

Grant Contract Proposal Guide

and

Policies and Procedures

Federal Fiscal Year 2023



Nebraska Department of Transportation
Highway Safety Office
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<http://dot.nebraska.gov/safety/hso/>



NDOT-Highway Safety Office
Federal Fiscal Year 2023 Grant Cycle

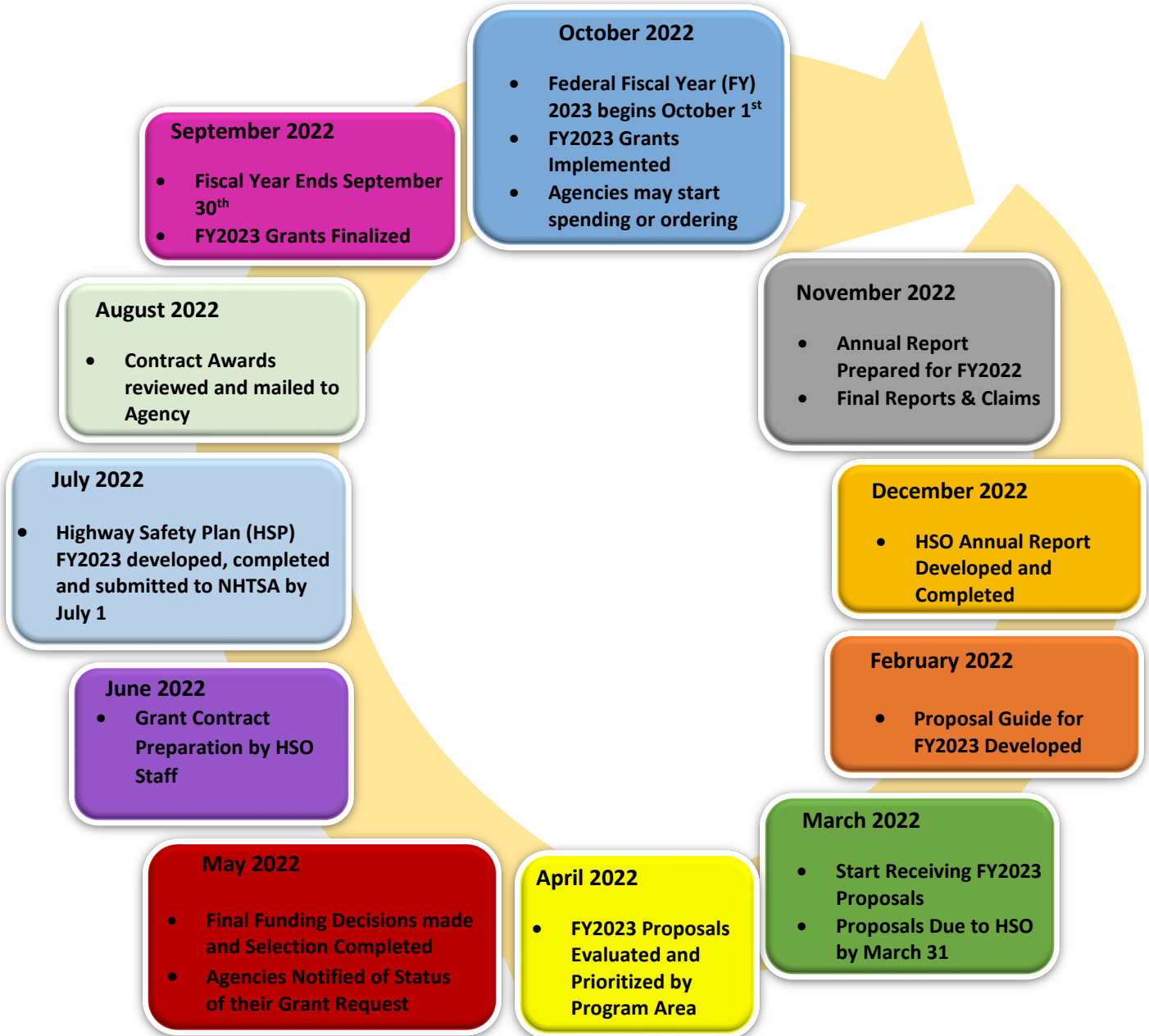


TABLE OF CONTENTS

Introduction	1
Grant Contract Proposal Guide	2
Policies and Procedures	6
Accounting Records	6
Audit Reports.....	8
Budget	8
Buy America Act	8
Certification and Assurances	8
Competitive Bids.....	8
Compliance	9
Conflict of Interest.....	9
Contract Revisions	9
Cost Assumption.....	9
Driving Policy	9
Drug-Free Workplace Policy	9
Equal Employment Opportunity (EEO)	9
Equipment Purchase.....	10
Federal Funding Accountability and Transparency Act (FFATA).....	10
Grant Contract Award	10
Grant Contract Monitoring.....	11
Indirect Costs.....	11
Lobbying	11
Matching Funds	11
Mileage	11
Mini-Grant Contract Application and Award.....	11
Mini-Grant Contract and Award Reimbursement	12
Minority and Women Business Enterprises (MBE & WBE).....	12
Overtime.....	12
Personnel Services/Supplanting	12
Printed Materials	13
Program Income	13
Public Communications/Paid Advertising	13
Record Retention.....	14
Reimbursement Procedures.....	14
Reports	14
Seat belt Policy	15
Service Contracts/Contractual Services.....	15
Suspension/Debarment Verification	15
Termination of Grant Contract	15
Training/Conferences	15
Travel	16
Attachments	
Attachment A - Certification and Assurances for Highway Safety Grants.....	17
Attachment B - Grant Contract Proposal Cover	24
Attachment C - Sample Project	25
Attachment D - Annual Report Template Format	29
Attachment E - Grant Contract Claim for Reimbursement.....	30

INTRODUCTION

The procedures outlined in this manual are based upon the requirements of the Highway Safety Act of 1966 (United States Code, Title 23, Chapter 4, § 402, § 405) and subsequent amendments; the "Fixing America's Surface Transportation" (FAST) Act, Public Law 114-94, Nebraska Revised Statutes; and Administrative Orders issued by the National Highway Traffic Safety Administration (NHTSA), and the Nebraska Department of Transportation Highway Safety Office (HSO). The HSO is a division within the Nebraska Department of Transportation and is responsible for the administration and distribution of these federal funds that Congress appropriates annually.

This guide has been prepared by the HSO to provide guidance in conforming to the federal fiscal and technical requirements. All governmental agencies, subdivisions and 501(c)3 non-profit organizations are encouraged to take an active part in Nebraska's Highway Safety Program.

These funds are utilized to reduce Nebraska's fatal and serious injury crash rates. Statewide problem identification analysis reveals a wide variety of highway safety problems ranging from human factors to roadway environment. The funding supports projects and activities that contribute to the reduction of traffic crashes and resulting in fewer deaths and injuries.

Funding is provided to assist with the implementation of projects, which will address specifically identified traffic-related safety problems. Specific emphasis areas include alcohol, speed, occupant protection, and youth. Many types of organizations are eligible to receive traffic safety funding including governmental agencies, political subdivisions of state, local, city and county government agencies; law enforcement agencies, state colleges and universities, school districts, public emergency service providers and 501(c)3 non-profit organizations.

