

Resolution 2024-042

Resolution Approving the Acceptance of the S.H.E.P. (Summer Holiday Enforcement Program) Grant from the Ohio Department of Public Safety for the Township Police Department

The Board of Trustee of Franklin Township, Franklin County, Ohio met in person in a Special Meeting at 10:00am on Thursday, March 28, 2024. The trustee marked below made a motion to adopt the following Resolution:

Leezer **Fleshman** **Blevins**

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves and authorizes the acceptance of federal grant dollars from the Ohio Department of Public Safety for the purpose of reimbursing the Township’s Police Department for specific deliverables as outlined in the grant. (See exhibit)

BE IT FURTHER RESOLVED that all formal actions of this Board concerning and relating to this Resolution were passed in an open meeting of the Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

BE IT FURTHER RESOLVED that this Resolution shall be declared an emergency and shall be in full force and effect immediately upon its adoption.

The following trustee marked below seconded the motion:

Leezer **Fleshman** **Blevins**

Roll was called for the adoption of the Resolution, and the vote was as follows:

Leezer: YES/ NO **Fleshman:** YES/ NO **Blevins:** YES/ NO

Trustee James Leezer

Trustee John Fleshman

Trustee Mike Blevins

Adopted on March 28, 2024
Attested to on this 28th day of March 2024

Fiscal Officer, Linzie Justus

Ohio Traffic Safety Office

FFY 2024 Summer Holiday Enforcement Program Grant Proposal Overview and Guidelines



**IF YOU FEEL DIFFERENT
YOU DRIVE DIFFERENT
DRIVE HIGH GET A DUI**

Contents

Ohio's Traffic Safety Grant Program Overview	3
Goal of the Traffic Safety Grant Program	3
Competitive Grants Funding Priorities	4
Mission Statement	5
Problem Identification Process	5
Standard Proposal Guidelines for All Grants	6
Traffic Safety Grant Funding Policies	8
FFY2024 Terms and Conditions for All Grants	10
Summer Holiday Enforcement Program	32

Ohio's Traffic Safety Grant Program Overview

The Federal Highway Safety Act of 1966 directed the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA) of the U.S. Department of Transportation to jointly administer various highway safety projects. This federal grant program provides federal funds administered through the Ohio Department of Public Safety (ODPS), Ohio Traffic Safety Office (OTSO) to eligible entities to be used in part for, but not limited to, traffic safety education, enforcement and awareness.

OTSO is responsible for coordinating and managing Section 402 State and Community grants, Section 405 National Priority Safety Program grants, related NHTSA awards and initiatives, and contracts for traffic safety activities received on an annual basis from NHTSA. Funds are to be used for short-term highway safety support, with the intent that other sources of funding will sustain programs over the long term. The federal grant program operates on a reimbursement basis.

OTSO's competitive grant process solicits grant proposals for highway safety activities from state agencies, non-profit organizations, colleges and universities, hospitals, political subdivisions and other interested groups within Ohio based on fatal and serious injury crash problem identification. A targeted approach ensures a statewide effort that will satisfy state-level highway safety goals, with a minimum of 40 percent of federal funds allocated to local jurisdictions. Proposals submitted for funding of traffic safety activities must demonstrate cost effectiveness and the potential to positively impact traffic-related goals both at the state and local levels.

Goal of the Traffic Safety Grant Program

What is OTSO trying to accomplish?

OTSO awards grants to local units of government (e.g., county, city, township, village, law enforcement agency, board of education, health department, metropolitan planning organization, etc.), state agencies, non-profit organizations, hospitals, educational service centers, colleges or universities to reduce the number of traffic related fatalities in Ohio.

How will OTSO measure this?

OTSO submits annual goals, progress reports and an annual report to the National Highway Traffic Safety Administration.

How will OTSO execute the programs to produce measurable results?

Grants will be directed toward those state and local community traffic safety activities that will have the greatest impact toward meeting the established goals.

FFY 2024 Goals

FFY2024 goals were formed using preliminary 2022 data. Refer to Ohio's FFY 2024 - 2026 Highway Safety Plan (HSP) for Ohio's finalized goals. The FFY 2024 - 2026 HSP will be posted online fall of 2023.

How can my agency help OTSO reduce traffic-related fatalities?

By submitting a grant proposal, your agency, if awarded a grant agreement, is committing to join a statewide partnership determined to reduce fatal motor vehicle crashes in Ohio. Proposals are expected to be problem identification driven.

How will my agency measure this?

Based on the identified and proposed countermeasures, each grant proposal must show how the effectiveness of the proposed effort will be measured.

How will my agency execute our program to help Ohio achieve measurable results in reducing traffic-related fatalities?

It is the responsibility of the proposing agency to show how its proposed programming can impact local and state statistics which, in turn, will help achieve the state's goals as listed above.

OTSO will use the following criteria to determine each grant proposal's funding eligibility: (1) met the submission deadline; (2) met the minimum proposal requirements; and (3) explained how the proposal specifically helps reduce Ohio's traffic-related fatal crashes.

