

**New Jersey Office of the Attorney General
Division of Highway Traffic Safety (DHTS)**

HIGHWAY SAFETY PROJECT GRANT

Guide and Instructions

FY2023

(10/1/2022 – 9/30/2023)



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Welcome and Overview

The New Jersey Office of the Attorney General (OAG) and Division of Highway Traffic Safety (DHTS) thank you for your interest in our grant programs and in traffic safety in general. You, our partners, are a critical part of our efforts to improve safety on the roads of New Jersey. This guide provides basic information on how to apply for a DHTS-administered highway safety grant project for the upcoming program year.

Mission Statement

DHTS is responsible for developing and implementing, on behalf of the Governor, the New Jersey Highway Safety Program. The mission of DHTS is the safe passage of all roadway users in New Jersey as we move towards zero fatalities. To achieve our mission, DHTS promotes statewide traffic safety programs through education, engineering and enforcement activities. DHTS administers and coordinates funding for State and local projects.

Funding Source and Purpose

Our DHTS traffic safety grant program provides federal grant dollars from the National Highway Traffic Safety Administration (NHTSA) for projects to reduce the number of crashes, injuries, fatalities, and related economic losses resulting from traffic crashes on New Jersey's roadways

DHTS 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 initiatives, with the intent that other sources of funding will sustain programs over the long term. These federal grant programs operate on a reimbursement basis.

DHTS's competitive grant process solicits grant proposals for highway safety activities from state, county, and local agencies, statewide non-profit organizations, colleges and universities, hospitals, and other political subdivisions based on a data driven 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 safety-related goals at both the state and local levels.

By submitting a grant application, your agency, if awarded funding, is committing to join a statewide partnership determined to reduce motor vehicle crashes in New Jersey. Grant applications are expected to be problem identification driven. It is the responsibility of the applicant agency to show how its proposed programming can impact local and state crash statistics which, in turn, will help achieve statewide goals.

DHTS will use the following criteria to determine funding eligibility for each applicant: (1) meet the submission deadline; (2) meet the minimum requirements set forth in this guide; and (3) explain how the proposal will specifically help reduce traffic crashes, fatalities, and injuries.

DHTS will award grants based on: (1) the amount of funding available from NHTSA; (2) the total number of proposals submitted to DHTS; and (3) past performance of the applicant agency (if applicable).

Timeline and Deadlines

The “Federal Highway Safety Grant 2023” application will be available to create, complete, and submit on the SAGE e-grant system beginning January 1, 2022, with a final due date of 11:59 pm on April 30, 2022.

The project period for this grant program will be 10/1/2022 – 9/30/2023.

Priority Areas for Funding

Potential DHTS grantees are strongly encouraged to review the most recent New Jersey Highway Safety plan. The HSP is developed each year by DHTS and submitted to NHTSA for approval. The HSP contains an extensive overview of the traffic safety issues facing the state and establishes priority program areas for the year ahead:

<https://www.nj.gov/oag/hts/downloads/2022-Highway-Safety-Plan.pdf>

Potential grantees should also review and become familiar with the elements of the New Jersey Strategic Highway Safety Plan, which is a statewide, coordinated safety plan that provides a comprehensive framework for reducing fatalities and serious injuries on all public roads. The SHSP establishes statewide goals, objectives, performance measures and emphasis areas to guide safety programs and investments. The SHSP is developed in consultation with federal, state, local and private safety stakeholders:

<https://www.saferoadsforallnj.com/>

Program areas for the FY2023 project year that will be given priority consideration for funding include:

- **Impaired Driving**
Projects designed to reduce crashes by drivers impaired by alcohol or drugs utilizing proven enforcement and or educational countermeasures.
- **Seat Belts**
Projects that utilize proven enforcement and/or educational countermeasures to increase seat belt usage by motorists, thereby reducing unbelted crash injuries and fatalities.
- **Pedestrian and Bicycle**
Projects that will use a combination of education, community awareness, and enforcement to protect our most vulnerable roadway users.
- **Sustained Enforcement**
Ongoing, data-driven, targeted traffic safety enforcement operations by police agencies focusing on seat belt usage, driver distraction, impaired driving, and/or speed.
- **Community Traffic Safety Programs (CTSP's)**
Local or county-wide traffic safety programs that utilize a steering committee/coalition and data analysis to carry out safety programming targeting specific problem areas.
- **Child Passenger Safety**
Projects in this area can be used for car and booster seat fitting and inspection stations and educational efforts. These are typically done through partnerships with local health departments, law enforcement, schools, hospitals and non-profits.

- **Young Drivers**
Projects focused on increasing safe driving by newer drivers including GDL education and awareness, distracted driving prevention, seat belt compliance, and risky driving behaviors.
- **Mature Drivers**
Projects in this area should focus on helping the state's older driving population maintain safe driving skills as well as developing alternatives for when safe driving is no longer possible.
- **Data/Traffic Records**
Traffic records data serves as the primary source of knowledge about New Jersey's transportation environment. Projects should endeavor to enhance the timeliness, accuracy, completeness, integration, and accessibility of the state's traffic crash data systems.
- **Motorcycle**
This area funds projects that seek to reduce the rate of serious motorcycle injury crashes and fatalities. Projects can support educational and awareness efforts related to motorcycle safety, proper safety gear and training, and "share the road" messaging.

New for FY2023: Equity focus.

All applicants are expected to give consideration within their project proposals to develop strategies that focus on inequitable harms to different populations. If the lead agency for the grant is not community based and representative of those being served, the planning, implementation, and evaluation of the project should be done in collaboration with the people and communities who will be impacted by the strategies. Decision-making should be shared, and culturally appropriate messaging and materials used throughout the project.

