/ or Severe Injury Crashes. The Town of Jonesville experienced 25 traffic fatalities in 2008, 19 in 2007, and 17 in 2006. These figures testify to a 47% increase in traffic fatalities over a three-year period. During the same time frame, Jonesville has experienced an increase in traffic collisions. In 2006, the total was 2,527, in 2007 that number increased to 2,607, and in 2008 that number jumped to 2,698 recorded collisions, an increase of 6.8% over the total for 2006. Of the 25 traffic fatalities in Jonesville in 2008, 9 were alcohol-related, an increase of 50% over the 6 alcohol-related traffic fatalities in 2006. In 2008, the Town of Jonesville experienced 1,112 traffic-related injuries, an increase of 17.4% over the 947 traffic-related injuries in 2006. As the number of traffic collisions, injuries and fatalities has increased, the economic loss for the city also increased.

The Town of Jonesville Police Department currently has 29 sworn officers. Of this number only two officers comprise the Traffic Unit. The Traffic Unit is currently required to answer other calls for service. Due to this fact, the Town of Jonesville has not been able to make significant impact on the traffic safety problems being encountered.

In 2006, the Traffic Unit issued 1,124 speeding citations, 116 safety belt citations, and made 23 DUI arrests. In 2007, the Unit issued 1,247 speeding citations, 132 safety belt citations, and made 25 DUI arrests. In 2008, the Unit issued 1,543 speeding citations, 163 safety belt citations, and made 27 DUI arrests. The Unit currently spends approximately 65% of its time conducting traffic enforcement in Jonesville. However, if the grant is awarded, the Town of Jonesville Police Department will expand the Traffic Unit to four officers, two of which will dedicate 100% of their time to traffic enforcement. The Town of Jonesville will choose the two new traffic officers from its existing cadre of sworn officers, thus not adding personnel to the police department. The requested equipment will provide the two new officers with equipment necessary to conduct traffic stops and will allow the two new officers to increase citations and contacts with the motoring public, as well as reduce traffic and DUI-related collisions, while minimizing personal injuries, fatalities and the economic loss to the city.

PROGRAM NARRATIVE

PROGRAM GOAL(S): Describe the broad, long-term goals of the program and indicate the change(s) or outcome(s) anticipated.

1. To decrease traffic fatalities in Jonesville by 20%, from 25 to 20, by the end of the grant period.
2. To decrease the number of DUI-related traffic fatalities in Jonesville by 33%, from 9 to 6, by the end of the grant period.
3. To decrease the total number of collisions in Jonesville by 7%, from 2,698 to 2,498, by the end of the grant period.
4. To decrease the total number of DUI-related collisions in the Jonesville by 20%, from 140 to 112, by the end of the grant period.
5. To decrease the number of traffic-related injuries in Jonesville by 10%, from 1,112 to 1,001, by the end of the grant period.

IMPACT INDICATOR(S): State how accomplishments of the program goal(s) listed above will be measured.

1. Comparison of the traffic fatalities in Jonesville during the grant period to the previous year will be used to measure the accomplishment of this program goal.
2. Comparison of the DUI-related traffic fatalities in Jonesville during the grant period to the previous year will be used to measure the accomplishment of this program goal.
3. Comparison of the collision data for Jonesville during the grant period to the previous year will be used to measure the accomplishment of this program goal.
4. Comparison of the DUI-related collision data for Jonesville during the grant period to the previous year will be used to measure the accomplishment of this program goal.
5. Comparison of the data on traffic collision injuries for Jonesville during the grant period to the previous year will be used to measure the accomplishment of this program goal.

PROGRAM NARRATIVE

SPECIFIC OBJECTIVE(S): Objectives are quantifiable statements of the activities/tasks that will be implemented to fulfill project goals. They must be stated in measurable terms for specific time periods.

1. Purchase all needed equipment within 90 days of the grant award.
2. To conduct a minimum of 12 public safety checkpoints by September 30, 2010.
3. To have an appropriate, corresponding increase in citations for violations such as failure to yield right-of-way, following too closely, disregarding sign/signal, improper turn, and improper lane change by September 30, 2010, due to enhanced traffic enforcement efforts over the course of the grant period.
4. To have an appropriate, corresponding increase in speeding citations by September 30, 2010, due to enhanced traffic enforcement efforts over the grant period.
5. To have an appropriate, corresponding increase in citations for safety belt and child restraint violations by September 30, 2010, due to enhanced traffic enforcement efforts over the grant period.
6. To have an appropriate, corresponding increase in DUI arrests by September 30, 2010, due to enhanced traffic enforcement efforts over the grant period.
7. To plan and conduct special enforcement and education activities and education activities in support of national and statewide highway safety initiatives, to include National Child Passenger Safety Week (September).
8. To participate actively in the local Law Enforcement Network.
9. To participate in all aspects (enforcement, education and media) of the Sober or Slammer sustained DUI enforcement campaign to include at least one (1) specialized DUI enforcement activity per month (checkpoints, saturation patrols) and four (4) nights of specialized DUI enforcement activity during the Christmas/New Year's and Labor Day crackdowns.
10. To participate in all aspects (enforcement, education and media) of the Buckle up, South Carolina. It's the law and it's enforced. (BUSC) campaign effort leading up to an including Memorial Day 2010.
11. To submit the Monthly Enforcement Data Report Form by the 10th of the month for the previous month.
12. To meet with local judges and magistrates to inform them of the grant program activities by the end of the first quarter of the grant period.
13. The Jonesville Police Department will report monthly to the SCDPS data required by law which is collected from non-arrest and non-citation traffic stops.
14. The two new Traffic Unit officers will receive Standardized Field Sobriety Test training through the SC Criminal Justice Academy by the end of the first quarter of the grant period.
15. The two new Traffic Unit officers will receive DUI Trial Preparation through the SC Commission on Prosecution Coordination by the end of the second quarter of the grant period.