OTSO will award grants based on: (1) the amount of funding available to OTSO; (2) the total number of proposals submitted to OTSO; and (3) past performance of the sub-recipient (if applicable).

OTSO reserves the right to limit the number of grants awarded and the awarded amounts at any time based on available funding, ability to impact statewide goals, and performance.

FFY 2024 Summer Holiday Enforcement Program proposals must be submitted via the website no later than 11:59 p.m. on Thursday, February 15, 2024.

Late proposals will not be considered for funding. OTSO is not responsible for an applicant's personal computer or internet access failure occurring at the proposal deadline. In the event that OTSO experiences an internal server malfunction, OTSO will notify Proposal Administrators of an updated submission deadline.

Competitive Grants Funding Priorities

Ohio has joined the national effort, *Toward Zero Deaths: A National Strategy on Highway Safety*. According to preliminary 2022 data, there were 1,178 fatalities on Ohio's roads. Ohio's current fatality rate is 1.09 fatalities per 100 million vehicle miles traveled. State agencies and local organizations must continue to work collectively to achieve zero deaths in Ohio. By submitting a grant proposal, your agency, if awarded a grant agreement, is committing to join a statewide partnership determined to reduce fatal motor vehicle crashes in Ohio.

Competitive grants will be directed toward those state and local community traffic safety activities that will have the greatest impact toward fatal crash reduction. Each proposal should focus on one or more of these issues: alcohol/drug-impaired driving, occupant protection, and/or speed management. Grant proposals must show a clear correlation between the state-identified goals and the countermeasure activities that are proposed. Proposals are expected to be problem identification driven.

It is the responsibility of the proposing agency to show how its proposed programming can impact local and state statistics which, in turn, will help achieve the state's goals as outlined within this grant package.

Partnerships are critical to the long-term success of a project. Applicants are encouraged to develop broad-based support and commitment by local officials and constituent groups toward addressing localized traffic safety concerns. In addition, competitive grant proposals must also include an evaluation strategy designed to assess the impact of the proposed activity on the selected priority area(s). Based on the identified and proposed countermeasures, each grant proposal must show how the effectiveness of the proposed effort will be measured.

Mission Statement

The mission of the Ohio Traffic Safety Office is to save lives and reduce injuries on Ohio's roads through leadership and partnering efforts with others interested in traffic safety, utilizing the most innovative and efficient methods possible of managing state and federal resources.

Problem Identification Process

For FFY 2024, OTSO worked with the University of Akron to conduct an in-depth analysis of traffic crash data to identify and prioritize traffic safety problems and to target fatal crash locations for traffic safety programming. OTSO focuses the majority of its grant funding on these areas because they have been identified as locations where programming may have the most impact on a statewide level. The data used in this process includes traffic fatal and serious injury crash data from 2020, 2021 and preliminary 2022. In addition to analyzing crash data, OTSO's participation in Ohio's Strategic Highway Safety Plan (SHSP) Committee helped identify and prioritize problem identification. OTSO also reviewed and evaluated recommendations from Traffic Records Coordinating Committee (TRCC) meetings, meetings with sub-recipients, observational seat belt survey, evaluations of grant programs, assessment reports (e.g., impaired driving, occupant protection, traffic records, etc.) to identify program direction in FFY 2024. The National Highway Traffic Safety Administration (NHTSA) headquarters staff and Region 5 staff also provided guidance throughout the year.

Summer Holiday Enforcement Program

OTSO created this secondary overtime enforcement opportunity utilizing "left-over" funding not applied for with the Impaired Driving Enforcement Program / Selective Traffic Enforcement Program (IDEP / STEP) grant opportunity. Agencies eligible to apply for funding under Summer Holiday Enforcement Program are agencies that have an annual average of 1.67 fatal crashes over the three-year period of 2020, 2021, and 2022. In addition, agencies that were eligible for IDEP / STEP (annual average of 2.0 or more fatal crashes) but did not apply for or receive a grant for IDEP / STEP are eligible to apply for Summer Holiday Enforcement Program grant funding.

Standard Proposal Guidelines for All Grants

The traffic safety programs operate under a standard set of guidelines, which are applicable to any agreement that results from a grant proposal.

OTSO will evaluate each grant proposal to determine its funding eligibility based on the following criteria: (1) met the submission deadline; (2) met the minimum proposal requirements; and (3) explained how the proposal specifically helps reduce Ohio's traffic related fatal crashes.

OTSO will award grants based on: (1) the amount of funding available to OTSO; (2) the total number of proposals submitted to OTSO; and (3) past performance of the sub-recipient (if applicable).

OTSO reserves the right to limit the number of grants awarded and the awarded amounts at any time based on available funding, ability to impact statewide goals, and performance.

Reimbursement Only Policy

This federal grant program operates on a reimbursement basis. The administering agency must first incur the cost for approved expenditures and then apply for the reimbursement.

Appropriate and accurate documentation will be required for each expense. All purchases must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring the cost.