Prevention strategies that address outer levels of the social ecology (societal, community, and organizational) are the most likely to impact the greatest number of people, and are not one size fits all approaches, but should include considerations on how to assess, understand, and prevent inequitable impacts, and have support from local community and cultural leaders before being implemented.

Important Considerations

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 submit a request, in the SAGE e-grant system, for reimbursement. Appropriate and accurate documentation will be required for each expense.

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 (e.g., county, city, township, village, etc.) Law enforcement agencies apply for funding through their unit of government.
- College or University.
- State agency.
- Non-profit organizations that operate statewide.
- Entities not listed above may be eligible for funding as a sub-recipient through an entity listed above.

Required Personnel

Project Director – The project director will oversee the daily activities of the grant and ensure that the scope of work and evaluation are completed as proposed. This individual will serve as the primary contact person for DHTS for the grant.

Fiscal Officer – The fiscal officer is responsible for the fiscal activities of the agency and is generally the Treasurer or CFO. This individual is responsible for overseeing the grant's budget, as well as submitting properly prepared claims for reimbursement to DHTS.

Authorizing Official – The authorizing official is usually the head of the organization/agency applying for funding (ex. Mayor, Business Administrator, Executive Director, etc.). This individual will sign the grant application and must have the authority to enter into an agreement with DHTS, should the proposal be approved for funding.

Grant Period and Project Commencement

This federal grant has a 12-month Project Period (October 1 – September 30). Each approved grant application will begin grant activity based upon the approved project period stated in the grant. It will terminate at the end of the federal fiscal year (**September 30, 2023**), unless otherwise specified in the agreement.

No costs will be reimbursed for any activity performed outside of the approved Project Period. Unspent funds that remain at the end of the Project Period will be retained by DHTS and returned to the overall funding pool for the next program year. **FINAL GRANT REIMBURSEMENT CLAIMS MUST BE RECEIVED NO LATER THAN 10/31 OF THE GRANT YEAR.**

Non-Allowable items:

The following items are not allowed in this federal grant program:

- Costs for land.
- Costs for construction or reconstruction of permanent facilities, such as paving, driving ranges, towers, and portable and non-portable skid pads are not allowable.
- Costs for construction, rehabilitation, or remodeling for any buildings or structures or for purchase of office furnishings and fixtures. Examples of office furnishings and fixtures:

Desk	Table
Credenza	Filing Cabinet
Storage Cabinet	Picture, Wall Clock
Chair	Shelving
Bookcase	Floor Covering
Portable Partition	Coat Rack
Draperies & Hardware	Fixed Lighting/Lamp
- Costs for highway safety appurtenances including longitudinal barriers (such as guardrails), sign supports (except as allowed under the NHTSA Highway Safety Grant Funding Guidance Allowable Costs with Conditions for selected Items, Part II.A.2), luminaire supports, and utility poles are not allowable. (FHWA safety construction Federal-aid funds are available.)

Data

All DHTS grantees are expected to be data-driven in their projects. To that end, a thorough analysis of local crash data is required for all grant proposals. To assist potential grantees in accessing and analyzing New Jersey motor vehicle crash data, the Crash Analysis Tool (Numetric) was developed and is available for access by DHTS grantee agencies. The Crash Analysis Tool is a critical program that is used in all aspects the Division's traffic safety work and our grantees are encouraged to make use of it.

The Numetric site can be found here:

<https://cloud.numetric.com/signin>

For information on access to the Crash Analysis Tool, the DHTS contact is:

Joe Weiss

(609) 376-9667

Joseph.Weiss@njoag.gov

Supplanting

Supplanting is the replacing of routine or existing State or local expenditures with the use of Federal grant funds and/or using Federal grant funds for costs of activities that constitute general expenses required to carry out the overall responsibilities of State, local or nonprofit agency. Supplanting is prohibited.

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.

Monitoring

DHTS has the right to conduct on-site monitoring of grant funded projects, during the project period or within 3 years after the end of the project period. The staff of DHTS will schedule on-site visits at the mutual convenience of DHTS and the project director or designee.

It is expected that you document the work of your grant project. DHTS may request proof of the work done under the grant. Financial records, correspondence, meeting minutes, media archives, reports and other materials will help to document your use of grant funding. For enforcement projects, surveys, time keeping records, ticket and crash reports should be maintained by the project director. Equipment purchased should be available for inspection.

SAGE User Accounts

The first step in applying for grant funding from DHTS is to establish the proper user accounts in the SAGE e-grant system.

If your agency has previously applied for an NJDHTS grant in Blue SAGE and you have no recent changes in personnel (Project Director, Finance Officer, Authorized Official) you may proceed to the instructions on the next page.

ALL CURRENT AND POTENTIAL GRANTEES (GOVERNMENTAL AND NON PROFIT) PLEASE BE ADVISED THAT EFFECTIVE JANUARY 31, 2022 YOU WILL MANAGE YOUR BLUE SAGE USER ACCOUNT IN BLUE SAGE.

***If your department has never submitted a SAGE application to NJDHTS or if you need to make changes to your account your AUTHORIZING OFFICIAL (Mayor or designee) must log in to BLUE SAGE to assign the proper roles and establish/add any new users. Every municipality and county already has an assigned AUTHORIZING OFFICIAL in BLUE SAGE. **Again, please note that this is a new procedure for some users. Municipal and county SAGE users formerly managed their accounts in Green SAGE. That is no longer the case.**

The link for BLUE SAGE is:

https://njsage.intelligrants.com/login2.aspx?APPTHEME=NJSAGE_HTS

The SAGE roles that need to be established IN BLUE SAGE to submit an NJDHTS grant application are:

1. **AUTHORIZING OFFICIAL** (Mayor)

2. **AGENCY ADMINISTRATOR** (Project Director – the person who actually fills out the application and coordinates the grant for the agency, usually the Traffic Unit rep.)