PERFORMANCE INDICATOR(S): State exactly how each objective will be measured. Performance indicators must be matched to each specific program objective listed above.

1. Purchase approved grant equipment.
2. Maintain a record of the 12 public safety checkpoints and data on all of the citations issued.
3. Maintain a record of citations issued, citations for violations such as failure to yield right-of-way, following too closely, disregarding sign/signal, improper turn, and improper lane change, due to enhanced traffic enforcement efforts over the course of the grant period.
4. Maintain a record of the speeding citations due to enhanced traffic enforcement efforts over the grant period.
5. Maintain a record of the citations for safety belt and child restraint violations due to enhanced traffic enforcement efforts over the grant period.
6. Maintain a record of the DUI arrests by September 30, 2010, due to enhanced traffic enforcement efforts over the grant period.
7. Document all special enforcement and education activities and education activities in support of national and statewide highway safety initiatives.
8. Maintain a copy of the sign in log along with activity for all participation with the LEN.
9. Maintain a record and documentation of Sober or Slammer sustained enforcement, education and media efforts. Submit reports of the efforts to the OHS.
10. Maintain a record and documentation of BUSC enforcement efforts. Submit reports of the efforts to the OHS.
11. Copies of Monthly Enforcement Data Report Forms will be maintained in the grant file.
12. A meeting will be held with the judges and magistrates by the end of the first quarter of the grant period.
13. The OHS will review the SCDPS bias-based database to determine if the agency is reporting data on non-arrest and non-citation traffic stops relative to gender, race and age of individuals stopped.
14. The two new Traffic Unit officers will receive training in SFST through the SC Criminal Justice Academy by the end of the first quarter of the grant period and will submit documentation of the training to the OHS.
15. The two new Traffic Unit officers will receive training in DUI Trial Preparation through the SC Commission on Prosecution Coordination by the end of the second quarter of the grant period and will submit documentation of the training to the OHS.

PROGRAM NARRATIVE

PROJECT NARRATIVE: Provide a comprehensive step-by-step description of the project, indicating the tasks and activities to be employed to address the problem outlined on Page 7. Detail **what** will be accomplished, **how** activities will be implemented, and **who** will perform the tasks. Each specific objective should be addressed, including an explanation of how it will be achieved. Use additional pages as necessary.

The goal of the Jonesville Police Department grant is to provide enforcement of traffic laws to reduce traffic collisions in number and severity. To do this, the Jonesville Police Department intends to increase its current two-member Traffic Unit by two officers, who will expend 100% of their time involved in traffic enforcement. The officers will be chosen from the Jonesville Police Department's cadre of 29 sworn officers, thus not adding personnel to the department. The approved grant-funded equipment will be purchased and installed in vehicles assigned to the two officers who will dedicate 100% of their time to traffic enforcement.

The officers will utilize the grant-funded equipment during the course of regular traffic patrol duties, and specialized enforcement efforts, such as public safety checkpoints and saturation patrols. The Traffic Unit will be deployed based on analysis of statistical information relative to when and where traffic collisions are occurring in Jonesville. Traffic collision data will be reviewed monthly to determine if collision patterns have changed. The Traffic Unit's enforcement efforts will be adjusted accordingly.

The two new officers' work schedules will be determined by analysis of statistical information, however they will be expected to work at least two weekend, nighttime shifts a month to focus on DUI-related violations. The grant-funded equipment will allow the new officers to identify traffic violations more quickly and accurately and will assist the Traffic Unit in increasing the number of citations issued. The grant-funded equipment will also increase the credibility of the officers in court and should result in an increase in DUI convictions and a reduction in the number of dismissed citations.

The two new Traffic Unit officers will receive training in Standardized Field Sobriety Testing through the SC Criminal Justice Academy by the end of the first quarter of the grant period. The two new Traffic Unit officers will also receive training in DUI Trial Preparation through the SC Commission on Prosecution Coordination by the end of the second quarter of the grant period.

All of the Traffic Unit officers will participate actively in the LEN and will participate fully in the Sober or Slammer (SOS) and Buckle up, South Carolina (BUSC) campaigns. The officers will participate in all aspects (enforcement, education and media) of the SOS sustained DUI enforcement campaign to include at least one (1) specialized DUI enforcement activity per month (checkpoints, saturation patrols) and four (4) nights of specialized DUI enforcement activity during the Christmas/New Year's 2009-2010 and Labor Day 2010 crackdowns. Saturation patrols will be held in support of BUSC in the days leading up to and including the Memorial Day 2010 holiday. All Traffic Unit officers will concentrate their enforcement during the BUSC mobilization efforts on safety belt and child restraint violations.

All of the Traffic Unit officers will maintain daily logs of contacts made while patrolling and indicate the types of violations that prompt traffic stops. Monthly Enforcement Data Report Forms will be submitted for all Traffic Unit officers according to the objectives, and Progress Reports, including a Final Narrative, and Requests for Payment will be submitted quarterly. The Jonesville Police Department will also report information on traffic stops that do not result in citations or arrests to the SC Department of Public Safety on a monthly basis in compliance with state statute.

All Traffic Unit officers will meet with local judges and magistrates by the end of the first quarter of the grant period to discuss with them the implications of the grant award and the increased traffic enforcement activity of the unit. The officers will attempt to gain the support of the judges and magistrates for the new and increased enforcement efforts.

Although the Jonesville Police Department will expend all grant funds for this project during the current Federal fiscal year, the Department guarantees that the grant-funded equipment will be utilized for traffic enforcement efforts for the life of the equipment, and the four-member Traffic Unit will be maintained and continue to be operational, with two officers devoting 100% of their time to traffic enforcement, for the duration of the one-year grant.