Project funding assistance may be considered for up to three consecutive years and must be reapplied for annually. Funding is awarded to state and local safety-related agencies as "seed" money to assist in the development and implementation of programs in traffic safety priority areas. Funding for these projects is apportioned to States annually from the National Highway Traffic Safety Administration (NHTSA) according to a formula based on population and road miles. Occasionally, additional funding may be available for projects in other program areas if there is documented evidence of an identified problem. The HSO reserves the right to determine appropriate hard match contributions.

Federal funds allocated to finance state and local government highway safety projects are intended to be a supplement, not be a substitute for ongoing state or local program expenditures. Projects should be designed to eliminate a deficiency in an applicant agency's program or to expand an existing program.

Federal grants are funded in the form of reimbursable contracts. Reimbursement is made by the HSO on a monthly basis upon receipt of a claim for reimbursement made by the applicant agency.

It is the responsibility of each agency to notify the HSO in writing immediately when a funded proposal has been funded from another source. Failure to make this notification could result in supplanting which is a direct violation of federal rules and could adversely affect future funding opportunities.

When an applicant/organization is awarded highway safety funding, they must abide by all federal requirements, which includes all applicable federal statutes, regulations, executive orders, National Highway Traffic Safety Administration (NHTSA) guidelines, Office of Management and Budget (OMB) and other federal requirements as referenced on the [NHTSA Resources Guide](#). This web page and all associated federal regulations must be reviewed by the applicant and are available on the website at:

<https://www.nhtsa.gov/highway-safety-grants-program/resources-guide>

GRANT CONTRACT PROPOSAL GUIDE

The Highway Safety Office is responsible for the planning, administration, and evaluation of the state's federal highway safety funding that is authorized by Congress. Federal funding is provided to assist states and their counties and communities initiate projects, which direct activity towards resolving identified and prioritized traffic safety problems. Only governmental agencies, their subdivisions and 501c3 non-profit organizations are eligible for funding assistance. Through analysis of crash data, the following 24 counties and their communities have been identified as "Priority Counties" for fiscal year 2023.

ADAMS	CASS	DAWES	HALL	OTOE	SALINE
BOX BUTTE	COLFAX	DODGE	LANCASTER	PHELPS	SARPY
BUFFALO	CUMING	DOUGLAS	LINCOLN	PLATTE	SAUNDERS
BUTLER	CUSTER	GAGE	MADISON	RED WILLOW	SCOTTS BLUFF

The following program guidelines focus federal funding assistance in those areas that have a maximum probability of reducing death and injury on roadways. Nebraska's emphasis areas are alcohol, speed, occupant protection, and youth. Project activity should be directed toward one or more of these emphasis areas. Activity must focus on the reduction of fatal and serious injury crashes.

Grant contract expenditures must meet the following criteria:

- Increase rather than replace existing activities.
- Represent an additional cost.
- Be necessary, reasonable and supported in the budget narrative.
- Be eligible expenses under local, state, and federal laws/regulations.

The following items are not eligible for grant contract funding (unallowable costs):

- Highway maintenance, construction, or design.
- Office furniture and fixtures.
- Land.
- Regulatory traffic signs.
- Alcoholic beverages.
- Entertainment.
- Lobbying costs.
- Promotional items.

Applicants are encouraged to "leverage" funds requested from the HSO with staff, financial, or other resources which they are able to contribute to the proposed project. Funding assistance is intended to be used as "seed money" to implement a project. Project activity that is successful is expected to continue after the HSO funding assistance ends. Projects may be considered for funding assistance for up to three consecutive years with annual grant contracts between the HSO and the funded project.

A cost assumption plan is required as part of the initial application. The cost assumption plan is a detailed description of how the applicant plans to continue the project activity after the HSO funding assistance ends. Continuation of project activity may be accomplished with other funding and/or additional agencies' efforts.

The HSO will review applications submitted by the due date in accordance with the selection criteria. Each applicant will be notified of project approval or denial no later than forty-five (45) days after the application deadline. Grant Contracts will be funded contingent upon receipt of funds from federal sources and approval based on project merit. The "Grant Contract Period" should not exceed 1-year as grants must be applied for annually. Approved projects will begin project activity October 1, 2022.

Review Certification and Assurances (Attachment A).

How to Apply

These instructions provide potential applicants with the appropriate format needed to prepare a project proposal.

DEADLINE

Proposals must be received by March 30, 2022 to be considered for Federal Fiscal Year 2023, beginning October 1, 2022.

Please submit to:

NDOT - Highway Safety Office
P.O. Box 94612
Lincoln, Nebraska 68509-4612

Email: ndot.hso@nebraska.gov

Listed below are the required components followed by a description of each component. The entire request should be no more than four (4) pages in length. Attachment B is a sample project application.

- ✓ PROJECT TITLE AND SUMMARY
- ✓ ORGANIZATIONAL BACKGROUND
- ✓ PROBLEM IDENTIFICATION
- ✓ TARGET
- ✓ OBJECTIVES
- ✓ STRATEGIES
- ✓ BUDGET PROPOSAL / BUDGET NARRATIVE
- ✓ EVALUATION
- ✓ COST ASSUMPTION

PROJECT TITLE AND SUMMARY

Select a name for the proposed project. The summary should provide a clear and concise overview of the request. It should appear at the beginning of the proposal, although it will be the last item completed during preparation. The summary should include the following:

1. Identification of the applicant/organization.
2. The reason for the project, the issue, problem, or need to be met.
3. The target of the project.
4. The objectives to be achieved.
5. The kinds of strategies/activities to be conducted to accomplish the objectives.
6. The total cost of the project, funds already committed, and the amount requested in the proposal.

ORGANIZATIONAL BACKGROUND

This section is one or two short paragraphs of background information and history to provide credibility about the applicant's organization.

PROBLEM IDENTIFICATION

Problem identification is a critical part of the proposed project. It represents the justification for the proposal and focuses on the conditions the applicant wishes to change. Problem identification looks at a particular situation and identifies causes for the problem. <https://dot.nebraska.gov/safety/hso/grants/>

1. Include five (5) years of baseline information. Data may include statistics on crashes, injuries, fatalities, DWI and moving violation contacts, specific time periods, roadway types, driver age, or other crash-related statistics that support the problem. Crash statistics summarized by county are available on the HSO website. See HSO website for a breakdown of 5 years of baseline data by State and County at: <https://dot.nebraska.gov/safety/crash/> under NE State/County – Traffic Records Data 2016-2020
2. Identify the cause of the problem. Be specific.
3. Identify the targeted population (i.e., drivers ages 16-20).

TARGETS

The anticipated long-term results of the project must influence one or more of the specific emphasis areas. The Target should be written to coincide with the HSO Statewide FY2023 Emphasis Area Targets.