Food

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

Eligible Entities

To be eligible to receive funds under this federal grant program, the proposing agency must be one of the following:

- Local unit of government or council of government (e.g., county, city, township, village, law enforcement agency, board of education, health department, metropolitan planning organization, etc.);
- State agency; or
- Non-profit organization, church, hospital, educational service center, college or university.

If two or more entities partner to implement the grant, the submitting agency will be the project's lead entity and project's primary fiscal officer.

Required Personnel

Authorizing Official – The authorizing official is usually the head of an organization/agency. This individual must possess or have the ability to obtain the legislative authority to enter into an agreement with OTSO, should the proposal be approved for funding.

Project Director – The project director is designated as the agency's liaison with OTSO by the authorizing official. Should the proposal be approved for OTSO funding, this individual will oversee the daily activities of the grant and ensure that the scope of work and evaluation are completed as proposed. This individual will also serve as the primary contact person for the grant.

Fiscal Officer – The fiscal officer is responsible for the fiscal activities of the agency. This individual is responsible for overseeing the grant’s budget, as well as submitting properly prepared claims for reimbursement to OTSO.

Each proposal must identify the above personnel on the General Information page in the GRANTS Plus system. Sub-recipient staff that will need access to the grant, will need to be added to the proposal on the Add/Edit People page under Management Tools. See the “Grantee Manual” located under “My Training Materials” in GRANTS Plus for additional instructions on creating user accounts and adding staff to the grant.

Grant Period and Project Commencement

This federal grant period has a 6-month cycle (April 1 – September 30). Each approved proposal will begin grant activity based upon the assigned Authorized to Proceed Date and an executed agreement between OTSO and the administering agency. It will terminate at the end of the federal fiscal year (September 30, 2024), unless otherwise specified in the agreement.

No costs will be reimbursed for any activity performed prior to the designated authorized to proceed date or after the termination date of the agreement. Unspent funds that remain at the end of the grant period will be retained by OTSO.

Preparing the Grant Proposal

Please adhere to the requirements described. Periodically reviewing the instructions as the proposal is prepared will ensure full compliance with the requirements. Proposal Guideline Power Point presentations are available at: <http://ohiohighwaysafetyoffice.ohio.gov/>. Submitting a proposal that does not comply with the requirements could adversely affect the consideration the proposal receives in the review and/or award process.

Write a clear concise grant proposal that can be easily understood. Do not include past grant award activities and/or accomplishments. Multiple attachments must be avoided.

Grant Proposal Deadline

FFY 2024 Summer Holiday Enforcement Program Grant Proposals must be submitted via the website no later than 11:59 p.m. on Thursday, February 15, 2024.

Late proposals will not be considered for funding. OTSO is not responsible for an applicant’s personal computer or internet access failure occurring at the proposal deadline. In the event that OTSO experiences an internal server malfunction, OTSO will notify Proposal Administrators of an updated submission deadline.

Traffic Safety Grant Funding Policies

All agencies receiving grants must comply with all federal, state, and local laws and regulations, including those mentioned in this section, as well as those noted in the Terms and Conditions of the grant proposal (See page 10).

NOTE: The proposed program or project must not violate federal, state, or local laws and regulations. Failure of potential sub-recipients to comply with applicable federal statutes, regulations, and policies may subject themselves to civil or criminal penalties or place the agency in sub-recipient on notice status and OTSO in high-risk status, which could impact future funding consideration.

Funding Limitations

The basic funding eligibility factors listed in this document will apply to the National Highway Traffic Safety Administration (NHTSA) field-administered grants in accordance with 23 USC Section 402 (Highway Safety Act of 1966), 23 USC Section 164, and 23 USC Section 405 National Priority Programs). They should be implemented in conjunction with the appropriate Office of Management and Budget (OMB) circular:

- State and Local Governments – **2 CFR Part 225** <https://www.govinfo.gov/app/details/CFR-2012-title2-vol1/CFR-2012-title2-vol1-part225>
- Educational Institutions – **2 CFR Part 220** <https://www.govinfo.gov/app/details/CFR-2012-title2-vol1/CFR-2012-title2-vol1-part220>
- Non-Profit Organization – **2 CFR Part 230** <https://www.govinfo.gov/app/details/CFR-2012-title2-vol1/CFR-2012-title2-vol1-part230>
- Hospitals – **2 CFR Part 215** <https://www.govinfo.gov/app/details/CFR-2012-title2-vol1/CFR-2012-title2-vol1-part215>

To be allowable, costs must be necessary and reasonable. Federal funds must be used in accordance with the appropriate statute and implementing grant regulations. Grant management rules require the potential sub-recipient to monitor sub-awards (sub-contracts) to assure compliance with applicable federal requirements.

With certain exceptions, most costs necessary to conduct a program are fundable. **However, all costs will be carefully analyzed by OTSO for necessity, appropriateness, potential benefit, and impact.** If in doubt, contact OTSO to determine if a particular cost item is fundable prior to submission of this grant proposal.

Supplanting

Grant funds must not be used to supplant federal, state, or local funds. Supplanting is defined as taking the place of or serving as a substitute for existing funding of a current or routine program. Other state and local funds may not be decreased as a result of additional federal funds made available through OTSO. Instead, federal funds must be used to provide resources that otherwise would not be available for the proposed program activity.