PROGRAM NARRATIVE

PROJECT EVALUATION: The purpose of evaluating a project is to assess how well it has been implemented in your jurisdiction and to assess the extent to which the activities funded have achieved the project's goals. In this section, describe the plan or process for assessing the impact on the highway safety problem(s) in your jurisdiction. The completed evaluation report should be included in the Final Narrative Report submitted for the project.

The project will be evaluated by determining the degree that the goals and objectives of the grant were met. Statistical information will be compared to the year prior, and the objectives will be evaluated to determine if they were met and to what degree. The Project Director will evaluate the project periodically throughout the grant period to determine any shortfalls or obstacles. Strategies will be updated to ensure the goals and objectives will be met.

PROJECT CONTINUATION: Explain how the project activity will be continued after federal funding assistance is no longer available.

The activities outlined in the grant will continue after the grant period ends. The equipment purchased under this grant will continue to be utilized for traffic enforcement for the life of the equipment. The Town of Jonesville Police Department will continue the four-member Traffic Unit, with two officers dedicated to 100% traffic enforcement, and will continue participation in highway safety campaigns and the Law Enforcement Network for a minimum of three years from the grant award date.

PROGRAM NARRATIVE

MEDIA PLAN: Discuss your plans for announcing the award of this grant to your community through media outlets available to you. Also, please discuss how you plan to keep the public informed of grant activities throughout the entire project period. Use additional pages as needed.

A press release will be issued when the grant is awarded to announce the new tools available for traffic enforcement in Jonesville. The Project Director will also keep the media informed of any specialized enforcement activities and statewide campaigns.

TOTAL PROJECT AREA POPULATION: Provide the most current population figures for the area served by this project. The population of the project area may be larger than the population of the recipient unit of government (e.g., the project is a multi-jurisdictional effort) or smaller (e.g., the project targets a specific segment of the jurisdiction). Cite the source of information presented.

Total Population for county(ies):

Or City/Town:

Site source of information

AGENCY INFORMATION: (For Law Enforcement Agencies ONLY) Provide agency staff information, as well as the current level of enforcement activity for the entire department for the three previous calendar years.

Number of sworn officers in agency

Number of non-sworn staff in agency

Total number of personnel in agency

NUMBER BY CALENDAR YEAR

ACTIVITY	CY: <input type="text" value="2006"/>	CY: <input type="text" value="2007"/>	CY: <input type="text" value="2008"/>
DUI Arrests	<input type="text" value="23"/>	<input type="text" value="25"/>	<input type="text" value="27"/>
Speeding (All cases)	<input type="text" value="1,124"/>	<input type="text" value="1,247"/>	<input type="text" value="1,543"/>
Safety Belt Violations	<input type="text" value="116"/>	<input type="text" value="132"/>	<input type="text" value="163"/>
Child Restraint Violations	<input type="text" value="21"/>	<input type="text" value="24"/>	<input type="text" value="31"/>
All Other Traffic Violations	<input type="text" value="451"/>	<input type="text" value="613"/>	<input type="text" value="645"/>
Traffic Crashes Investigated	<input type="text" value="2,527"/>	<input type="text" value="2,607"/>	<input type="text" value="2,698"/>
Check Points Conducted	<input type="text" value="1"/>	<input type="text" value="3"/>	<input type="text" value="4"/>

IMPLEMENTATION SCHEDULE

The Implementation Schedule is intended to give our office a proposed list of activities planned, when they are to be implemented, and the person responsible. Exact dates are not necessary in the "Implementation Proposed Time Frame" section. Please use an "X" to denote which quarter you plan to implement the activity. The "Implementation Actual Time Frame" section will be used to reflect the actual activities, dates, etc. when submitting your Progress Report after the grant is approved.

Implementation Tasks	Person Responsible	Implementation Proposed (Proposed Quarters)				Implementation Actual Time Frame (Actual Dates)				Date
		1	2	3	4	1	2	3	4	
		Qtr	Qtr	Qtr	Qtr	Qtr	Qtr	Qtr	Qtr	
Purchase Equipment	Project Director	X								
Install Equipment	Project Director	X								
Assign Equipment to Officers	Project Director	X								
Determine Enforcement Locations	Project Director	X	X	X	X					
Conduct Checkpoints	Officers	X	X	X	X					
Saturation Patrols	Officers	X	X	X	X					
Submit Reports	Project Director	X	X	X	X					
LEN Participation	Officers	X	X	X	X					
Statewide Campaigns	Officers	X	X	X	X					
Report information on non-citator	Agency	X	X	X	X					
Meeting with judges	Officers	X								
SFST Training	Officers	X								
DUI Trial Preparation Training	Officers		X							