The Emphasis Areas and Targets are:

Overall Emphasis Area: Fatal, A and B Injury Crashes

Target: *To decrease the increasing trend of fatal, A and B crashes by 1.0 percent from 4,896 (2016-2020 rolling average) to 4,925, by December 31, 2023.*

Emphasis Area: Alcohol-Impaired Fatal, A and B Injury Crashes

Target: *Reduce alcohol-impaired fatal, A and B crashes by 8.4 percent from 520 (2016-2020 rolling average) to 476, by December 31, 2023.*

Emphasis Area: Occupant Restraint Use

Target: *To increase statewide observed seat belt use of front seat outboard occupants in passenger vehicles by 2.7 percentage points from the 2021 calendar year usage rate 81.2 percent to 83.9 percent by December 31, 2023.*

Emphasis Area: Speed-Related Fatal, A and B Injury Crashes

Target: *Reduce speed-related fatal, A and B crashes by 6.9 percent from 280 (2016-2020 rolling average) to 260, by December 31, 2023.*

Emphasis Area: Youth-Involved (Age 16 to 20) Fatal, A and B Injury Crashes

Target: *Reduce youth-involved fatal, A and B crashes by 1.0 percent from 1,313 (2016-2020 rolling average) to 1,300, by December 31, 2023.*

Emphasis Area: All Other Factors - Fatal, A and B Injury Crashes

Target: *To decrease the increasing trend of all other fatal, A and B crashes by 1 percent from 4,093 (2016-2020 rolling average) to 4,192, by December 31, 2023.*

(Injury type: A – disabling; B – visible but not disabling)

OBJECTIVES

In order for any project to be successful, it must contain measurable results. The most useful objectives tell **who** is going to be doing **what, by when, and by how much**. These funded activities should be **measurable**.

1. Describe objective(s) to address the problem.
2. Use actual numbers (baseline data) to support percentages.
3. Do not describe strategies.

STRATEGIES

The next step is to identify the strategies (activities) used to achieve the objectives. The strategies should flow naturally from the problems and implement the objectives.

1. Clearly describe the activities.
2. List activities in sequence.
3. Present reasonable activities that can be accomplished within the time allotted for the project and include completion dates.

BUDGET PROPOSAL/BUDGET NARRATIVE

The proposed budget for the project is an estimate, but should be as specific as possible in identifying cost items. Examples of estimated costs for a project proposal include: costs of materials acquired and consumed specifically

for the purpose of the contract, telephone added as part of the project, printing, postage, office supplies, costs of office space and special equipment added as part of the project. Materials, advertising and activities must directly relate to the project objectives offering incentives or encouraging the target audience to adopt specific practices. Avoid using the terms miscellaneous or etc. Include a budget narrative that explains each item listed in the budget proposal.

1. Estimate the costs of the project as accurately as possible.
2. Include reasonable, necessary, and appropriate costs.
3. Justify the costs to anticipated results.
4. Provide a budget narrative for each cost listed including out-of-state travel.

EVALUATION

Comprehensive evaluation involves an analysis of whether the project has achieved its stated objectives. It also involves an analysis of the role project activities have played in the accomplishment of those objectives.

1. Administratively evaluate measured/planned activities.
2. Each objective must be evaluated to determine success.
3. Compare pre- and post- project activities.

COST ASSUMPTION

This is an important item on the application because federal highway safety funds are intended as seed money to start worthwhile activities which will be continued after federal funding assistance is terminated. The applicant/organization must provide a long-term cost assumption plan outlining how the project activity will be continued. Continuation of project activity may be accomplished with other funding and/or additional agencies' efforts.

1. Describe the agency's resources to match funding.
2. Provide a matching plan for requested federal funds.
3. Describe how the project will reach self-sufficiency.

OTHER ITEMS TO BE SUBMITTED WITH GRANT CONTRACT APPLICATION

1. The Grant Contract Proposal Cover must be completed including all required signatures and submitted with the application. The [Grant Contract Proposal Cover](#) is Attachment B and a template is available on the NDOT-HSO website <http://dot.nebraska.gov/safety/hso/>.
2. Agency's current Drug-Free Workplace Policy and Seat Belt Use Policy (or currently on-file at the HSO).

FOR FURTHER INFORMATION OR ASSISTANCE PLEASE CONTACT:

Bill Kovarik, Administrator
NDOT Highway Safety Office
P.O. Box 94612
Lincoln, Nebraska 68509

Physical Location: 5001 South 14th Street, Room 158, Lincoln, Nebraska 68512

Telephone: 402/471-2516
FAX: 402/471-3865
Email: william.kovarik@nebraska.gov

POLICIES AND PROCEDURES

The following are the “Policies and Procedures” of the NDOT-HSO (HSO) that are incorporated into each approved grant and/or mini-grant contract. All contractors **must** comply with these “Policies and Procedures” in addition to appropriate state and federal rules and regulations (Attachment A). This guide is located on the HSO website at <http://dot.nebraska.gov/safety/hso/publications/>.

ACCOUNTING RECORDS

All grants are required to maintain records that identify the source (federal, state, or local) and application of funds for each line item approved in the project’s application. Project directors must provide all supporting documentation for each of the expenditures listed on all submitted ‘*Claim for Reimbursement*’ forms. Source documentation may include copies of invoices, timesheets, and computer-generated reports. The HSO program manager may request to see all documentation during an on-site visit and/or may require additional documentation.

Accurate time records must be maintained whenever employee salaries are claimed as reimbursable expenses. These time records, as well as documentation of the amounts paid, must be available for audit and filed with your grant claim. 100% of the time worked must be recorded, even if only a percentage is claimed. Please use the [Weekly Time Report](#) and the [Personnel Services Breakdown](#) on the HSO website at: <https://dot.nebraska.gov/safety/hso/grants/grant-forms/>

AUDIT REQUIREMENTS

According to the Office of Management and Budget (OMB) [2 CFR Subpart F – Audit Requirements](#), a non-federal entity that expends \$750,000.00 or more during the non-Federal entity’s fiscal year in Federal awards must have a single audit conducted in accordance with [OMB 2 CFR Subpart F § 200.501](#). Please see [OMB 2 CFR Subpart F § 200.502](#)- Basis for determining Federal awards expended - to ensure all expended funds are accounted for, a copy of the audit must be made available to the HSO within the earlier of 30 calendar days after receipt of the auditor’s report(s) or nine months after the end of the audit period.

In addition, all grant contractors are subject to a financial and compliance audit by state and/or federal auditors. All documents associated with the grant project must be made available at any time for inspection by the HSO or their designated representatives.

The [OMB 2 CFR Subpart F § 200.333](#), provides information on “Retention requirements for records”. All financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, until any outstanding audits are completed.

Each approved project contract will have the appropriate Catalog of Federal Domestic Assistance (CFDA) number and Federal Award Identification Number (FAIN) on it to call attention to the need for inclusion in the Schedule of Federal Expenditures (SEFA) of the Single Audit by the contractor. The complete set of the HSO CFDA numbers as administered by NHTSA are listed below:

CFDA Number	Fund Type	Fund Description
20.600	Section 402	State and Community Highway Safety
20.616	Section 405b	Occupant Protection Incentive Grants (National Priority Safety Programs)
20.616	Section 405c	State Traffic Safety Information Systems Improvement Grants (National Priority Safety Programs)
20.616	Section 405d	Impaired Driving Countermeasures Incentive Grants (National Priority Safety Programs)
20.616	Section 405e	Distracted Driving (National Priority Safety Programs)

20.616	Section 405f	Motorcycle Safety Grant (National Priority Safety Programs)
20.611	1906	Incentive Grant Program to Prohibit Racial Profiling

The website below provides information to assist State and Federal professionals to manage highway safety grant programs administered by the National Highway Traffic Safety Administration. Included are: United States Codes, Code of Federal Regulations, and Office of Management and Budget Circulars. Go to the NHTSA website: <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide> **Federal Regulations For All Grant Programs** for information regarding audit requirements and grant funding.