3. **AGENCY ADMINISTRATOR** (CFO/Treasurer)

***There is a third SAGE role (Agency Staff) in which personnel can be assigned. However individuals in this role will be able to assist, but not create or submit any grants or reports in SAGE.

***Any further questions or issues regarding SAGE users and access can be directed to the NJDHTS contacts listed later in this guide. Nonprofit agencies that have not previously applied for a grant should reach out for assistance in getting SAGE access.

SAGE Link and Training Webinar

The login page for Blue SAGE is:

<https://njsage.intelligrants.com/Login2.aspx?APPTHEME=NJSAGE>

New grant applicants are encouraged to watch this online training video:

https://njsage.intelligrants.com/Documentation/NJSAGE/HTS_IG16_granteetraining.mp4

Creating Your Application in SAGE

The Sage “Agency Administrator” for your agency should log in to BLUE SAGE, and from your HOME page:

Go to the “View Available Opportunities” section and click the blue tab “VIEW OPPORTUNITIES”.

Click the drop-down bar next to “Provider” and then click on “NJSAGE HTS”.

Then click the blue tab “FILTER”.

You will then see the grant “**HTS Federal Highway Safety Grant 2023**” with its description and relevant project dates.

To apply for the grant, click on the blue tab “APPLY NOW”.

This will create your application and take you to the Menu page of your application.

To return to this screen at any time, click on the green link “Menu”.

To return to the home page that you see when you first log in, click on the gray “Home” tab to the upper left of the page. (NOTE: From the “Home” page you can now access your application through the “My Tasks” section of the home page.)

From the “Menu” page of the application, you will see the pages of the application that need to be filled out by hovering over (or clicking on) the green link “Forms Menu”.

You must fill out the requested information on each of the pages (marked with an asterisk) and be sure to SAVE each page.

Grant Application Instructions

SECTION 1 – GENERAL INFORMATION AND NARRATIVE

General Information.

Enter the required information on this page including your Project Title and Project Period dates (generally **10/1/2022-9/30/2023**).

If you are a nonprofit agency be sure to check the appropriate box as that will create an additional page in the application that you must complete.

Note: State, county, and local government entities, colleges/universities, are NOT nonprofit organizations for this grant program.

REMINDER: You can navigate and access the different forms/pages of your application at any time by hovering over or clicking on the green “Forms Menu” link. To return to the main menu page of the application click on the green “Menu” link.

Contact Information.

Fill in all of the requested contact information for the Project Director, Financial Director, and Authorizing Official for your grant application.

If the Financial Director wishes to designate another representative (FROM THE FINANCE OFFICE) to sign grant reimbursement documents, a letter with the designation should be attached on this page.

Narrative Description of Project

Problem Statement

When completing the Problem Statement portion of the application, the following questions should be answered:

1. WHAT is the traffic safety problem you are seeking to address? (i.e., impaired driving, occupant protection, speeding and aggressive driving, pedestrian safety, etc.)
2. What are the effects of the problem and WHO is being affected?

3. What EVIDENCE can you provide that there is a problem – do you have data (local, county, state) to back up the description of the problem?
4. What is the history of the problem within your jurisdiction and what steps have been taken previously to address the problem?
5. HOW will your project address the issue(s) identified?
6. HOW will your project change the numbers of those effected by this problem?
7. WHAT are the steps (countermeasures) you plan to take to address the issue?
8. What methods will you use to create a long-term change in this problem?

- Good, timely data is critical here, from multiple sources if possible, covering multiple years (for example, data from 2019-2021 would be acceptable).
- Data should be presented directly relating to the jurisdiction from which it comes (state, county, or local).
- If possible, a comprehensive scope of data should be provided beginning at the state level and progressing from there down to the county or local level. If the applicant is a county or local agency, does the data show that they are over-represented in one of more traffic safety priority areas?
- The application should include specific target areas or populations based on the data.
- Direct linkage should be demonstrated between the data and problem identification.
- Countermeasures chosen to address identified safety issues should be appropriate based on the data and problem identification presented. Consult the most recent edition of the NHTSA document “Countermeasures that Work” for more information:

https://www.nhtsa.gov/sites/nhtsa.gov/files/2021-09/15100_Countermeasures10th_080621_v5_tag.pdf

Objectives

Specific and measurable objectives for your project must be included here, directly relating to the information provided in the Problem Statement.

Depending on your project, you may need to include several sets of Objectives, Tasks, and Activities.

Objectives should be action oriented (reduce, increase, raise, etc.) and need to be written as “S.M.A.R.T”:

- Specific: Who is the target population? Who is doing the activity? What action or activity?
- Measurable - How much change is expected?
- Achievable – Can it be accomplished?
- Realistic – Can it be completed in the stated period with the available resources?
- Time-phased – When will the objective be met?

You can use the following format to help you write your S.M.A.R.T. objectives:

(Increase/Decrease) the (count/rate/percent) of (measure) in (geographical region) from (baseline count/rate/percent) to (goal count/rate/percent) by (date objective is to be achieved).

Example 1: Increase the percentage of teen drivers wearing seat belts in Smith Township from 79% to 83% by September 30, 2024.

Example 2: Reduce the number of pedestrians injured in crashes in Smith Township from 215 (three year average 2019-2021) to 185 by September 30, 2024.

Example 3: Reduce the number of annual impaired driving crashes in Smith Township from 140 (three year average 2019-2021) to 110 by September 30, 2024.

Tasks

The Tasks are the “action” steps that you will take to achieve your Objective(s). Tasks should also be specific, measurable, action-oriented, realistic, and time bound as much as possible.