Supplanting includes replacing routine state or local expenditures with the use of federal grant funds, and/or using federal grants funds for costs of activities that constitute general expenses required to carry out the overall responsibilities of the grantee and/or its sub-recipients.

By submitting a proposal, the applicant certifies through their electronic signature that the proposed project will be used to increase and not to supplant federal, state, or local funds otherwise available.

Auditing Requirements

As a pass-through agency for federal funding, OTSO is required by the Office of Management and Budget (OMB) Subpart F of the Uniform Guidance to ensure the agency has met the audit requirements of the circular.

<https://www.govinfo.gov/app/details/CFR-2014-title2-vol1/CFR-2014-title2-vol1-sec200-501>

Sub-recipients are required to retain a copy of the most recent Audit Report, Management Letter and/or single Audit Report and provide to ODPS/OTSO upon request.

FFY2024 Terms and Conditions for All Grants

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

1.) **Agreement**

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

2.) **Legislative Authority**

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

3.) **Nondiscrimination (Applies to Subrecipients as Well as States)**

The State highway safety agency [and its subrecipients] 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);
- **49 CFR part 21** (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964*);
- **28 CFR 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), **and Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the

programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);

- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (preventing 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);
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (requiring that recipients of Federal financial assistance provide meaningful access for applicant and beneficiaries who have limited English proficiency (LEP));
- **Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government** (advancing equity across the Federal Government); and
- **Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation** (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

In accordance with the Acts, the regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby give assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in § 21.23(b) and (e) of 49 CFR part 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Request For Proposals for work, or materials subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to the advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of appendix A and # of this Assurance (also referred to as DOT Order 1050.2A) ⁽¹⁾ in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipients.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits: or

- b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing the ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collections, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency give this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

4.) **Diversity / Inclusion Training**

All personnel that will work on this grant must complete any sub-recipient agency required diversity/inclusion training.

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

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace.
 2. The grantee's policy of maintaining a drug-free workplace.
 3. Any available drug counseling, rehabilitation, and employee assistance programs.
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.

5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 1. Abide by the terms of the statement.
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c) (2) from an employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c) (2), with respect to any employee who is so convicted –
 1. Taking appropriate personnel action against such an employee, up to and including termination;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all the paragraphs above.

6.) **Political Activity (Hatch Act) (Applies to Subrecipients as Well as States)**

The State 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.

7.) **Certification Regarding Federal Lobbying (Applies to Subrecipients as Well as States)**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

grants, 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.

8.) **Restriction on State Lobbying (Applies to Subrecipients as Well as States)**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

9.) **Certification Regarding Debarment and Suspension (Applies to Subrecipients as Well as States)**

Instructions for Primary Tier Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined

in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion— Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

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

- (1) The prospective primary tier 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 from participating in covered transactions by any Federal department or agency;

- b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of 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 tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension 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*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered

transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transaction. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<http://www.sam.gov>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

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

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from 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.
- 10.) **Buy America Act (Applies to Subrecipients as Well as States)**
The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

11.) **Certification on Conflict of Interest (Applies to Subrecipients as Well as States)**

General Requirements

No employee, officer or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept or approve, or to take part in negotiating, making, accepting or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
 - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
 - b. The code or standards shall establish penalties, sanctions or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

Disclosure Requirements

No State or its subrecipient, including its officers, employees or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHYSA to continue the award and include appropriate provision to mitigate or avoid such conflict.

3. Conflicts of interest that require disclosure include all past, present or currently planned organization, financial, contractual or other interests(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor and key personnel of any of the above. Past interest shall be limited to within one year of the date of the award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

12.) **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.

13.) **Policy on Seat Belt Use**

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

14.) **Policy on Banning Text Messaging While Driving**

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

15.) **Limitations**

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

- A.) The scope of work performed after the “Authorized to proceed” and before the “Agreement Termination” dates, as specified in the transmittal letter.
- B.) The scope of work, rates of participations, federal funds, special conditions, and cost category amounts as defined by the online GRANTS Plus System;
- C.) Actual costs that are incurred in accordance with OMB Circulars 2 CFR Part 200, Part 215, Part 220, Part 225, Part 230 and 45 CFR Part 74 Appendix E limited to the approved activity.

16.) **Supplanting**

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

17.) **Food**

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

18.) **Pre-Activity**

A grant pre-activity is required before any costs can be eligible for reimbursement. OTSO will notify the sub-recipient of the availability of the pre-activity prior to the “Authorized to Proceed Date” in the transmittal letter for the executed agreement. The pre-activity must be reviewed by, but not limited to, the designated project director and fiscal officer. The Pre-Activity must be reviewed, certified (check the box), and submitted to OTSO through GRANTS Plus. If there are changes to the Project Director and/or Fiscal Officer, the Pre-Activity must be reviewed by the new personnel.

19.) **OTSO/Sub-recipient Meetings**

Sub-recipients must attend all scheduled OTSO/Sub-recipient meetings to coordinate and review activity including current crash data to achieve high visibility enforcement, education and awareness.