Applicable to:	Federal Document/Circulars	Regulations
All	Highway Safety Act of 1966, as amended	23 U.S.C. Chapter 4
All	Highway Safety Grant Funding Policy for Field-Administered Grants - NHTSA and FHWA Regulatory Requirements Applicable to 23 USC Sections 402 and Section 405	23 CFR Chapter II, Subchapter A, Part 1200
All – 2 CFR 200 – Office of Management and Budget	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards	Title 2, Subtitle A, Chapter II, Part 200
State & Local Governments	Uniform Administrative Requirements to State and Local Governments	Title 2, Subtitle A, Chapter II, Part 200
Institutions of Higher Education, Hospitals & Nonprofits	Uniform Administrative Requirements for Grants & Agreements to Institutions of Higher Education, Hospitals & Nonprofits	Title 2, Subtitle A, Chapter II, Part 200
State, Local and Indian Tribal Government	Cost Principles for State and Local Government and Indian Tribe Indirect Cost Proposals - Audit	Title 2, Subtitle A, Chapter II, Part 200
Institutions of Higher Education	Cost Principles for Educational Institutions	Title 2, Subtitle A, Chapter II, Part 200
Non-Profit Organizations	Costs Principles for Non-Profit Organizations	Title 2, Subtitle A, Chapter II, Part 200
State, Local Government & Non-Profit Organizations	Audits of State, Local Government & Non-Profit Organizations	Title 2, Subtitle A, Chapter II, Part 200

AUDIT REPORTS

In the event the contractor is required to be audited, a copy of the contractor's audit report and all associated documents should be sent to the HSO accountant for review. The audit review will be included in the HSO accountant audit files. If the audit is found to have any audit findings, the contractor will receive a follow-up letter of instruction from the HSO administrator.

BUDGET

The budget proposal for the project is an estimate, but should specifically describe any cost expenditure. Estimated costs for a project proposal may be categorized according to four cost categories:

Personnel Services	Salaries, benefits, overtime, training and project-related travel expenses.
Contractual Services	Individual consultants or firms performing services, special studies, or gathering data pertaining to the project.
Commodities	Materials acquired and consumed specifically for the purpose of the grant contract: telephone added as part of the project, printing, postage, and office supplies specific to the project.
Other Direct Costs	Rent and special equipment added as part of the project.

BUY AMERICA ACT

The National Highway Traffic Safety Administration (NHTSA) indicated any product (equipment or materials) purchased using NHTSA federal highway safety grant funds must be made or assembled in America (documentation is also required).

NHTSA may waive the *Buy America* requirement if: **(1)** the application would be inconsistent with the public interest; **(2)** such materials and products are not produced in the US in sufficient and reasonably available quantities and of a satisfactory quality; or **(3)** the inclusion of domestic material will increase the cost of the overall product by more than 25 percent. **Disqualified products are not eligible for reimbursement.**

A written request for a waiver consideration for any of the above three identified conditions must be submitted to the HSO **prior to any purchase**. The HSO will submit a formal written waiver to NHTSA. NHTSA has estimated that the waiver process will take approximately 90 days from the date of receipt until NHTSA publishes a Federal Register notice. Contact HSO to receive written approval for a grant purchase of any promotional or educational items for distribution.

NHTSA's Buy America Act public interest waiver became effective July 30, 2015. This waiver allows States to purchase any manufactured product with a purchase price of \$5,000.00 or less, excluding a motor vehicle, when the product is purchased using Federal grant funds administered under 23 U.S.C. Chapter 4.

CERTIFICATION AND ASSURANCES

Contractors are required to become familiar with the contents of Attachment A "*Certification and Assurances for Highway Safety Grants*", located in this Grant Contract Proposal Guide and Policies and Procedures and are notified that failure to do so will not excuse nonperformance or noncompliance.

COMPETITIVE BIDS

All equipment and/or commodities purchased under the grant contract that have unit values in excess of \$500.00 or multiple identical units of equipment and/or commodities procured having a total accumulated value in excess of \$500.00 must be acquired only as a direct result of competitive bids. A minimum of three (3) documented bids are required unless purchased from a State contract. Copies of all competitive bids must be submitted to the HSO for

examination and final approval. Selection of the vendor will be made on an overall economic basis, including but not limited to, the lowest bid. Permission to accept other than the lowest bid must be expressly approved in writing by the HSO prior to acceptance/purchase.

COMPLIANCE

In addition to the policies listed in this guide and in the grant contract document, the grant contractor will comply with all applicable federal and state laws, rules, and regulations.

CONFLICT OF INTEREST

No person performing services for the grant contract shall have a financial or other personal interest in any contractor or subcontractor involved in the project other than their employment or retention by the grant contract.

CONTRACT REVISIONS

Grant contract proposals may be amended prior to or after signing. The amendments are not binding unless they are in writing and signed by persons authorized to bind each of the parties. The signature of the HSO Administrator is necessary to authorize the revision. If additional tasks or costs are authorized in the revision, the contractor must not begin work on the additional tasks or incur the additional costs until the revisions are fully executed. Retroactive approval of revisions will not be granted; costs incurred in such situations will not be reimbursed. A revision cannot be used to authorize new or different activities not related to the scope of the grant being revised. Revised contracts require revised budget proposals which must be provided to HSO with the contract revisions.

COST ASSUMPTION

The formal cost assumption plan is a detailed description of how the grant contractor plans to continue the project after the HSO grant funding assistance concludes. Continuation of the project activity may be accomplished with other funding and/or additional agencies' efforts. The cost assumption plan must be in place prior to receiving any funds.

DRIVING POLICY

The policy of the HSO is to ensure that vehicles are driven legally, safely, and defensively. Contractors and their staff are to carry a valid vehicle operator's license, the required liability insurance, maintain good driving records, and utilize seat belts.

DRUG-FREE WORKPLACE POLICY

All grant contractors and/or their agents are required to have an approved drug-free workplace policy in effect for all employees. An official copy of this policy must be provided with the grant contract proposal. The State of Nebraska is committed to providing an employment environment that is drug-free.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Grant contract recipients and/or their agents will not discriminate against any employee or applicant for employment because of race, religion, sex, age, color, national origin, sexual orientation, gender identity, or mental/physical disability. The grant contractor will take affirmative action to ensure that applicants and employees are treated equally without regard to their race, religion, sex, age, color, national origin, sexual orientation, gender identity, or mental/physical disability. The grant contractor and/or their agents shall not discriminate against any person based on race, religion, sex, age, color, national origin, sexual orientation, gender identity, or mental/physical disability in the use of any property or facility required or developed pursuant to a highway safety contract. The grant contractor and/or their agents shall comply with Title VI and Title VII of the Civil Rights Act of 1964 as amended and all applicable requirements pursuant to regulations of the U.S. Department of Transportation.

EQUIPMENT PURCHASE (also refer to Competitive Bids)

All equipment purchases must be specifically itemized in the budget proposal. If not included in the original budget proposal, expressed written approval from the HSO is required prior to any purchase. Competitive bids (a minimum of three (3) bids) are required on any equipment purchase in excess of \$500.00.

Upon receipt of any equipment purchased with federal funds, the grant contractor must complete an "Equipment Inventory Log" and submit it to the HSO. The "Equipment Inventory Log" is located on the HSO website. The grant contractor shall appropriately maintain any equipment purchased under the grant contract. HSO staff will provide a HSO inventory tag to be placed on all equipment purchases.