Examples are:

10 presentations on GDL will be conducted in our town’s high school by (specific date).

5 fixed DUI enforcement checkpoints will be conducted by (specific date).

25 social media posts will be generated by (specific date).

Conduct 50 CarFit senior driving presentations at our town’s senior center by (specific date).

Etc.

Activities

Activities comprise the action plan for the project. In a detailed and concise way, the activities describe what you will do to achieve your program Objective(s) and Tasks.

Provide, list, or describe specific planned activities that your agency will perform. Activities should describe:

- What will be done,
- Who will do it, and
- When it will take place.

Example 1: Between October 1, 2022 and September 30, 2023, the Smith Township Traffic Safety Coalition will meet monthly to plan and implement our project to improve graduated driver licensing (GDL) policy, education and enforcement.

Example 2: Between October 1, 2022 and May 30, 2023, students at Smith Township High School will provide monthly traffic safety messaging outreach to peers through classroom presentations, social media competitions, social norming campaigns, policy discussions with school administrators, surveys, and other activities.

Example 3: Between October 1, 2022 and May 30, 2023, the Smith Township Police Department will conduct monthly, unannounced GDL enforcement checkpoints at Smith Township High School at the start or end of the school day.

Methodology (Methods)

The information entered on this page should provide the “HOW” of your project implementation, i.e. how you plan to carry out your activities and tasks and who you will be partnering with in your efforts.

The idea here is to summarize your project in a way that shows ongoing, well thought out programmatic efforts in education, awareness, and enforcement, more than simply one-off events.

Be sure here to describe your planned efforts to meet the **equity requirement** in terms of fostering community collaboration and support.

Your community engagement efforts should offer diverse and traditionally underserved communities the opportunity to share knowledge and decision-making. It should consider the diversity, values and cultural beliefs within a community and work with community members to assess needs, address issues, and seek innovative solutions. Describe the partners, coalitions, and other groups who will be involved in the planning, implementation, and evaluation of this project. Discuss how the lead agency will share knowledge and decision making with these community members and project partners.

Milestones

For each major project “Task” listed on the “Narrative Description of Project” page, provide a specific timeline for when the various activities will be carried out. The Milestones provided should demonstrate a realistic timeline for the project, including dates for various activities.

The timeline should reflect the flow of the grant activities to achieve the outcomes within the timeframe of the grant. Evaluate the number of weeks/months needed to complete each activity, allowing enough time to evaluate the success of the activities.

The timeline should reflect your step-by-step plan to complete activities by the end of the grant period. Be as specific as possible rather than just indicating that everything will be completed by the grant end date.

Evaluation

When completing the evaluation portion of the application, you should address two types of evaluation:

1. How will you assess the success of your objectives and tasks (for example, comparing crash data from before to after your project implementation) and,
2. How will you assess the impact your activities had in any positive outcomes?

Administrative (Performance) Evaluation

Questions you should answer here include: What metrics and data will be used to evaluate your project? How will this data be collected and analyzed to aid in the evaluation? What other tools will be utilized?

Give some thought also here to process evaluation metrics including, for example, numbers of people attending presentations, lists of partners (new and old) represented and participating in meetings, and descriptions of activities completed or modifications made to planned activities due to unforeseen circumstances.

Identify the measures you will use to track progress toward the achievement of your objectives. (Examples: number of pedestrians injured in crashes, seat belt use rate, child seat misuse rate). When possible indicate the source from which you will collect the data. (Examples: FARS, Numetric, observational surveys, local police agency crash reports.)

Also, describe how project results and data will be shared with partners, stakeholders, and communities involved in and impacted by the project.

Impact (Efficiency) Evaluation

How will you assess what impact your project activities had? Some possible measures here include state or local surveys, before/after skills or knowledge assessments, and descriptions in changes to policies, systems, or practices. Positive changes in crash and injury data is always the most important evaluation metric to highlight.

Because of the time lag in the availability of up-to-date crash data, it will not always be possible to evaluate your project in real time. Rather, you should review the current status of your objective measures to determine whether there has been a change (compared to the established baseline) and if the change is in the right direction.

Subsequent Years

Describe your projected funding needs to continue this project for the next 1-3 years, if applicable, and describe your plans for reducing reliance on DHTS grant funding in the future, including a long-term plan for the programmatic

development and ongoing financial support of the project. If this project uses outside funds in addition to those provided from this grant, list the type and approximate amount of other funding. A plan to eventually become self-sufficient needs to be included here.

Acceptance of Conditions

Please read the attached document and check the box that you agree to the grant Terms and Conditions. A copy of the Terms and Conditions can be found at the end of this guide (Appendix A).

Project Location

Select your county and your municipality (if applicable) and save the page.

Certification Regarding Debarment and Suspension.

Please read the attached document and check the box that you agree to the terms and conditions. Federal funds cannot be awarded to entities that are excluded or disqualified from participating in federal contracts or grants. The grantee must certify here that neither it nor its principals (including sub grantees) are presently suspended from receiving federal funds.

Federal Financial Accountability and Transparency Act Information Form

If your grant application to DHTS is for \$25,000 or more, you must download, complete and attach the form on this page.

Federal Single Audit.

Check yes or no to indicate if your agency receives more than \$750,000 in federal funding per year. If yes, you must download the attached forms, complete the forms, and scan and attach the completed forms to this page.

Any DHTS grantee that expends \$750,000 per year in federal funds (from all sources) is subject to Federal Single Audit requirements. These grantees must submit proof that they have filed their required federal single audit and that there are no outstanding findings.

SECTION 2 – BUDGET AND SIGNATURES

For each budget section of your application, grant funding being sought from DHTS should be listed in the “FEDERAL SHARE” column.