GRANT TERMS AND CONDITIONS

NOTE: THE GRANT TERMS AND CONDITIONS MUST BE SUBMITTED WITH GRANT APPLICATION

1. **Availability of Federal Funds:** This grant award is contingent upon availability of federal funds approved by Congress.
2. **Applicable Federal Regulations:** The Subgrantee must comply with the Office of Management and Budget (OMB) Circulars, as applicable: A-21 Cost Principles for Educational Institutions; A-87 Cost Principles for State and Local Governments; A-110 Uniform Administrative Requirements for Grants and Agreements with Institutions; and, A-122 Cost Principles for Non-Profit Organizations. Also, the Subgrantee must comply with the provisions of 49 CFR applicable to grants and cooperative agreements including Part 18 (formerly OMB Circular A-102), Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
3. **Allowable Costs:** The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items as set forth in the applicable OMB Circulars referenced above.
4. **Audit Requirements:** The subgrantee agrees to comply with the requirements of OMB Circular A-133. Further, records with respect to all matters covered by this grant shall be made available for audit and inspection by the Office of Highway Safety (OHS) and/or any of their duly authorized representatives. If required, the audit report must specifically cite that the report was done in accordance with the applicable OMB Circular. If a compliance audit is not required, a written certification must be provided at the end of each audit period stating that the subgrantee has not received the amount of federal funds that would require a compliance audit. The subgrantee agrees to accept these requirements by the completion of Page 6 of this application. The OHS will only pay the grant portion of compliance audit costs and only if a compliance audit is required. Funding for accounting services is not allowed.
5. **Equal Employment Opportunity:** No person shall on the grounds of race, creed, color or national origin, be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under subgrants awarded pursuant to the Act governing these funds or any project, program, activity or subgrant supported by such requirements of Title VI of the Civil Rights Act of 1964, and all applicable requirements pursuant to the regulations of the Department of Commerce (Title 15, code of Federal Regulations, Part 8, which have been adopted by the Federal Funding Agency); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Labor Regulation 41 CFR Part 60; and the Department of Justice Non-discrimination Regulations 28 CFR Part 42, Subparts C, D, E and G. The subgrantee must therefore ensure it has a current Equal Employment Opportunity Program (EEOP) which meets the requirements of 28 CFR 42.301. The Subgrantee further agrees to post in a conspicuous place, available to all employees and applicants for employment, notices setting forth the provisions of the EEOP, as supplemented in Department of Labor Regulations 41 CFR Part 60.

The Subgrantee assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will immediately forward a copy of the findings to the OHS.

6. **Conflict Of Interest:** Personnel and other officials connected with this grant shall adhere to the requirements given below:
 - a. **Advice:** No official or employee of a state or unit of local government or of nongovernment grantees/subgrantees shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which these funds are used, where to his knowledge he or his immediate family, partners, organization other than a public agency in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.

GRANT TERMS AND CONDITIONS

NOTE: THE GRANT TERMS AND CONDITIONS MUST BE SUBMITTED WITH GRANT APPLICATION

Appearance: In the use of these grant funds, officials or employees of state or local units of government and non-governmental grantees/subgrantees shall avoid any action which might result in, or create the appearance of:

- 1) Using his or her official position for private gain;
- 2) Giving preferential treatment to any person;
- 3) Losing complete independence or impartiality;
- 4) Making an official decision outside official channels; or
- 5) Affecting adversely the confidence of the public in the integrity of the government or the program.

7. Bonding: It is strongly recommended that all officials identified on this grant who have authority to obligate, expend or approve expenditures be bonded for an amount no less than the total amount of the grant, including match.

8. Non-Supplanting Agreement: The subgrantee shall not use grantor funds to supplant state or local funds or other resources that would otherwise have been made available for this program. Further, if a position created by a grant is filled from within, the vacancy created by this action must be filled within 30 days. If the vacancy is not filled within 30 days, the subgrantee must stop charging the grant for the new position. Upon filling the vacancy, the subgrantee may resume charging for the grant position.

The replacement of routine and/or existing state or local expenditures with the use of federal grant funds for costs of activities that constitute general expenses required to carry out the overall responsibilities of a state or local agency is considered to be supplanting and is not allowable.

9. Project Implementation: The subgrantee agrees to implement this project within 90 days following the grant award effective date or be subject to automatic cancellation of the grant. Evidence of project implementation must be detailed in the first progress report.

10. Written Approval of Changes: Any changes to the subgrant, which are mutually agreed upon, must be approved, in writing, by the Office of Highway Safety (OHS) prior to implementation or obligation and shall be incorporated in written amendments to the grant. This procedure for changes to the approved subgrant is not limited to budgetary changes, but also includes changes of substance in project activities and changes in the project director or key professional personnel identified in the approved application. Request for grant revisions transferring funds from one budget line item to another should be submitted as soon as it becomes apparent that there is a need for a change; however, budget revision requests will not be accepted after June 30 of the funding cycle.

11. Contract Approval Requirements: The Subgrantee must receive approval of all contract agreements for services and products from the OHS prior to execution. The contract will require review and approval by appropriate staff. Every contract will identify by name all researchers, agents or vendors providing the service or product stipulated. If written approval of the contract is given, an executed copy of the contract must be submitted to the OHS prior to payment or within 30 days of signature, whichever comes first.

In addition to the above requirements, consultant contractors (both individual and consulting firm) will be required to file quarterly progress and fiscal reports. Such reports will include an accounting of all financial transactions completed during the reporting period as well as a description of the actual services provided. Final progress, narrative and fiscal reports will be required within 30 days after the completion of the contract. The final fiscal report must contain a complete accounting of financial transactions for the entire contract period. In the final narrative report, the contractor must provide a specific statement as to the total services or products provided under the terms of the contract.

12. Individual Consultants: Billings for consultants who are individuals must include at a minimum: a description of services; dates of services; number of hours services performed; rate charged for services; and, the total cost of services performed. Individual consultant costs must be within the prevailing rates, not to exceed the

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maximum of \$450.00 per day.

13. Dual Employment Compensation: Dual employment compensation must be approved by the Office of Highway Safety (OHS) prior to contracting with consultants. An appropriate dual employment compensation form must be completed and submitted to the OHS.

14. Sole Source Procurement: Use of sole source procurement is discouraged. Sole source purchases will be awarded only under exceptional circumstances and must follow precisely the procedure set forth in the South Carolina Consolidated Procurement Code. All sole source purchases will require the explicit prior written approval of the OHS.

15. Bidding Requirements: The subgrantee must comply with proper competitive bidding procedures as required by 49 CFR Part 18 (formerly OMB Circular A-102) or OMB Circular A-110, as applicable.

On any items, including those bids in the aggregate, whose total cost is less than \$5,000, the bids do not have to be submitted to the OHS for review and approval, but adequate documentation must be maintained in the subgrantee's files.