Equipment Purchase/Inventory Procedures - \$5,000.00 or More

- Equipment purchases of \$5,000.00 or more must receive prior written approval from the HSO.
- Upon receipt of the equipment the grant contractor must complete an "Equipment Inventory Log" and forward to the HSO.
- For all equipment purchases over \$5,000.00, the serial number for the item shall be considered the inventory number.
- Annually, the HSO will forward a physical inventory request form to each contractor requesting physical inventory be conducted of equipment purchases over \$5,000.00.
- No contractor shall dispose of any equipment without written approval from HSO. Disposal of the equipment will be according to the applicable State and Federal regulations.

Equipment purchased with federal funds that has a market value of more than \$1,000.00 or has any useful life remaining and is not fully depreciated may not be disposed of in any manner by the grant contractor without the expressed written approval of the HSO. Should a grant contractor desire to dispose of such equipment, the grant contractor will immediately notify the HSO. Disposal of the property will be according to applicable state and federal regulations. All grant contract funded purchases must be requested, purchased, invoiced, and delivered prior to the end of the grant fiscal year, September 30.

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The Federal Funding Accountability and Transparency Act (FFATA or the Transparency Act – Pub.L. 109-282, as amended by section 6202(a) of Pub.L. 110-251) requires the Office of Management and Budget (OMB) to maintain a single searchable website that contains information on all federal spending awards. The site is www.USASpending.gov. The Transparency Act requires every grant/sub-grant/contract/sub-contract equal to or greater than \$30,000.00 awarded by the HSO to be accounted for on the Federal Funding Accountability and Transparency Act Sub-award Reporting System (FSRS) at www.fsr.gov.

All contractors awarded federal HSO funding equal to or greater than \$30,000.00 will be required annually to submit specific information requested by the HSO accountant to comply with the Transparency Act.

GRANT CONTRACT AWARD

Upon receipt of the Grant Contract Award, the Project Director, Authorized Official, and the Financial Officer must **sign in ink**, date, and return the grant contract award to the HSO. The signature of the HSO Administrator and/or Governor's Representative for Highway Safety authorizes the Grant Contract Award. A copy of the approved Grant Contract Award will be returned to the grant contractor. Receipt of this signed copy provides formal approval of the grant contract. The grant contractor may not begin incurring costs according to the terms of the grant contract until the Grant Contract Award has been fully executed.

GRANT CONTRACT MONITORING

Desk Monitoring -- All grant contract activities and expenditures will be reviewed each month by the HSO staff. Monthly monitoring occurs when the HSO project manager reviews the contractor's monthly activity report and monthly reimbursement request.

On-Site Monitoring -- All grant contractors are subject to on-site monitoring visits by the HSO staff. On-site monitoring visits will be conducted at least annually and may occur more frequently and at any time during the grant contract period. Calls, letters, and occasional meetings are generally not sufficient to adequately monitor a project, particularly those that are more complex. The project manager will need to go on-site annually to review project status, documents, contractor management, and financial systems.

INDIRECT COSTS

Indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned directly to Federal awards and other activities as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost.

Indirect costs are normally charged to Federal awards by the use of an indirect cost rate. A separate indirect cost rate(s) or IDCR is usually necessary for each department or agency of the governmental unit claiming indirect costs under Federal awards. A copy of the approved federal indirect cost rate for your organization/agency must be submitted to the HSO, if claiming indirect costs.

LOBBYING

Funding may not be used directly or indirectly to pay for any personnel services, advertisement, telegram, e-mail service, telephone, letter, printed or written matter, or other devices intended to influence a member of Congress in acting upon legislation. Federal funds are also prohibited for use in "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. This applies to Congressional and State legislators.

MATCHING FUNDS

The HSO may require the grant contractor to provide a hard match dollar contribution to the project. As an example, if the grant contract requires a 30 percent hard match, the grant contractor must contribute 30 cents of every dollar expended on the project. Indirect/In-kind services are not considered hard match contributions.

MILEAGE

In-state travel expenses may include personal vehicle mileage. Mileage will be reimbursed at the rate allowed by the grant contractor, not to exceed the standard rate established by the Internal Revenue Service. All personal vehicles used for travel must be in compliance with all Nebraska motor vehicle laws.

MINI-GRANT CONTRACT APPLICATION AND AWARD

The mini-grant application and award process provides funding assistance for a specific, short term activity. Applicants may apply for funding assistance through the mini-grant process at any time during the year. Mini-grants are available to law enforcement agencies for speed detection equipment, in-car camera equipment, preliminary

breath testing instruments and selective overtime enforcement. Other political subdivisions and 501c3 non-profit organizations are eligible for mini-grant funding assistance in the areas of public information and education and traffic training. Specific information regarding the mini-grant contract application and award process is available at the HSO website at <http://dot.nebraska.gov/safety/hso/grants/mini/>.

MINI-GRANT CONTRACT AND AWARD REIMBURSEMENT

The mini-grant contract and award reimbursement process has specific criteria for each type of mini-grant. The specific reimbursement process and the required supporting documentation are contained in the body of the actual mini-grant application and award. If additional supporting documentation is required, those requirements will be addressed in the correspondence forwarded with the approved mini-grant. The required supporting documentation shall be attached to the [Mini-Grant Contract Claim for Reimbursement](#). The form is available under "Grant Forms" on the HSO website at <http://dot.nebraska.gov/safety/hso/grants/mini/>.

MINORITY AND WOMEN BUSINESS ENTERPRISES (MBE & WBE)

The grant contractor shall make every effort to consult vendors representing minority and women's business enterprises before expending federal highway safety funds. A minority or women's business enterprise is defined as a small business, which is owned and controlled by socially and economically disadvantaged individuals. "Socially and economically disadvantaged individual" means a citizen of the United States or person lawfully residing in the United States or its possessions who is a minority or woman regardless of race or ethnicity or any other individual found disadvantaged by the Small Business Administration.

OVERTIME

Overtime compensation is not allowed unless expressly pre-approved in writing by the HSO.

PERSONNEL SERVICES/SUPPLANTING

Salaries of personnel paid for in a grant contract must be new (additional) positions. The grant contract cannot be used to supplement or replace salaries of existing personnel (supplanting). Exceptions may be considered for grant contracts relating to specific overtime activity. If the grant contract transfers current personnel to the project, the grant contractor must hire and maintain additional personnel to fill the vacancy created by the transfer. Whenever the staffing level drops below the grant contract award level, the HSO reserves the right to deny the personnel services reimbursement. In summary, salaries paid under a grant contract should represent payment for personnel services over and above the existing staffing level of the department, agency, or office.

All personnel funded under the grant contract must be identified by name and date of hire. Any changes in grant contract personnel, reassignments, or terminations must be reported in writing. Payment for personnel services may only be reimbursed for work performed within the dates of hire. Work performed prior to the documented hire date or after the documented termination date under the grant contract cannot be reimbursed. Payment can only be reimbursed for personnel specifically identified in the approved budget proposal. For example, if the budget specified one (1) traffic officer at 100%, reimbursement of personnel expenses cannot be made for two officers, each working 20 hours of a 40-hour shift. Reimbursement can only be made for the one officer.

The HSO reserves the right to adjust salary levels outlined in the grant contract application that it considers disproportionate for the task. Any fringe benefits, holidays, vacation, sick leave, or compensatory time must be consistent with the state or local unit of government for which the contract is written.