Salaries and Wages

Grant funded payment of personnel costs is allowable when necessary to achieve the goals of the grant agreement. Only reimbursement for actual hours worked are allowable. Labor costs based on a percentage of hours worked will not be accepted for reimbursement. Leave hours (i.e., sick, vacation, personal, holiday, etc.) are not reimbursable as direct labor hours.

The name of the individual, number of hours to be worked, and hourly salary rate must be included on this page.

Activity Reports are required for all Personal Services hours on this federal grant program. These reports, at a minimum, must document the date worked, the number of hours worked that day, and a detailed explanation of activity performed. This document must be signed and dated by the individual and their immediate supervisor and must be submitted as part of the reimbursement process.

Fringe Benefits

If fringe payments are to be included, the rate listed must be reasonable and you must explain what is included in the calculation.

Travel

In-state travel costs necessary for the implementation of the project (such as mileage, tolls, parking, etc.) are allowable as is out of state travel to traffic safety related conferences or training.

Note: there are specific regulations governing out of state travel and what parts DHTS will reimburse for. See Appendix B for the most recent guidelines.

Enforcement/Education Details

Grant funded overtime enforcement or educational activities must be summarized and listed on this page. The current maximum allowable hourly rate for enforcement activities is **\$70 per hour. (new for FY2023).**

Miscellaneous Personal Services

Items that should be listed here, if applicable to your project, including the cost of training personnel for traffic safety purposes, postage, memberships, subscriptions, and costs related to events. Check with your DHTS program advisor if you have any questions about the allowability of a potential expense.

Contractual Services

If the grantee proposes entering into contractual services with an entity to help further the objectives of the project, the contractual arrangement should be listed on this page.

A copy of the proposed contract with itemized costs should be attached for review by DHTS.

Commodities

Commodities that should be listed on this page include office supplies and other expendable materials needed during the course of normal operations of the project as well as educational materials to distribute in support of the traffic safety program. As per federal regulations, items purchased for giveaway in support of your program can generally be PRINTED MATERIALS only.

A project's educational materials, such as pamphlets, books, booklets, brochures or palm cards that are used to inform the public about safety topics are allowable. Promotional items, such as pens, key chains, or reflectors are not allowed.

See Appendix C, “NHTSA Guidelines for Grant Related Purchases”, for the most recent guidance on this issue.

Note: If your grant is approved, commodities must be ordered (PO issued) no later than August 1 of the grant year.

Educational materials produced or purchased should include the following acknowledgement: "Funded by the New Jersey Division of Highway Traffic Safety."

Other Direct Costs

Equipment purchases should be listed on this page. If possible, price quotes for larger equipment purchases should be included.

Note: any equipment that is more than \$5,000 per item (including all parts needed to be operational) requires approval from NHTSA prior to purchase.

Buy America Act

The Buy America Act, 23 U.S.C. § 313, prohibits States from using highway grant funds under 23 U.S.C. Chapter 4 to purchase products, unless they are produced in the United States. For compliance purposes, American-made covers any product that is manufactured **or** assembled in the United States.

If you have any questions on allowable or unallowable equipment costs, contact DHTS while planning your budget and always check before incurring the costs.

Indirect Costs

If a grantee wishes to seek Indirect Costs, there are two options:

1. If the entity has a federally approved and negotiated indirect cost rate, the entity must provide a copy of the federally approved and negotiated indirect cost rate letter with the application.
2. If the entity has never had a federally approved indirect cost rate they can request to claim the de minimus rate (10% modified direct costs calculation).

Additional details on Indirect Cost rates can be found in Appendix A (Grant Terms and Conditions).

Budget Summary

This page will automatically fill with your total budget for the project. Confirm the amounts listed and save the page.

Non-Profit Organization Checklist

For non-profit agency applicants, an additional form is required. Make sure that all required information on the “Non-Profit Organization Checklist” is provided.

Signatures

Three electronic signatures are needed.

Each of the three:

Project Director (In SAGE role “Agency Administrator”)

Financial Director (In SAGE role “Agency Administrator”)

Authorized Official (In SAGE role “Authorized Official”)

must separately log in, check off their approval, enter their name, and save the page. If the “save” box is grayed and the person cannot sign and save the page then you have an issue with that person being in the wrong SAGE role. This is a common problem. If this occurs you should call DHTS (not the State DCA) to address the situation. In most cases this can be easily fixed.

Submitting your Application

Once all three electronic signatures are in place, either the “Authorized Official” or “Agency Administrator” must change the status on the application in order to submit it to DHTS for consideration.

To do this, from any page in the application or from the main “Menu” screen of the application, hover your cursor over (or click on) the green “Status Changes” link.

Beneath “APPLICATION SUBMITTED” click on the blue tab “Apply Status” to submit your grant.

If an error message is shown, go to the appropriate form/page and correct the error.

To confirm that your application has been successfully submitted, check the “Grant Snapshot” on the “Menu” page of your application. If the “Status” listed is “Application in Staff Review” your application has been successfully submitted.