For items costing \$2,500.01 to \$4,999.99, this documentation must include written quotes. For items \$2,500 or less, written documentation of verbal quotes is acceptable, or written verification that the bid price secured is fair and reasonable.

On any items, including those bids in the aggregate, whose total cost is \$5,000 or more, bids must be submitted to the OHS for review and approval prior to acceptance of any quote/bid. Provide the following information:

- a. A copy of all bids submitted.
- c. The bid selected.
- b. The criteria used for selection.
- d. If other than low bid selected, provide justification.

This includes state agencies. Note that approved, budgeted items purchased through State Purchasing (General Services) under a state contract are not required to be submitted to the OHS for approval. Include the state contract number and the contract ending date on the invoice when it is submitted with the Request for Payment.

Prior Approval of Bid Specifications/Requests for Proposals:

On any items, including those bid in the aggregate, whose total is \$5,000 or more, a copy of the proposed bid specifications or the Request for Proposals (RFP) must be submitted to the OHS for review and approval prior to issuance.

16. Personnel and Travel Costs: Travel costs for lodging must not exceed the federal rate established by the General Services Administration. These rates vary by location and season and are updated annually at www.gsa.gov. Attendees will only be reimbursed up to the maximum allowable rate for lodging, excluding taxes and surcharges. If travel costs are included in the grant application, a copy of the agency's policies and procedures manual or its Board's signed minutes, which provides mileage rates, must be submitted with the application. Meals will be covered at the state rate of \$25 per day for in-state travel and \$32 per day for out-of-state travel.

17. Cost Assumption: The applicant agrees to the assumption of the cost of the project after the federal funding period has expired.

18. Obligation of Grant Funds: Grant funds may not, without advance written approval by the OHS be obligated prior to the effective date of award or approved revision or subsequent to the termination date of the grant period. No obligations are allowed after the end of the grant period, and the final request for payment must be submitted no later than 45 calendar days after the end of the grant period.

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19. Utilization and Payment of Grant Funds: Funds awarded are to be expended only for purposes and activities covered by the subgrantee's approved project plan and budget. Items must be in the subgrantee's approved grant budget in order to be eligible for reimbursement. Payments will be adjusted to correct previous overpayments and disallowances or under payments resulting from audit. Claims for reimbursement must be submitted no more frequently than once a month and no less than once a quarter. Grants failing to meet this requirement, without prior written approval, are subject to cancellation. Claims for reimbursement must be fully documented as detailed in the Request for Payment Instructions.

20. Recording and Documentation of Receipts and Expenditures: Subgrantee's accounting procedures must provide for accurate and timely recording of receipt of funds by source, of expenditures made from such funds, and of unexpended balances. These records must contain information pertaining to grant awards, obligations, unobligated balances, assets, liabilities, expenditures and program income. Controls must be established which are adequate to ensure that expenditures charged to the subgrant activities are for allowable purposes. Additionally, effective control and accountability must be maintained for all grant cash, real and personal property, and other assets. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract documents, grant award documents, etc.

21. Financial Responsibility: The financial responsibility of subgrantees must be such that the subgrantee can properly discharge the public trust which accompanies the authority to expend public funds. Adequate accounting systems should meet the following criteria:

- a. Accounting records should provide information needed to adequately identify the receipt of funds under each grant awarded and the expenditure of funds for each grant.
- b. Entries in accounting records should refer to subsidiary records and/or documentation which support the entry and which can be readily located.
- c. The accounting system should provide accurate and current financial reporting information.
- d. The accounting system should be integrated with an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting data, promote operational efficiency and encourage adherence to prescribed management policies.

22. Reports: The subgrantee shall submit, at such times and in such form as may be prescribed, such reports as the Office of Highway Safety (OHS) may reasonably require, including quarterly financial reports, progress reports, final financial reports and evaluation reports. The subgrantee shall provide a final narrative report on project performance within 30 days after the close of the grant period.

23. Program Income: All program income generated by this grant during the project must be reported to the OHS quarterly (on the quarterly fiscal report) and must be put back into the project or be used to reduce the grantor participation in the program. The use or planned use of all program income must have prior written approval from the OHS.

24. Retention of Records: Records for non-expendable property purchased totally or partially with grantor funds must be retained for three years after its final disposition. All other pertinent grant records including financial records, supporting documents and statistical records shall be retained for a minimum of three years after the final expenditure report. However, if any litigation, claim or audit is started before the expiration of the three-year period, then records must be retained for three years after the litigation, claim or audit is resolved.

25. Property Control: Effective control and accountability must be maintained for all personal property. Subgrantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes. Subgrantees should exercise caution in the use, maintenance, protection and preservation of such property.

- a. Title: Subject to the obligations and conditions set forth in 49 CFR Part 18 (formerly OMB Circular A-102), title to non-expendable property acquired in whole or in part with grant funds shall be vested in the subgrantee. Non-expendable property is defined as any item having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit.