Grant contract funded personnel are to expend 100% of their time in the development, implementation, and evaluation of the activities specified in the approved grant contract unless otherwise expressly approved in writing

by the HSO. Timesheets must be maintained for all grant-funded personnel reflecting the dates and hours of work charged to the project. The Weekly Time Report sample is available on the HSO website. If personnel are funded 100% through the grant contract, their activity must be 100% in support of activities agreed upon in the grant contract award. Payment for grant contract funded personnel performing tasks outside the grant contract will not be reimbursed. For example, grant contract funded traffic officers are provided to increase the level of traffic law enforcement in a jurisdiction. As such, they are prohibited from providing funeral escorts or parade duty. Special DUI prosecutors are provided solely for the purpose of increasing DUI and other dangerous driving case convictions and relieving the backlog of such cases. They are prohibited from utilizing federal highway safety funds for prosecuting or handling other cases such as burglary, aggravated assault, etc.

PRINTED MATERIALS

Materials printed as part of the grant contract shall indicate that the project is sponsored by the HSO. Materials need to display the HSO logo and/or words “Funded by the Nebraska Department of Transportation Highway Safety Office” or “Printed with State Highway Safety Funds.” All public awareness/education materials developed as a part of a highway safety grant contract are to be submitted in draft form to the HSO for written approval **prior** to production and/or distribution.

The grant contractor reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use for federal government purposes: 1) The copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and 2) any rights of copyright to which a grantee, subgrantee, or a contractor purchases ownership with grant support.

These items may not be copyrighted without the expressed written permission of the HSO. One copy of all materials printed as a part of the grant contract must be submitted along with the monthly reimbursement request.

PROGRAM INCOME

Definition: Program income means gross income received by the grant contractor directly generated by a grant-supported activity or earned only as a result of the grant contract agreement during the grant period.

Reporting Requirement -- If the funded grant contract **generates income**, the source of the income and the amount must be reported on each Grant Contract Claim for Reimbursement (CR) form submitted to the HSO. Program income is defined as any income generated as a direct and/or indirect result of the project. Any program income not reported to the HSO on the monthly CR may be cause for termination of the grant contract. (It is the responsibility of the grant contractor to maintain appropriate accounting records regarding program income.)

Utilization -- Program income may be used to support the project activities as follows:

1. Program income may be used to meet cost sharing or matching requirements of the grant contract agreement.
2. Program income may be placed in a special account and included in the cost assumption plan for project continuation as federal funding decreases. If the project is discontinued, any fund balance in the special account must be returned to the HSO.

PUBLIC COMMUNICATIONS/PAID ADVERTISING

Costs to purchase program advertising space in the mass communication media is allowable but must be approved in advance by HSO. This includes the purchase of radio time, television time, billboard rental, magazine or newspaper advertisements or any other paid advertising. Television public service announcements should contain closed-captioning of the verbal content.

RECORD RETENTION

The HSO requires all grant contractors to complete and maintain detailed accounting records as they apply to the project. These records must be maintained for a period of three (3) years or until any audits are completed. All projects are subject to audit by the appropriate state and/or federal agencies.

REIMBURSEMENT PROCEDURES

All costs associated with the approved grant contract will be reimbursed monthly after the expenses have been incurred. The [Grant Contract Claim for Reimbursement](#) (CR) form is to be utilized for monthly reimbursement requests, (see Attachment E), and is available on the HSO website.

The following instructions are for submitting the CR:

- The contractor must submit a CR by the 15th of each month for expenses incurred in the previous month. On the form, indicate: a) Your agency as the grant contractor; b) grant contract number; c) grant contract title, and the month in which expenses were incurred.
- Indicate the expenditures incurred during the month claimed.
- Expenditures should be shown for previous months and total to date for the fiscal year.
- Monthly program income generated by the grant contract must be reported separately in addition to the program income balance (if applicable).
- The Project Director and Authorizing Official must sign and date the CR form.
Important: The original (or scanned color image) signed claim must be submitted to HSO.
- Reimbursement will not be considered if the CR is not accompanied by any and all supporting documentation; such as but not limited to:
 - o Weekly time reports, itemized personnel services breakdown, invoices/statements, receipts, canceled checks, credit card statements, equipment inventory log, and/or competitive bids.
 - o Forms are available at: <http://dot.nebraska.gov/safety/hso/grants/grant-forms/>.
- Submit the original (or scanned color image) of the complete CR to the HSO.
- The cutoff date for processing the CR is the 15th of each month.
- A “Final Claim” for each grant contract must be submitted by **November 1st** following the end of the previous federal fiscal year (September 30). The “Final Claim” box must be marked on the CR form.

Upon receipt of the CR, the project manager reviews all expenditures and supporting documentation to ensure accuracy, completeness, and that all reimbursement requests are eligible as authorized expenditures contained in the grant contract budget.

REPORTS

Monthly Report -- All grant contractors must submit a monthly activity report to the HSO by the 15th of each month unless otherwise expressly approved by the HSO. The monthly report shall contain the same targets and objectives as in the Grant Contract Proposal. Each target/objective/strategy must be addressed in the monthly activity report in the same format as the proposal. *Claims for Reimbursement*, (CR) may be held if the grant contract recipient is delinquent in the submission of reports.

Items in the monthly report may include copies of publications, training reports, and any statistical data generated. Monthly reports should also include the following:

- Completed studies.
- Equipment purchases must be identified.
- Any issues that affect the project.
- Third party performance (if applicable).
- Consultants’ reports.

Annual Report -- Annual reports are due from grant contractors to the HSO for the fiscal year October 1 – September 30, no later than November 1st. The Annual Report must contain the following:

- Each objective outlined in the Grant Contract Proposal must be addressed.
- All accomplishments and activities utilized to meet the targets/objectives outlined in the Grant Contract Proposal.
- The project's measurable impact on traffic safety.
- The annual report should be no longer than two pages in length and utilize the “*Annual Report Template*” format.

*The Annual Report Template (Attachment D) format is available on the HSO website at:

<http://dot.nebraska.gov/media/6202/hsannrep.pdf>.

SEAT BELT POLICY

All grant contractors and/or their agents must have in effect an approved seat belt use policy for all employees and staff. The policy must be actively enforced, and an official copy of this policy must be provided with the grant contract proposal or on file with the HSO.

SERVICE CONTRACTS/CONTRACTUAL SERVICES

Subcontracts entered into by the grant contractor shall be awarded according to the provision of all applicable federal and state laws, rules, and regulations. Prior expressed written approval is necessary from the HSO before the initial grant contractor may enter into any secondary contract (mini-grant contract/sub-contract) unless specifically described in the original grant contract application. A detailed description must be provided in the original grant application on the activities of the contractual service(s).

SUSPENSION/DEBARMENT VERIFICATION

Federal guidelines require the HSO to ensure all applicants/agencies are not suspended or debarred online at the federal official website System for Award Management (SAM), <https://sam.gov/SAM/>. All agencies requesting funding assistance through a project grant or mini-grant application will need to be registered at the www.SAM.gov website. For additional information/instructions follow the “[General Instruction for Registering in DUNS/SAM](#)” on the HSO website.

TERMINATION OF GRANT CONTRACT

If, through any cause, the grant contractor shall fail to fulfill in a timely and proper manner its obligation under the awarded grant contract or if the grant contractor shall violate any of the covenants, agreements, or stipulations of the grant contract, the HSO shall thereupon have the right to terminate the grant contract and withhold further reimbursement/payment of any kind by giving written notice to the grant contractor of such termination and specifying the effective date thereof, at least thirty (30) days before such date. The HSO shall be the sole arbitrator of whether the grant contractor or its subcontractor is performing its work in a proper manner with reference to the quality of work performed by the grant contractor or its subcontractor under the provisions of this contract. The grant contractor and the HSO further agree that either party may terminate this contract by giving written notice of such termination and specifying the effective date thereof, at least thirty (30) days before such date.