**THE DEADLINE TO SUBMIT YOUR APPLICATION IN SAGE TO NJDHTS
IS April 30, 2022**

DHTS Contact Information

For assistance or questions regarding your application, or DHTS grant programs in general, you may contact the following:

Eric Heitmann
Director
(609) 376-9717
Eric.Heitmann@njoag.gov

Robert Gaydosh
Deputy Director
(609) 376-9706
Robert.Gaydosh@njoag.gov

Ed O'Connor
Region Supervisor, Central
(609) 376-9708
Edward.O'Connor@njoag.gov

Ray Reeve
Region Supervisor, North, South
(609) 376-9713
Raymond.Reeve@njoag.gov

Loresa Daniel
Program Staff
(609) 376-9796
Loresa.Daniel@njoag.gov

Charles Feggans
Program Staff
(609) 376-9703
Charles.Feggans@njoag.gov

Tameka Fogg
Program Staff
(609) 376-9797
Tameka.Fogg@njoag.gov

Drew Nagle
Program Staff
(609) 376-9798
Drew.Nagle@njoag.gov

Suzanne O'Hearn

Program Staff

(609) 376-9709

Suzanne.OHearn@njoag.gov

John Strachan

Program Staff

(609) 376-9714

John.Strachan@njoag.gov

Appendix A

Grant Terms and Conditions

STATE OF NEW JERSEY

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF HIGHWAY TRAFFIC SAFETY

STATE CONDITIONS

Compliance with State Laws

1. The Subrecipient agrees to comply with all requirements imposed by the New Jersey Department of Law and Public Safety (Department), and the New Jersey Division of Highway Traffic Safety (DHTS) concerning all Federal, State, and municipal laws, rules, regulations, policies, guidelines, directives, and requirements (including licenses, permits and background checks) that are generally applicable to the activities in which the Subrecipient is engaged in the performance of this subaward. Failure to comply with these laws, rules, regulations, and State Department of Treasury Circular Letters (State Circulars) will be grounds for termination of this subaward.
2. The Subrecipient assures that it will comply, and all of its contractors will comply with the requirements of the State's anti-discrimination and affirmative action laws and regulations, including N.J.A.C. 17:27, applicable provisions of N.J.S.A. 10:5-1, et al., as amended, and all implementing regulations and State circulars as amended or superseded. Failure to comply with these laws, rules, regulations, and State circulars will be grounds for termination of this subaward.
3. The Subrecipient understands and agrees that, in compliance with the Corruption of Public Resources Act, N.J.S.A. 2C:27-12, it cannot knowingly misuse State grant funds for an unauthorized purpose, and violations under this act could result in a prison term of up to 20 years, and, under N.J.S.A. 2C:30-8, subject to a fine of up to \$500,000.

Legal Authority for Application

4. The Subrecipient assures that it possesses legal authority to apply for the subaward; that, if applicable, a resolution or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required. The Subrecipient assures that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

Availability of Grant Funds

5. The Subrecipient shall recognize and agree that both the initial provision of funding and the continuation of such funding under this Agreement are expressly dependent upon the availability of the funds appropriated by the State Legislature from State or Federal revenue or such other funding sources as may be applicable. A failure of the Department to make any payment under

this Agreement or to observe and perform any condition on its part to be performed under the Agreement as a result of the failure of the Legislature to appropriate shall not in any manner constitute a breach of the Agreement because of the absence of available funding appropriations. In addition, future funding shall not be anticipated from the Department beyond the duration of the award period set forth in the subaward agreement and in no event be construed as a commitment by the Department to expend funds beyond the termination date set in the subaward agreement.

Performance Period

6. The Subrecipient agrees that the work will be performed within the subaward period. The Subrecipient may charge to the award only costs resulting from obligations of the funding period unless carryover of unobligated balances is permitted, in which case the carryover balances may be charged for costs resulting from obligations of the subsequent funding period.

Method of Payment

7. DHTS grants are awarded and administered on a reimbursement basis. The Subrecipient must incur and pay all costs and then submit to DHTS for reimbursement. Reimbursements will be made if costs are reasonable and allowable, if the approved grant budget is adhered to, and if required supporting documentation is provided verifying the incurred costs. Reimbursements will be made only after receipt by the DHTS of a properly executed copy of this subaward.

Reporting Requirements

8. Unless otherwise directed, the Subrecipient must submit quarterly reports to DHTS which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status quarterly and shall be submitted to DHTS no later than fifteen (15) days after the termination of each quarter. A final accomplishment report must be submitted to DHTS within thirty (30) days of completion of the project unless otherwise directed. DHTS reserves the right to withhold payment on reimbursement requests if Subrecipients are delinquent in submitting quarterly and/or final reports, or submit reports that lack sufficient detail or progress during the period in question.

Resolution Required

9. Non-State Subrecipients must pass and submit a resolution authorizing acceptance of the Federal share and responsibility for the match, if applicable.

Non-State Employees

10. The Subrecipient understands and agrees that non-State employees or other persons performing services in connection with a subaward shall not be considered employees of the State of New Jersey for any purpose, including but not limited to, defense and indemnification for liability claims, workers compensation or unemployment.

Indemnification

11. **Non-profit agencies or Local Units of Government.** The Subrecipient agrees that it shall be solely responsible for and shall defend, indemnify, keep, save, and hold the State of New Jersey harmless from all claims, loss, liability, expense, or damage resulting from all mental or physical injuries or disabilities, including death, to its employees or recipients of the Subrecipient's

services or to any other persons, or from any damage to any property sustained in connection with the delivery of the Subrecipient's services that results from any acts or omissions, including negligence or malpractice of any of its officers, directors, employees, agents, servants or independent contractors, or from the Subrecipient's failure to provide for the safe and protection of its employees, whether or not due to negligence, fault, or default of the Subrecipient. The Subrecipient's responsibility shall also include all legal fees and costs that may arise from these actions. The Subrecipient's liability under this agreement shall continue after the termination of this agreement with respect to any liability, loss, expense, or damage resulting from acts occurring prior to termination.

12. **State Agencies.** The Subrecipient shall be responsible for, at its own expense defend itself against, and hereby releases the Department of Law and Public Safety for any and all suits, claims losses, demands, expenses, or damages of whatsoever kind or nature, arising out of or in connection with any act or omission of the Subrecipient and its employees, representatives, agents, independent contractors or invitees, related to this grant agreement.