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- b. **Property Control Record Form:** At the time the final request for payment is submitted, the subgrantee must file with the OHS a copy of the Property Control Record Form (provided by the OHS) listing all such property acquired with grant funds. The subgrantee agrees to be subject to a biennial audit by the OHS and/or its duly authorized representatives for verification of the information contained in the Property Control Record Form.
- c. **Use and Disposition:** Equipment shall be used by the subgrantee in the program or project for which it was acquired as long as needed, whether or not the program or project continues to be supported by federal funds. When use of the property for project activities is discontinued, the subgrantee shall request, in writing, disposition instructions from the OHS prior to actual disposition of the property. Theft, destruction, or loss of property shall be reported to the OHS immediately.
26. **Performance:** This grant may be terminated or fund payments discontinued by the OHS where it finds a substantial failure to comply with the provisions of the Act governing these funds or regulations promulgated, including those grant conditions or other obligations established by the OHS. In the event the subgrantee fails to perform the services described herein and has previously received financial assistance from the OHS, the subgrantee shall reimburse the OHS the full amount of the payments made. However, if the services described herein are partially performed, and the subgrantee has previously received financial assistance, the subgrantee shall proportionally reimburse the OHS for payments made.
27. **Deobligation of Grant Funds:** All grants must be deobligated within forty-five (45) calendar days of the end of the grant period. Failure to deobligate the grant in a timely manner will result in an automatic deobligation of the grant by the Office of Highway Safety (OHS).
28. **Out-of-State Travel:** The subgrantee must receive prior approval from the OHS on all out-of-state travel not specified in the approved grant application.
29. **Copyright:** Except as otherwise provided in the terms and conditions of this grant, the subgrantee or a contractor paid through this grant is free to copyright any books, publications or other copyrightable materials developed in the course of or under this grant. However, the federal awarding agency and/or Office of Highway Safety (OHS) reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for federal government and/or OHS purposes:
- a. the copyright in any work developed under this grant or through a contract under this grant; and,
 - b. any rights of copyright to which a subgrantee or subcontractor purchases ownership with grant support.
- The federal government's rights and/or the OHS's rights identified above must be conveyed to the publisher and the language of the publisher's release form must ensure the preservation of these rights.
30. **Cash Depositories:** Subgrantees are required to deposit grant funds in a federally insured banking institution, and the balance exceeding insurance coverage must be collaterally secured.
31. **Produced Materials:** Materials produced as part of the grant shall indicate that the project is sponsored by the Office of Highway Safety of the South Carolina Department of Public Safety. All public awareness/education materials developed as a part of a highway safety grant are to be submitted in draft to the OHS for written approval prior to final production and/or distribution. Prior to submission of the final request for payment, the subgrantee shall submit to the OHS two copies of all materials produced as part of the grant.
32. **Americans with Disabilities Act of 1990 (ADA):** The subgrantee must comply with all requirements of the Americans with Disabilities Act of 1990 (ADA), as applicable.

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33. Compliance With Section 504 of the Rehabilitation Act of 1973 (Handicapped): All recipients of federal funds must comply with Section 504 of the Rehabilitation Act of 1973 (The Act). Therefore, the federal funds recipient pursuant to the requirements of The Act hereby gives assurance that no otherwise qualified handicapped person shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subject to discrimination, including discrimination in employment, in any program or activity that receives or benefits from federal financial assistance. The recipient agrees it will ensure that requirements of The Act shall be included in the agreements with and be binding on all of its subgrantees, contractors, subcontractors, assignees or successors.

34. MBE Obligation: It is the policy of the U.S. Department of Transportation that minority business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds under this agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this agreement. The subgrantee agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have maximum opportunity to participate in the performance of contracts/subcontracts financed in whole or in part with federal funds provided under this grant. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of DPT-assisted contracts.

35. Confidential Information: Any reports, information, data, etc., given to or prepared or assembled by the subgrantee under this grant which the Office of Highway Safety (OHS) requests to be kept confidential shall not be made available to any individual or organization by the subgrantee without prior written approval of the OHS.

36. Political Activity: None of the funds, materials, property or services provided directly or indirectly under this contract shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office, or otherwise in violation of the provisions of the "Hatch Act."

37. Debarment Certification: The subgrantee must comply with Federal Debarment and Suspension regulations by requiring completion of "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions" by subrecipients prior to entering into a financial agreement with the subrecipients for any transaction as outlined below:

- a. Any procurement contract for goods and services, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold (which is \$25,000 and is a cumulative amount from all federal funding sources).
- b. Any procurement contract for goods and services, regardless of amount, under which the subrecipient will have a critical influence on or substantive control over the transaction.

The subgrantee is responsible for monitoring the submission and maintaining the official document.

38. Drug-Free Workplace Certification: This Certification is required by the S. C. Drug-Free Workplace Act #593 of 1990 and federal regulations implementing the Federal Drug-Free Workplace Act of 1988. The federal regulations, published in the January 31, 1989 Federal Register, require certification by state agency subgrantees that they will maintain a drug-free workplace. The South Carolina Drug-Free Workplace Act requires certification by all subgrantees receiving \$50,000 or more. The certification is a material representation of fact upon which reliance will be placed when the OHS determines to award the grant. False Certification or violation of the Certification shall be grounds for suspension of payments, suspension or termination of the grant; or government-wide suspension or debarment.

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39. Disclosure of Federal Participation: In compliance with Section 623 of Public Law 102-141, the subgrantee agrees that no amount of this award shall be used to finance the acquisition of goods and services for the Project unless the subgrantee:

- a. specifies in any announcement of the awarding of the contract for the procurement of the goods and services involved the amount of Federal funds that will be used to finance the acquisition; and,
- b. expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition.

The above requirements only apply to a procurement for goods or services that has an aggregate value of \$500,000 or more.

40. Closed Captioning of Public Service Announcements: Any television public announcement that is produced or funded in whole or in part by any agency or instrumentality of Federal Government shall include closed captioning of the verbal content of such announcement.

41. Equipment Use: Facilities and equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the state; or the state, by formal agreement with appropriate officials of a political subdivision or state agency, shall cause such facilities and equipment to be used and kept in operation for highway safety purposes.

42. Observance of National Safety Weeks: All subgrantees shall assist the Office of Highway Safety (OHS) in promoting the observance of National Child Passenger Safety Week (February); Buckle Up America Week (May); and Drunk and Drugged Awareness Month (December) as requested.

43. Personnel: All personnel funded under this grant must be identified by name and date of hire. Any changes in grant personnel, reassignments or terminations must be reported by the subgrantee agency in writing. Costs for personnel can only be reimbursed for the time spent directly on the implementation of the project (if benefits are included, this encompasses accrued annual and sick leave).