TRAINING/CONFERENCES

The costs associated with attending training/conferences may be allowable when included in the grant contract budget proposal. The training/conference subject matter must compliment the activity of the grant contract. Allowable costs include: transportation, lodging, and registration fee. Reimbursement for a rental vehicle is rare and must be expressly approved in advance by HSO in writing.

Reimbursement for out-of-state travel expenses by contractors requires prior written approval by the HSO. To request approval for out-of-state travel, a contractor must complete the following:

1. Ensure the grant contract proposal application includes a provision for the travel and there are sufficient funds to cover the cost of the travel.
2. If not included in the original grant contract budget, a request for out-of-state travel must be submitted to the HSO for expressed approval at least 30 days prior to travel. The request must include the following:
 - The participant's name.
 - Date, name of training/conference, description, and location of the training/conference and a copy of the preliminary agenda.
 - An itemized breakdown of all expenses associated with the training/conference.
 - A statement why the training/conference is needed and how the project will benefit.
 - If the training has pass/fail criteria, the participant must successfully complete the course and submit a copy of the course completion certificate to be eligible for reimbursement.
3. Upon completion of the training/conference provide a travel report to include:
 - Date, description, and location of the training/conference and a copy of finalized agenda.
 - Provide brief description of each session/workshop attended, presenter's name.
 - Provide information on the benefits received in attending the training/conference.
 - Provide a travel report to include a written evaluation of the training/conference that must be completed and submitted with the monthly report. The Grant Funded Training Conference Evaluation Report form is located on the website at: <http://dot.nebraska.gov/safety/hso/grants/grant-forms/>.

TRAVEL

Out-of-State Travel - All out-of-state travel must be approved as defined under "Training/Conferences."

In-State Travel - In-state travel may include lodging and mileage (see mileage). If these costs are not included in the original grant contract budget, a request for in-state travel must be submitted to the HSO for approval at least 30 days prior to travel.

**CERTIFICATIONS AND ASSURANCES FOR
HIGHWAY SAFETY GRANTS**

BUY AMERICA ACT

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase only steel, iron and manufactured products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (applies to subrecipients as well as States)

Instructions for Primary Certification (States)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 2 CFR Part 180. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1300.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification

is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-Procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

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

1. The prospective primary participant certifies to the best of its knowledge and belief, that its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or Local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 2 CFR Part 180. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1300.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-Procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

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

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 USC 8103)

The State/Contractor will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 - o The dangers of drug abuse in the workplace.
 - o The grantee's policy of maintaining a drug-free workplace.
 - o Any available drug counseling, rehabilitation, and employee assistance programs.
 - o The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 - o 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:
 - o Abide by the terms of the statement.
 - o Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction.
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted:
 - o Taking appropriate personnel action against such an employee, up to and including termination.

- Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State/Contractor will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010,

https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf by reporting to FSRS.gov for each sub-grant award:

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

CERTIFICATION REGARDING FEDERAL LOBBYING (applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned/contractor certifies, to the best of his or her knowledge and belief, that:

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

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

RESTRICTION ON STATE LOBBYING (applies to subrecipients as well as State)

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.

NONDISCRIMINATION (applies to subrecipients as well as State)

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, sub-recipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that

funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR at 74087 to 74100).

The State highway safety agency—

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

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

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

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE (applies to subrecipients as well as States)

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

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety

Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information 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, DC 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 1 (888) 221-0045 or visit its website at www.trafficsafety.org.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles; Government-owned, leased or rented vehicles; or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

POLITICAL ACTIVITY (HATCH ACT) (applies to subrecipients as well as States)

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

Attachment B –Grant Contract Proposal Cover -See **NDOT-HSO Website for Interactive Form:**
<https://dot.nebraska.gov/media/6208/hscovers.pdf>



Nebraska Department of Transportation
 Highway Safety Office
Grant Contract Proposal Cover

Applicant/Organization:	
Project Director:	
Address:	
City, State, Zip:	
Telephone: <i>(include Area Code):</i>	
Fax: <i>(include Area Code):</i>	
E-mail:	
Federal Identification No. (FID):	
Data Universal Numbering System (DUNS) #:	
Commercial and Government Entity (CAGE) Code:	
CFDA #: <i>(NDOT-HSO Use Only)</i>	
FAIN #: <i>(NDOT-HSO Use Only)</i>	
EXAMPLE	
Project Title:	
Grant Contract Period:	

By signing the Grant Contract Proposal Cover the Applicant/Organization has agreed to comply with all applicable federal and state laws, rules and regulations and certifications and assurances contained in Attachment A of the Grant Contract Proposal Guide and Policies and Procedures.

<i>Signature of Authorized Official</i>	<i>Type Name and Title</i>	<i>Date</i>
<i>Signature of Financial Official</i>	<i>Type Name and Title</i>	<i>Date</i>

Attachment C – Sample Project

CENTER COUNTY ALCOHOL REDUCTION PROJECT

SUMMARY

The Center County Health Department is dedicated to the reduction of trauma related death and injury in Center County. During 2016 the alcohol-related fatal, A and B injury crash rate was ___ which is above the State rate of ___. The Center County Health Department officials support the formation of an impaired driving program to assist in reducing alcohol-related fatal, A and B injury crashes. In order to implement the impaired driving program, a coordinator for the project is needed. Utilizing the coordinator, program objectives would result in a 10% reduction, from ___ to ___, in the alcohol-related fatal, A and B injury crashes. Activities will include establishing a designated driver program within the County, working with the Safe Communities Coalition, working with on and off sale licensed liquor establishments, special permit events and high schools within the county. The total cost of the project would be \$38,300. The breakdown of that total cost: \$11,000 to be furnished by Center County, \$800 from the Center Chamber of Commerce, and \$26,500 from the Nebraska Department of Transportation Highway Safety Office.

ORGANIZATIONAL BACKGROUND

The Center County Health Department consists of 18 employees with contacts from the public, private, and nonprofit sectors dedicated to the reduction of unintentional injuries. Since its inception in 1952, the Center County Health Department has continuously strengthened its networking system. The Center County Health Department currently works with the school system, local law enforcement agencies, and businesses within the county.

PROBLEM IDENTIFICATION

In Center County, the alcohol-related fatal, A and B injury crash rate exceeds the State rate. Alcohol-related fatal, A and B injury crashes averaged ___ in 2015 - 2019. During the same previous five-year period, ___ citations have been written by local law enforcement for impaired driving and there have been ___ convictions for impaired driving. The residents within Center County will benefit from an intense countywide educational effort focused on impaired driving. Local law enforcement, the prosecuting attorney's office, and licensed liquor establishments have agreed to participate in the County's Safe Communities Coalition to combat this problem. In order to impact this problem within the county, the number of impaired drivers utilizing the county's roadways must be reduced.

TARGET

Reduce alcohol-impaired fatal, A and B crashes by 6.5 percent from 540 (2015-2019 rolling average) to 505, by December 31, 2022.