20.) **Press Release**

Each sub-recipient is required to submit a press release to their local media announcing the grant award, including amount and purpose of award. Additional press releases are required depending on grant type; see Special Conditions beginning on page 26 for additional requirements.

21.) **Grant Revisions**

Any changes, additions, or deletions to this agreement must be submitted online and approved by OTSO prior to implementing proposed changes. All final revisions to this agreement (either programmatic or fiscal), must be submitted online prior to September 1, 2024. Any requests for revisions after this date will not be approved.

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

22.) **Required Personnel**

Each proposal/grant is required to have, at a minimum, an authorizing official, a project director and a fiscal officer. See page 7 for a description of each. This information must be kept current.

23.) **GRANTS plus User Accounts/Password Security**

For security purposes, each person using the GRANTS Plus system must have a separate user name and password. Each account must have its own email account.

Sub-recipient agency personnel must not share passwords with agency staff or ODPS staff.

24.) **Labor Costs**

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

25.) **Personnel Activity Reports**

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

26.) **Sub-Contracts**

All sub-contracts must be submitted to OTSO for review prior to their execution and are subject to the same laws, regulations, and policies that govern this agreement.

Contracts and procurements must include a copy of these Terms and Conditions.

Do not include a specific contractor's name/vendor's name in the proposal/grant.

Any public information/educational materials purchased under a sub-contract, must be submitted to OTSO on a Request to Purchase form prior to incurring the cost.

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

27.) **Equipment**

All non-expendable equipment (i.e., having a useful life of one year or more and cost \$1,000 or more) shall be entered into OTSO equipment inventory system. All purchased equipment must be used for approved traffic safety activities throughout its useful life. All

purchases must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring the cost.

28.) **Central Services**

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

29.) **Supplies / Materials / Other Direct Costs**

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

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

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

- A.) All materials shall include federal sponsorship credit and/or disclaimer clauses as directed by OTSO. The credit line shall state: Funded by U.S. DOT/NHTSA and ODPS.
- B.) All public service announcements funded with federal funds, in whole or in part, must be closed captioned for the hearing impaired.
- C.) All data results, reports, equipment, supplies and other materials (including but not limited to electronic versions) developed by the sub-recipient must be available to ODPS/OTSO upon request.

30.) **Request for Bids**

OTSO will not reimburse for costs incurred by a sub-recipient for "requests for bids" for any services or purchases.

31.) **Travel**

Any request for travel and associated costs must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring any travel related costs.

Attendance at any conference/seminar/workshop that charges a registration fee must be submitted to and approved by OTSO on a Request to Purchase form prior to registration. All conferences/seminars/workshops must be traffic safety related; an agenda must be provided to OTSO.

All out of state travel conducted under this grant agreement will be reimbursed using U.S. General Services Administration (GSA) rates based on travel location or your agency's travel policy whichever is less.

A current travel policy must be submitted with the grant proposal. OTSO will not reimburse for meals provided by the conference. Dietary restrictions need to be worked out with the conference organizer. Alcohol is not allowed to be purchased with funds from this grant.

32.) **Training**

The cost of training personnel for traffic safety purposes may be funded when the training supports both the goals and scope of work of the approved grant program and the goals of OTSO. All training requests and purchases must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring the cost.

33.) **Request to Purchase (RTP)**

All RTPs must be submitted to OTSO by August 1, 2024.

34.) **Expenditure Reports (Reimbursement Claims/Progress Reports)**

This agreement will operate on a reimbursement basis only. The administering agency must first incur the costs for approved expenditures and then apply for the reimbursement. Appropriate and accurate documentation will be required for each expense. Expenditure Reports with accurate documentation and corresponding report information must be submitted monthly. If there wasn't any activity, a zero-expenditure report must be submitted. The expenditure report must be submitted online to OTSO by the 15th calendar day of the following month. Failure to submit these reports in a timely manner will cause a delay in payment of claims, may jeopardize funding for present and future projects and may result in being placed in Sub-Recipient on Notice status.

35.) **Denial of Costs**

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

36.) **Monitoring**

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

37.) **Sub-recipient on Notice**

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

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

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

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

38.) **Final Report and Final Expenditure Report**

A final comprehensive annual report **and** a properly documented final expenditure report are due to the OTSO November 1st.

The final expenditure report will not be reviewed until the annual report has been submitted.

- If either the final expenditure report or the annual report are not submitted by November 1st, a 10 percent penalty may be deducted from the final expenditure report.
- If either the final expenditure report or the annual report are not submitted by November 15th, the final expenditure report will not be reimbursed.

The previous year's final expense report and/or annual report will be completed during the current federal fiscal year with a reasonable about of hours.

39.) **Records Retention**

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

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

As a pass-through agency for federal funding, OTSO is required by the Office of Management and Budget (OMB) Subpart F of the Uniform Guidance to ensure you have met the audit requirements of the circular.