44. Specialized Equipment/Occupant Protection Device Purchases: The purchase of police traffic radar and speed measuring devices negotiated must provide for a certification by the manufacturer that the device will meet recommended U.S. DOT standards. The contractor must also agree to assume any costs required to bring each device in compliance with the recommended standards.

Child restraint devices purchased with Highway Safety grant funds must meet Federal Motor Vehicle Safety Standard 213. Bicycle helmets purchased with Highway Safety grant funds must meet ANSI standards or those of the Snell Memorial Foundation.

45. Purchasing Deadlines Required to Meet Federal Fiscal Year Close-Out: Purchases in excess of \$5,000 in the unit or aggregate and requiring approval of specifications/bid awards must be submitted through standard approval process prior to August 1 each year.

All grant-funded purchases must be requested, purchased, invoiced, and delivered prior to September 30. As such, any purchases made under this grant must be documented with purchase requisitions/purchase orders dated on or before September 30.

46. Use of Grant-Funded Traffic Officers: The purpose of funding traffic safety units is to increase the level of traffic enforcement in a community. Subgrantees funded for traffic safety enforcement units must ensure that the level of enforcement for traffic-related offenses is increased above and beyond enforcement levels experienced prior to the establishment of the grant-funded unit. In other words, the grant-funded traffic

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officers are not to replace existing personnel who are performing traffic enforcement duties. Existing personnel should continue traffic enforcement efforts. Progress reports must reflect the activity level of existing personnel separate from grant-funded personnel. Grant-funded traffic officers are not permitted to provide any type of escort services (funeral processions, parades, etc.) since their primary responsibility is traffic law enforcement and traffic safety education. They may only perform those tasks specified in the approved grant agreement.

47. Fiscal Regulations: The fiscal administration of grants shall be subject to such further rules, regulations and policies concerning accounting and records, payment of funds, cost allowability, submission of financial reports, etc., as may be prescribed by the OHS Guidelines or "Special Conditions" placed on the grant award.

48. Compliance Agreement: The subgrantee agrees to abide by all Terms and Conditions including "Special Conditions" placed upon the grant award by the OHS. Failure to comply could result in a "Stop Payment" being placed on the grant and/or repayment by the subgrantee of costs deemed unallowable.

49. Suspension or Termination of Funding: The OHS may suspend, in whole or in part, and/or terminate funding or impose another sanction on a subgrantee for any of the following reasons:

- a. Failure to adhere to the requirements, standard conditions or special conditions.
- b. Proposing or implementing substantial program changes to the extent that, if originally submitted, the application would not have been approved for funding.
- c. Failure to submit reports.
- d. Filing a false certification in this application or other report or document.
- e. Other good cause shown.

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CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under the applicable CFR covering New Restrictions on Lobbying, Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants). The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Office of Highway Safety determines to award the covered transaction, grant or cooperative agreement.

BUY AMERICA ACT

The State will comply with the provisions of the Buy America Act (23 USC 101 Note) which contains the following requirements:

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

1. LOBBYING

Restrictions on Lobbying Congress

The prohibitions against lobbying Congress are contained in Federal statutes:

The Anti-Lobbying Act (a criminal statute), 18 U.S.C. 1913, prohibits the use of appropriated funds directly or indirectly, "to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device" intended to influence a member of Congress in acting upon legislation, before or after its introduction. Violators are subject to a fine of not more than \$500, imprisonment of not more than one year, or both, and removal from office.

Annual Appropriations Acts - The DOT Appropriations Act of 1999 (in Section 327) restates the provisions of the Anti-Lobbying Act. The Treasury, Postal Service and General Government Appropriations Act of 1999 restricts the use of appropriated funds for "publicity or propaganda purposes" to support or defeat pending legislation.

The U.S. Department of Justice (DOJ) and the General Accounting Office (GAO) have consistently stated that Section 1913 and restrictions in Appropriations Acts prohibit "grassroots" lobbying. For example, these Acts prohibit the use of Federal funds for:

"grassroots" lobbying campaigns that encourage third parties, members of special interest groups or the general public to contact members of Congress in support of or in opposition to a legislative or appropriations matter.

These prohibitions apply to all DOT funds, including NHTSA funds awarded to States under grants, contracts and cooperative agreements. Accordingly, these prohibitions apply to State officials whose salaries are supported, in whole or in part, with NHTSA funds.

Section 326 of the FY 2000 Appropriations Act

In the FY DOT 2000 Appropriations Act, Congress expanded these anti-lobbying "grassroots" restrictions by applying them at the State, as well as the Federal, level. Section 326 of the Act prohibits the use of DOT funds for any activity intended:

to influence in any manner a Member ... of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by ... a State legislature ... after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation.

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Accordingly, Section 326 prohibits the use of DOT funds for:

“grass roots” lobbying campaigns that encourage third parties, members of special interest groups, or the general public to urge members of a State legislature to support or oppose a pending legislative or appropriations matter.

This prohibition applies to all DOT funds, including NHTSA funds awarded to States under grants, contracts and cooperative agreements. Accordingly, the prohibition applies to State officials whose salaries are supported, in whole or in part, with NHTSA funds.

Some activities, however, are still permitted:

- A State may use Section 410 funds to develop highway safety materials and make general distributions of the materials, provided the distributions do not target specific pending State legislation and steps are not specifically designed to encourage that the materials be used to influence State legislators on specific pending legislation.
- A recipient of Section 403 funds may conduct workshops on highway safety topics, including those that teach advocacy skills, provided the workshops do not focus on specific pending State legislation and do not take steps specifically designed to encourage the participants to lobby for or against specific pending State legislation.
- A Governor's Representative for Highway Safety, whose salary is supported, in whole or in part, with Section 402 funds may participate in highway safety coalitions, except to the extent that the coalition's activities involve lobbying for specific pending State legislation.