OBJECTIVES

Bring together specific individuals within the county to participate in a Safe Communities Coalition. This group will assist in educational efforts and activities addressing the county's impaired driving problem. Law enforcement will be a critical component by actively enforcing the county's impaired driving laws. The prosecuting attorney's office will also be an essential collaborator in prosecuting impaired drivers.

1. Increase public knowledge of the impaired driving problem by %.
2. Increase alcohol-related arrests by _____%, from _ to .
3. Increase the conviction rate for alcohol-related offenses by %, from _ to .
4. Establish a designated driver program within the county with participating businesses.
5. Reach 75% or _____ of the county's youth, ages 15-19, with an educational impaired driving message.

STRATEGIES

1. Select and hire a coordinator.
Completion Date: October 15, 2021
2. Solicit interest within the community (i.e. organizations, county and city officials, law enforcement, schools, etc.) for inclusion in the Safe Communities Coalition.
Completion Date: October 31, 2021
3. Schedule and hold the initial meeting of the Safe Communities Coalition to address the issue of impaired driving.
Completion Date: November 15, 2021
4. Conduct a public opinion survey regarding knowledge and attitude of the impaired driving problem.
Completion Date: January 1, 2021
5. Solicit the county's law enforcement agencies for participation in selective alcohol overtime enforcement activities. The funding for the selective alcohol overtime may be obtained through the Nebraska Department of Transportation Highway Safety Office by entering into a Mini-Grant Contract. Overtime enforcement dates will be selected for the time frame from December 1, 2021 through September 30, 2022.
Completion Date: September 30, 2022
6. Conduct # meeting/training sessions with the county's prosecutors to present the concept of aggressively prosecuting all alcohol-related traffic offenses.
Completion Date: December 15, 2021
7. Obtain listings through the State's liquor commission of all licensed on and off sale liquor establishments.
Completion Date: October 15, 2021
8. Contract with an advertising company to create the materials for a designated driver campaign.
Completion Date: October 31, 2021
9. Utilizing the listing of licensed drinking establishments; contact each business to promote their participation in the designated driver campaign.
Completion Date: December 1, 2021
10. Contact the Nebraska Department of Transportation Highway Safety Office and/or any other resources, to obtain impaired driving related materials targeted toward youth.
Completion Date: November 15, 2021
11. Schedule # presentations throughout the grant contract period with all of the county's schools-grades 8 through 12.
Completion Date: December 31, 2021
12. Coordinate monthly meetings for the Safe Communities Coalition.
Completion Date: September 30, 2022

13. Conduct a follow-up public opinion survey.
Completion Date: August 31, 2022
14. Ongoing contact with law enforcement, prosecutors and schools will continue throughout the project.
Completion Date: September 30, 2022

BUDGET PROPOSAL

	Federal Funds	Grant Contractor Funds
Salary/Coordinator	\$21,500.00	\$7,500.00
Travel	\$500.00	\$0.00
Public Opinion Surveys	\$1,000.00	\$0.00
Designated Driving Campaign	\$2,500.00	\$0.00
Rent, Utilities	\$0.00	\$4,300.00
Training Materials	\$1,000.00	\$0.00
TOTAL	\$26,500.00	\$11,800.00

BUDGET NARRATIVE

Salary/Coordinator: Full time position to work with law enforcement, county prosecutors, State of Nebraska Liquor Commission, licensed drinking establishments, schools, and to solicit interest and participation in a Safe Communities Coalition.

Travel: Mileage to be reimbursed for travel within the county to promote project targets and activities. Out-of-State Travel: Costs that include transportation, lodging, and registration fees to attend training/conferences.

Public Opinion Surveys: A 20-question public opinion survey of 300 people will be conducted regarding knowledge and attitude of the impaired driving problem in Center County.

Designated Driver Campaign: Contract with an advertising company to design and create materials for a designated driver campaign.

Rent, Utilities: Rent and utilities will be provided by the Center County Health Department as a match to federal funding.

Training Materials: To produce training materials for two (2) training sessions with the county prosecutors and law enforcement to present the concept of aggressively prosecuting all alcohol-related offenses.

EVALUATION

1. An administrative evaluation will be completed at the conclusion of the project period to measure actual activities, tasks, and expenditures against those planned.
2. Crash data in the 12-month project period will be compared to crash data in the previous 12-month period to determine if the overall target to decrease alcohol-related fatal, A and B injury crashes by 10%, from ___ to ___ was achieved.
3. Compare the two county wide public knowledge and attitude surveys to determine if public knowledge increased by ____%.
4. Compile and compare arrest and conviction data to determine if increases occurred.
5. Determine if # businesses participated in the designated driver program.
6. Determine if 75% of the county's youth were reached through presentations.

COST ASSUMPTION

The Center County Health Department will continue the designated driver program after federal funding assistance is terminated. Prior to the end of the project, a copy of the agency's budget request containing funding of the position and activity will be provided to the HSO. The long-term costs to continue the project will be for personnel services for the coordinator. The Center County Health Department will request funding assistance from the county attorney office's driver diversion (STOP) program in the final year of the funded project. Businesses and organizations participating in the Safe Communities Coalition will also be requested to contribute financially to the future of this community project.

Attachment D - Annual Report Template Format

<https://dot.nebraska.gov/safety/hso/grants/grant-forms/>

(Font Type Calibri 10pt) (Email to HSO in Word format)

Annual Report	Nebraska
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Project Name (Grant No.) 000-00-00
Agency

Program Area: Project Characteristics: Type of Jurisdiction: Jurisdiction Size: Target Population:
--

Problem Identification:

Target and Objective:

Strategies and Activities:

- ?
- ?
- ?
- ?
- ?

Results:

- ?
- ?
- ?

EXAMPLE

Funding:	Section 402: \$ 0.00
	Other \$ 0.00

Contact: Name, Agency, Address, Town, State, Zip Code Telephone: 402/
Fax: 402/ Email



NDOT-HSO Use ONLY
 Date Complete Invoice Received:

**Grant Contract
 Claim for Reimbursement**

NDOT Highway Safety Office
 P.O. Box 94612, Lincoln, NE 68509-4612
 Telephone: (402) 471-2515 FAX: (402) 471-3865
http://dot.nebraska.gov/media/6203/cr_grant.pdf

Contractor:		Telephone:	IBT / Invoice #:
Contract Title:	Final Claim <input type="checkbox"/>	Month of Expenditures:	Contract #:

NDOT-HSO USE ONLY

	Federal Share
Total Expenditures	
Program Income	
Net Amounts	

PROJECT FINANCIAL SUMMARY

Current Month	Previous Months	Total to Date

NOTE: Supporting documentation for all expenditures above must be attached.

CERTIFICATION:

I hereby certify the foregoing document is consistent with the terms of the grant contract and is a true and accurate accounting of the expenditures.

Signature of Project Director

 Type/Print Name and Title

 Date

Signature of Authorized Official

 Type/Print Name and Title

 Date

NDOT HSO USE ONLY

Total Reimbursement	
Project Manager Review Initial/Date	
Supervisor Review Initial/Date	
Administrator Review Initials/Date	
Local %	
Accountant Date Paid/Initial	
Warrant #	
NIS #	

NDOT DOC#	
AB#	
TRANS	OE
ACTIVITY	ACCOUNT
NIGP	DATE
APPROVED (PRINT NAME)	William J. Kovarik
APPROVED SIGNATURE	
Project:	Amount:

Distribution: Original to NDOT HSO
 Make Copy for Your File

Rev. 8/2020