High Risk Subrecipients

13. In addition to the Federal standards regarding risk status, located at 2 C.F.R. §§ 200.205 and 200.207, the Subrecipient agrees that under certain instances it may be considered "High Risk":
- a. If the Department determines that a Subrecipient:
 - i. Has a history of unsatisfactory performance;
 - ii. Is not financially stable;
 - iii. Has a financial management system which does not appear adequate according to the General Conditions, or meet the standards expressed according to the current State Circular Letter Standard Grant Agreement Form, VIII Financial Management System, 07-05-OMB;
 - iv. Has not conformed to terms and conditions of previous awards; or
 - v. Is otherwise not responsible; and the Department determines that an award will be made; special conditions and/or restrictions shall correspond to the high risk condition and shall be included in the award.
 - b. If a Subrecipient is considered "High Risk," DHTS may impose additional Specific Conditions or restrictions on the Subrecipient at any time including one or more of the following:
 - i. Payment on a reimbursement basis;
 - ii. Withholding authority to proceed to the next phase until receipt or evidence of acceptable performance within a given funding period;
 - iii. Requiring additional, more detailed financial reports;
 - iv. Additional project monitoring;
 - v. Requiring the Subrecipient to obtain technical or management assistance; or
 - vi. Establishing additional prior approvals.
 - c. If the Department decides to impose such Specific Conditions, DHTS will notify the Subrecipient as soon as possible, in writing, of:
 - i. The nature of the special conditions/restrictions;
 - ii. The reason(s) for imposing the Specific Conditions;
 - iii. The corrective actions that must be taken before the Specific Conditions will be removed by the Department and the time allowed for completing the corrective actions; and
 - iv. The method of requesting reconsideration of the conditions/restrictions imposed.

Modifications and Extensions

14. No amendments, modifications or contract extensions to the approved budget, objectives, or program scope as outlined in the application may be made without written approval by the DHTS.

The amendment request must be made with the SAGE e-grant system by the program director or authorized representative and must be accompanied by the revision of applicable application documents and written justification.

15. The DHTS may request changes in the scope of services of the Subrecipient to be performed hereunder. Such changes, which are mutually agreed upon by and between DHTS and the Subrecipient must be incorporated in written amendments to this subaward.
16. If the Subrecipient is making program expenditures or providing grant services at a rate which, in the judgment of the DHTS, will result in substantial failure to expend the grant amount or provide grant services, the DHTS may so notify the Subrecipient. If, after consultation, the Subrecipient is unable to develop to the satisfaction of the DHTS a plan to rectify its low level of program expenditures or grant services, the DHTS may upon thirty (30) days' notice to the Subrecipient, reduce the subaward amount by a sum so that the revised grant amount fairly projects program expenditures over the grant period. This reduction shall take into account the Subrecipient's fixed costs and shall establish the committed level of services for each program element of grant services at the reduced grant amount. If such a determination is made by the DHTS subsequent to the awarding of the grant and the funds have already been received by the Subrecipient, the reduced amount will be remitted to the DHTS.

Timekeeping & Overtime

17. The Subrecipient must maintain a timekeeping system which provides, at a minimum, records for all personnel charged to the grant as follows: positions, employee's name, title/rank, date hired, annual salary, total daily hours worked, hourly overtime rate, daily overtime charged to the grant, and signature of the employee, supervisor and project director regarding time charged to the grant. If an employee works solely on subaward activities, the Subrecipient's employee and supervisor will sign a certification every six months verifying salary and wage charges to the project.
18. Subrecipient agrees that overtime expenses must be directly related to approved subaward activities. Monthly overtime charges, if applicable, to the subaward must be reported through a SAGE e-grant Reimbursement Request. The Request should include employee's name, daily overtime charged, and activity for which overtime expenses were incurred.

Financial Management

19. The Subrecipient agrees to maintain an adequate financial management system in accordance with generally accepted principles of accounting and will immediately notify the DHTS when it cannot comply with these requirements. The Subrecipient assures that it will maintain fund accounting, auditing monitoring, and such evaluation procedures as may be necessary; that it will keep such records as the DHTS shall prescribe; that it will assure fiscal control, proper management, and efficient disbursement of funds received under this subaward.
20. The Subrecipient agrees to enter, maintain, and record all subaward funds received by the State for this program in accounting records separate from other fund accounts, including funds derived from other grant awards. Disbursed grant funds shall be available for expenditure by the Subrecipient in accordance with the provisions of the subaward throughout the project period subject to such conditions as DHTS may provide.

Procurement

21. The Subrecipient agrees that it will comply with all the requirements of the State of New Jersey for State and Local financial accounting.
22. The Subrecipient agrees that procurement of supplies, equipment, and other services with funds provided by this subaward shall be accomplished in an open, fair, competitive manner generally consistent with Federal and State requirements. Adherence to the standards contained in applicable Federal and State laws and regulations does not relieve the Subrecipient of the contractual responsibilities arising under its procurement. The Subrecipient is the responsible authority, without recourse to the Department or DHTS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurement entered in support of a grant.
23. The Subrecipient agrees to comply with the current State Circular Letter on Entertainment, Meals, and Refreshments, 11-09-OMB when using subaward funds to purchase food, beverages and refreshments for project activities.
24. When applicable, the Subrecipient agrees that all equipment, consumable supplies, or services purchased or leased with grant funds will be acquired by following standard county and local bidding/procurement procedures, including P.L. 2004, c. 19 (N.J.S.A. 19:44A-20.4 and N.J.S.A. 19:44A-20.5) or State bidding/procurement procedures, including P.L. 2005, c. 51 (N.J.S.A. 19:44A-20.13). The Subrecipient agrees to maintain an inventory list on all equipment and consumable supplies purchased with grant funds in the official grant file.
25. For purchase of services by State Agencies, Independent State Agencies or Legislatures, the Subrecipient agrees to comply with N.J.S.A. 52:34-13.2, and that all services performed under a contract or through any subcontract shall be performed in the United States, unless the appropriate officer provides a certification, which is approved by the appropriate authority, which states that a required service cannot be provided by a contractor or subcontractor within the United States.