<https://www.govinfo.gov/app/details/CFR-2014-title2-vol1/CFR-2014-title2-vol1-sec200-501>

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

41.) **Termination of Agreement**

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

42.) **End of Grant**

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

Special Conditions

In addition to Terms and Conditions # 1 – 41, the following Special Conditions apply to Impaired Driving Enforcement Program (IDEP)/Selective Traffic Enforcement Program (STEP), OVI Task Forces (OVITF), Safe Communities (SC) and General (GG) grant awards:

Impaired Driving Enforcement Program/Selective Traffic Enforcement Program

43.) **Enforcing Seat Belt Laws**

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

44.) **Training Certification**

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

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

Drugged Driving traffic enforcement - Advanced Roadside Impaired Driving Enforcement (ARIDE)

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

45.) **Mandatory Blitzes**

Funding for all OTSO identified blitzes must be used for overtime traffic enforcement, saturation patrols and OVI checkpoints only. Directing traffic, conducting parking detail at events, crash investigations, criminal investigations (i.e., drug investigation/enforcement, assaults, thefts, etc.), and any non-traffic safety related activities, or any activities not identified in scope of work or work plan are not reimbursable activities.

46.) **National Enforcement Campaigns**

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

Scheduled dates for the national enforcement campaigns are:

Winter Holiday DSOGPO: December 15, 2023 – January 1, 2024

CIOT: May 20 – June 2, 2024

DSOGPO: August 16 – September 2, 2024

47.) **Press Releases**

In addition to the grant award press release, STEP and IDEP sub-recipients must attempt to publicize its local efforts during each blitz and national enforcement campaign prior to the enforcement activity and again with the results of the enforcement effort. OTSO will provide media toolkits for the blitzes and enforcement campaigns to assist with these efforts.

48.) **Enforcement Hours Eligibility**

Direct labor hours expended in traffic safety enforcement programs must be over and above the normal active pay status work week as defined in the sub-recipient’s current labor agreement or departmental policy. Part-time permanent staff members are eligible

for funding, with prior approval by OTSO. Only one officer per patrol car will be funded as part of traffic enforcement grants. All enforcement hours must be reimbursed at the actual rate of pay.

49.) **Transportation Costs**

OTSO will reimburse a maximum of five percent of direct labor costs (Blitz and Non-Blitz hours only) for the agency to put towards fuel/transportation costs. Do not include education costs in the labor costs. Mileage logs, receipts, etc. are not required to be submitted with reimbursement claims, but must be maintained by the agency for auditing purposes.

50.) **Education Efforts**

OTSO will reimburse for hours/costs spent towards education efforts for IDEP/STEP grants. These efforts can be used towards educating students, the general public at events, or officers and must be consistent with traffic safety problem identification (no interview techniques or other courses not related to traffic safety). Education efforts must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring any costs. See page 34 for maximum amounts based on jurisdiction size.

OVI Task Forces

51.) **Enforcing Seat Belt Laws**

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

52.) **Site Selection**

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

53.) **Training Certification**

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

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

Drugged Driving traffic enforcement - Advanced Roadside Impaired Driving Enforcement (ARIDE)

54.) **National Enforcement Campaigns**

All agencies utilizing overtime enforcement funds from OTSO are required to participate in both "Drive Sober and Get Pulled Over" (DSOGPO) alcohol crackdowns.

Scheduled dates for the national enforcement campaigns are:

Winter Holiday DSOGPO: December 15, 2023 – January 1, 2024

DSOGPO: August 16 – September 2, 2024

55.) **Press Releases**

In addition to the grant award press release, OVI Task Forces are required to conduct three press conference events (one in coordination with the Drive Sober or Get Pulled Over alcohol crackdown), promote the task force through press releases and publicize

checkpoints as required by law. OTSO will provide media toolkits for the blitzes and enforcement campaigns to assist with these efforts.

56.) **Enforcement Hours Eligibility**

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

57.) **Transportation Costs**

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

58.) **Education Efforts**

OTSO will reimburse for hours/costs spent towards education efforts for OVITF grants. These efforts can be used towards educating students, the general public at events, or officers and must be consistent with traffic safety problem identification (no interview techniques or other courses not related to traffic safety). Education efforts must be submitted to and approved by OTSO on a Request to Purchase form prior to incurring any costs. A total of five percent of direct labor costs (do not include coordination costs) will be allowed towards education efforts.

59.) **Participating Law Enforcement Agencies**

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

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

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

61.) **Personnel Activity Reports**

Personnel Activity Reports are required for all coordination hours on this federal grant program. These reports, at a minimum, must document date worked, detailed explanation of activity performed and the number of hours per day to be charged to this agreement. Individuals working on more than one grant, must also include start and end times in the description. This document must be signed and dated by the individual and their immediate supervisor. It must be included as a part of the expenditure report documentation.

Safe Communities

62.) Coalition Meetings

Safe Communities programs must conduct a minimum of four coalition meetings during the grant period. Copies of signature rosters and the coalition meeting agenda must be kept on file and made available upon request. Notice of meetings must be sent to the assigned planner and LEL.