TEA-21 Restrictions on Lobbying State and Local Legislators

The Transportation Equity Act for the 21st Century (TEA-21), which was enacted in 1998, included a new lobbying restriction that prohibits the use of NHTSA funds for:

- Any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.

This restriction imposes additional lobbying restrictions on NHTSA, such as by prohibiting agency officials from:

- Visiting or sending letters to State or local legislators, urging them to favor or oppose specific State or local legislation pending in those jurisdictions; or
- Developing and providing to anyone (including lobbyists) materials developed specifically to advocate for the enactment or repeal of specific pending State or local legislation.

It is the agency's view, however, that these restrictions do not apply to State officials, even if their salaries are supported, in whole or in part, with NHTSA funds. We believe that any direct communications between State executive officials and the laws, regulations and customary practice in the State must govern State or local legislators.

Special Provision in TEA-21 regarding Testimony

Although TEA-21 restricts communications between NHTSA officials and State or local legislators, TEA-21 provides that it "does not prohibit officers or employees of the United States from testifying before any State or local legislative body in response to the invitation of any member of that legislative body or a State executive office."

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2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (SUB-RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented under the applicable CFR, for prospective participants in primary covered transactions, as defined in the applicable CFR –

A. The applicant certifies that it and its principals:

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this application 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;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph A (2) of this certification; and

(4) Have not within a three-year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. A. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS) -- **APPLICABLE TO GRANTEES RECEIVING \$50,000 OR MORE AND ALL STATE AGENCIES REGARDLESS OF GRANT AMOUNT.**

As required by the S.C. Drug-Free Workplace Act #593 of 1990 and the Federal Drug-Free Workplace Act of 1988 and implemented under the applicable CFR for grantees --

The applicant certifies that it will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an on-going drug-free awareness program to inform employees about

a. The dangers of drug abuse in the workplace;

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- b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation and employee assistance programs, and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);
4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will –
- (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency, in writing within 10 calendar days after receiving notice under subparagraph (4)(b), from an employee or otherwise receiving actual notice of such conviction. Employers or convicted employees must provide notice, including position title, to the Office of Highway Safety. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (4)(b), with respect to any employee who is so convicted --
- (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5) and (6).
- B. DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS) -- APPLICABLE TO GRANTEES RECEIVING \$50,000 OR MORE.**
- As required by the S.C. Drug-Free Workplace Act #593 of 1990 and the Federal Drug-Free Workplace of 1988, and implemented under the applicable CFR for grantees --
- A. As a condition of the grant I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and
 - B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction to the Office of Highway Safety.

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GRANT NO.

CERTIFICATION BY PROJECT DIRECTOR *

I certify that I understand and agree to comply with the general and fiscal terms and conditions of this application including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized by the Applicant to perform the tasks of Project Director as they relate to the terms and conditions of this grant application; that costs incurred prior to grant approval may result in the expenses being absorbed by the subgrantee; and, that the receipt of grantor funds through the State Funding Agency will not supplant state or local funds.

(Please use the distinct
name fields below) Name:

Prefix:

First Name:

Middle Name:

Last Name:

Suffix:

Title:

Agency:

Mailing Address

City:

State:

10 Digit Zip:

Phone Number:

Fax Number:

E-Mail Address:

Signature:

Bonded: **Unselected**

I certify that the Authorized Official and Chief Financial Officer are aware and in agreement with the grant as set forth above.

CERTIFICATION BY FINANCIAL OFFICER *

I certify that I understand and agree to comply with the general and fiscal terms and conditions of this grant application including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized by the Applicant to perform the tasks of Financial Officer as they relate to the fiscal terms and conditions of this grant application; that costs incurred prior to grant approval may result in the expenses being absorbed by the subgrantee; and, that the receipt of grantor funds through the State Funding Agency will not supplant state or local funds.

(Please use the distinct
name fields below) Name:

Prefix:

First Name:

Middle Name:

Last Name:

Suffix:

Title:

Agency: _____

Mailing Address _____

City: _____

State: _____

10 Digit Zip: _____

Phone Number: _____

Fax Number: _____

E-Mail Address: _____

Signature: _____

Bonded: **Unselected**

GRANT TERMS AND CONDITIONS

NOTE: THE GRANT TERMS AND CONDITIONS MUST BE SUBMITTED WITH GRANT APPLICATION

GRANT NO.

CERTIFICATION BY OFFICIAL AUTHORIZED TO SIGN *

I certify that I understand and agree to comply with the general and fiscal terms and conditions of this application including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized to commit the applicant to these requirements; that costs incurred prior to grant approval may result in the expenses being absorbed by the subgrantee; and, that the receipt of grantor funds through the State Funding Agency will not supplant state or local funds.

The Omnibus Appropriations Act of 1996 requires that subgrantees provide assurance that subgrant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for law enforcement and/or criminal justice activities. In compliance with that mandate, I certify that the receipt of federal funds through the State Funding Agency shall in no way supplant or replace state or local funds or other resources that would have been made available for law enforcement and/or criminal justice activities.

(Please use the distinct
name fields below) Name:

Prefix:

First Name:

Middle Name:

Last Name:

Suffix:

Title:

Agency:

Mailing Address:

City:

State:

10 Digit Zip:

Phone Number:

Fax Number:

E-Mail Address:

Signature:

Bonded: **Unselected**

*** NOTE: THE PROJECT DIRECTOR, FINANCIAL OFFICER AND OFFICIAL AUTHORIZED TO SIGN CANNOT BE THE SAME PERSON. STAFF BEING FUNDED UNDER THIS GRANT MAY NOT BE ANY OF THE ABOVE OFFICIALS WITHOUT SFA APPROVAL.**