63.) Kick-Off Events

Each Safe Communities program is required to conduct a “Click it or Ticket” and a “Drive Sober or Get Pulled Over” kick-off event. Each Safe Communities must conduct their own event in their own county. The CIOT event must be no earlier than May 13, 2024 and no later than May 24, 2024. The DSOGPO event must be no earlier than August 9, 2024 and no later than August 23, 2024. These events must include participation, at a minimum, by your coalition members, local law enforcement, community leaders, and the media. Each Safe Communities must complete and submit a Kick-off Event Form by the required deadline. Each form will be reviewed for content. Additional participation in an adjacent county’s event will be considered on a case-by-case basis.

64.) Fatal Crash Data Review Committee

A Fatal Data Review Committee will meet in any quarter that a fatality has been reported in the county to review fatal crash reports to identify patterns or trends that could increase impact of traffic safety countermeasures. Copies of signature rosters and the coalition meeting agenda must be kept on file and made available upon request. Notice of meetings must be sent to the assigned planner and LEL.

65.) Reporting of Fatality Information

In order for communities to be kept informed on fatal crashes occurring in their areas, each Safe Communities program is required to report to their local media, at least quarterly, on the fatal crashes occurring in the community using data from the OTSO Statistics Portal (<https://ohiohighwaysafetyoffice.ohio.gov/otso-dashboard.aspx>). Notification shall be sent to the media no later than the 15th of the month following the ending quarter. For example: Fatalities occurring in October, November and December must be reported by January 15th. Media can include: television, radio, newspapers, etc. Copies of these releases must be kept in file and will be subject to review by OTSO.

66.) Personnel Activity Reports

Personnel Activity Reports are required for all individuals working on this federal grant program. These reports, at a minimum, must document date worked, detailed explanation of activity performed and the number of hours per day to be charged to this agreement. Individuals working on more than one grant, must also include start and end times in the description. This document must be signed and dated by the individual and their immediate supervisor. It must be included as a part of the expenditure report documentation.

General Grants

67.) Personnel Activity Reports

Personnel Activity Reports are required for all individuals working on this federal grant program. These reports, at a minimum, must document date worked, detailed explanation of activity performed and the number of hours per day to be charged to this agreement. Individuals working on more than one grant, must also include start and end times in the description. This document must be signed and dated by the individual and their immediate supervisor. It must be included as a part of the expenditure report documentation.

Summer Holiday Enforcement Program

68.) Enforcing Seat Belt Laws

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

69.) Training Certification

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

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

Drugged Driving traffic enforcement - Advanced Roadside Impaired Driving Enforcement (ARIDE)

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

70.) Mandatory Blitzes

Funding for all OTSO identified blitzes must be used for overtime traffic enforcement, saturation patrols and OVI checkpoints only. Directing traffic, conducting parking detail at events, crash investigations, criminal investigations (i.e., drug investigation/enforcement, assaults, thefts, etc.), any non-traffic safety related activities, or any activities not identified in scope of work or work plan are not reimbursable activities.

71.) National Enforcement Campaigns

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

Scheduled dates for the national enforcement campaigns are:

CIOT: May 20 – June 2, 2024

DSOGPO: August 16 – September 2, 2024

72.) Press Releases

In addition to the grant award press release, Summer Holiday Enforcement Program sub-recipients must attempt to publicize its local efforts during each blitz and national enforcement campaign prior to the enforcement activity and again with the results of the enforcement effort. OTSO will provide media toolkits for the blitzes and enforcement campaigns to assist with these efforts.

73.) **Enforcement Hours Eligibility**

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

Summer Holiday Enforcement Program

High Visibility Enforcement (HVE) is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. HVE combines highly visible and proactive law enforcement targeting a specific traffic safety issue. Law enforcement efforts are combined with visibility elements and a publicity strategy to educate the public and promote voluntary compliance with the law.

By submitting a grant proposal, your agency, if awarded a grant agreement, is agreeing to join a statewide partnership with the common goal of reducing fatal motor vehicle crashes in Ohio. OTSO reserves the right to require funding adjustments as deemed appropriate based on the proposal's scope of work and funding availability. All grant-related law enforcement activities must be conducted under the following guidelines.

Summer Holiday Enforcement Program (SHEP)

A law enforcement agency must conduct HVE activities in areas to impact their fatal crashes (e.g., occupant protection, speed, alcohol and drugged driving, aggressive driving, motorcycle crash reduction, failure to yield, etc.). Overtime enforcement will be considered for funding at **ONE** local event based on local needs and as supported by local fatal/serious injury crash problem identification.

Minimum Eligibility Requirements

To be eligible for SHEP grant funding, your agency (county sheriff's office or police department) must have an established road patrol that conducts routine traffic enforcement and satisfy all of the following requirements:

- Not have an existing 2024 IDEP / STEP grant.
- During 2020, 2021, and 2022, your jurisdiction experienced an average of at least 1.67 motor vehicle related fatal crashes (total of five or more fatal crashes during these three years) as reported in the Fatality Analysis Reporting System (FARS).
- Each agency must request hours and conduct overtime enforcement during the mandatory blitzes (including the national "Click It or Ticket" and "Drive Sober or Get Pulled Over" enforcement campaigns) and **ONE** local summer event (event must be named).
- Your agency must submit to their local media a press release announcing the grant award.
- Each agency must attempt to publicize its local efforts during each blitz and national enforcement campaign. **Agencies will take appropriate action to contact media about the intent of the targeted enforcement activity prior to its implementation and the results of the enforcement efforts upon completion.** OTSO will provide media toolkits for the blitzes and enforcement campaigns to assist with these efforts.
- All sub-recipients are required to work with other jurisdictions on common corridors to achieve the HVE concept.

If your agency agrees to meet all of these requirements, your agency is eligible for funding consideration for up to 350 hours for the SHEP grant program.

Mandatory Blitzes/National Enforcement Campaigns

To qualify for funding, each jurisdiction must participate in the mandatory blitzes and the national enforcement campaigns listed below. Directing traffic, conducting parking detail at events, crash investigations, criminal investigations (i.e., drug investigation/enforcement, assaults, thefts, etc.), any non-traffic safety related activities, or any activities not identified in the scope of work or work plans are not reimbursable activities.

Dates	Blitz/National Campaign
April 2024	Distracted Driving Month
May 20 – June 2, 2024	Click It or Ticket
July 4 – 7, 2024	4 th of July
August 16 – September 2, 2024	Drive Sober or Get Pulled Over
April - September	ONE Local Summer Event (must be named)

Note: Blitz hours do not have to be evenly dispersed, hours should be dispersed based on crash problem identification.

Allowable Costs

Labor Expenses (Salaries and Wages)

Payment of personnel costs is allowable when necessary to achieve the goals of the grant agreement.

Only labor and the employer's share of specific fringe benefits (Retirement and Medicare) costs associated with OTSO-funded grant programs are eligible for reimbursement.

Only reimbursements for personnel (labor) costs based on actual hours worked are allowable. Labor costs based on a percentage of hours worked or hours accrued as comp time will not be accepted for reimbursement.

Costs incurred for overtime enforcement pay at a set rate for "special duty" if required by a labor contract, or if documented by the jurisdiction's auditor, are allowable. A copy of the page(s) of the labor contract that stipulates this rate and a copy of that part of the labor contract that defines "special duty" or a copy of the auditor's opinion on this issue shall be submitted to OTSO upon request.

Part time and auxiliary officers, unless specified in the section above, shall receive regular hourly pay above their normally scheduled hours up to 40 hours in a work week. Hours above 40 hours in a work week shall be compensated at 1.5 hours of pay for every one hour worked above 40 hours.

Regular and overtime labor costs are only allowable for those law enforcement officers certified to work in the area for which overtime activity is being conducted.

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

Drugged Driving traffic enforcement - Advanced Roadside Impaired Driving Enforcement (ARIDE)

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

Only one officer per patrol car will be funded as part of traffic enforcement grants.

Unallowable Costs

Vehicle Mileage

Costs for vehicle mileage.

Food

Food related expenses.

Advertising/Public Communications

Costs to purchase paid media (including, but not limited to: television, radio, print, outdoor or Internet).

Equipment

Equipment will not be awarded through the Summer Holiday Enforcement Program.

Certain Labor Costs

Clerical support, dispatch services and costs associated with court appearances are unallowable. Directing traffic, conducting parking detail at events, crash investigations, criminal investigations (e.g., drug investigation/enforcement, assaults, thefts, etc.), any non-traffic safety related activities, or any activities not identified in scope of work or work plan are not reimbursable activities.

Worker's Compensation

Costs for Worker's Compensation.

Alcoholic Beverages

Costs for alcoholic beverages.

Lobbying

The costs of influencing U.S. Congress, federal agency officials and/or state agency officials/staff for activities associated with obtaining grants, contracts, cooperative agreements or loans is unallowable. The use of federal funds for reimbursing expenses for lobbying activities is also not allowable. However, federal regulations do not restrict reimbursement of a potential sub-recipient for providing factual information or educational services upon request from a legislative body.

Grant Proposal Preparation and Submission

Costs for preparation and submission of grant proposal(s).

OTSO will use the following criteria to determine each grant proposal's funding eligibility: (1) met the submission deadline; (2) met the minimum proposal requirements; and (3) explained how the proposal specifically helps reduce Ohio's traffic related fatal crashes.

OTSO will award grants based on: (1) the amount of funding available to OTSO; (2) the total number of proposals submitted to OTSO; and (3) past performance of the sub-recipient (if applicable).

OTSO reserves the right to limit the number of grants awarded and the awarded amounts at any time based on available funding, ability to impact statewide goals, and performance.

FFY 2024 Summer Holiday Enforcement Program Grant Proposals must be submitted via the website no later than 11:59 p.m. on Thursday, February 15, 2024. Late proposals will not be considered for funding. OTSO is not responsible for an applicant's personal computer or internet access failure occurring at the proposal deadline. In the event that OTSO experiences an internal server malfunction, OTSO will notify Proposal Administrators of an updated submission deadline.