Subawards and Contractors

26. The Subrecipient shall not subcontract any of the work or services covered by this grant, nor shall any interest be assigned or transferred except as may be provided for in this grant or with the express written approval of the DHTS. No rights or obligations of the Subrecipient under this subaward, in whole or part, may be assigned or subcontracted to another entity for any reason without the prior written approval of DHTS. The Subrecipient may not transfer any rights or obligations under this subaward pursuant to an acquisition, affiliation, consolidation, merger or other synergy with another entity.
27. The requirements of this subaward, including these Conditions, also apply to any subrecipient or contractor. The Subrecipient is required to advise subrecipients and contractors of the requirements imposed on them and is responsible for monitoring subaward and contractual activities to ensure compliance with Federal requirements and the achievement of performance objectives. DHTS reserves the right to give final written approval of subrecipient or contractor budgets reimbursed with subaward funds.

Public Works Contractor Registration

28. The Subrecipient's subcontractors, instructors, and consultants must maintain Public Works Contractor Registration with the Department of Labor and Workforce Development, as required by N.J.S.A. 34:11-56.48 et seq.

Problems Affecting Subrecipient Performance

29. The Subrecipient shall inform the DHTS of the following types of conditions which affect program objectives and performance as soon as they become known:
- a. Problems, delays, or adverse conditions which will materially impair the ability to attain program objectives, prevent meeting time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any DHTS assistance required to resolve the situation.
 - b. Favorable developments or events which enable meeting time schedules and goals sooner than anticipated, at a lower than anticipated cost, or produces a greater benefit than originally planned.
30. The Subrecipient agrees to give the Department and DHTS, through any authorized representative, access to and the right to examine all paper and electronic records, books, papers, and documents related to the subaward including pertinent accounting records, books, documents, and papers as may be necessary to monitor and audit the Subrecipient's operations. DHTS reserves the right to have access to all work papers produced in connection with audits made by the Subrecipient or independent certified public accountants, registered municipal accountants, or licensed public accountants hired by the Subrecipient to perform such audits.
31. The DHTS may, at its discretion, make site visits to:
- c. Review program accomplishments and management control systems;
 - d. Provide such technical assistance as may be required;
 - e. Perform fiscal reviews to ensure grant funds are being properly expended in a timely manner; or
 - f. Ensure compliance with all pertinent civil rights laws and regulations.

Enforcement

32. The Subrecipient agrees that it will maintain data and information and submit timely reports, including programmatic progress and financial reports, as DHTS may require. If reports are not submitted as required, DHTS may, at its discretion, suspend payments on this subaward. The State of New Jersey may, at its discretion, take such action to withhold payments to the Subrecipient on this or any grant with other state agencies until the required reports have been submitted.
33. The Subrecipient must assure compliance with applicable Federal requirements and that performance goals are being achieved. Subrecipient monitoring must cover each program, function, or activity to monitor performance under grant supported activities to assure time schedules and objectives are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved as applicable.
34. If the Subrecipient materially fails to comply with the terms of an award, whether stated in a state or Federal statute or regulation, an assurance, general condition, special condition, in a state plan or application, a notice of award, or elsewhere, the Subrecipient agrees that the DHTS may take one or more of the following actions, as appropriate in the circumstances:

- g. Temporarily withhold cash payments pending correction of the deficiency by the Subrecipient or take more severe enforcement action;
 - h. Disallow all or part of the cost of the activity or action not in compliance;
 - i. Wholly or partly suspend or terminate the current award for the Subrecipient's program;
 - j. Withhold further awards for the program;
 - k. Request the balance of grant funds to be returned and/or seek reimbursement for funds expended that were not in compliance with the terms and conditions of the grant agreement; or
 - l. Take other remedies that may be legally available and appropriate (including as provided in 2 C.F.R. Part 200).
35. In taking an enforcement action, DHTS may provide the Subrecipient an opportunity for such hearing, appeal or other administrative proceeding to which the Subrecipient is entitled under any statute or regulation applicable to the action involved.
36. The enforcement remedies identified in this Section, including suspension and termination, do not preclude the Subrecipient from being subject to State and Federal debarment and suspension procedures.
37. When the Subrecipient has failed to comply with grant award requirements, stipulations, standards, or conditions, the Subrecipient agrees that the DHTS or the Department may suspend the grant and withhold further payments; prohibit the Subrecipient from incurring additional obligations of grant funds pending corrective action by the Subrecipient; or decide to terminate the grant in accordance with the below paragraph. The DHTS shall allow all necessary and proper costs, which the Subrecipient could not reasonably avoid during the period of suspension, provided they meet Federal and state requirements.
38. The Subrecipient agrees that DHTS or the Department may terminate the grant in whole or in part whenever it is determined that the Subrecipient has failed to comply with the conditions of the grant. DHTS or the Department shall notify the Subrecipient in writing of the determination and the reasons for the termination together with the effective date. Payments made to the Subrecipient or recoveries by the Department under the grant terminated for cause shall be in accord with the legal right and liability of the parties.
39. The DHTS and the Subrecipient may terminate the grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and in case of partial terminations, the portion to be terminated. The Subrecipient shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible.
40. If the grant is terminated for the Subrecipient's failure to comply with State or Federal statutes, regulations, or terms and conditions of the grant, the Department will provide notification to the Subrecipient, including information that the decision may be considered in evaluating future applications received from the Department.

Record Retention

41. Unless otherwise directed by DHTS, State or Federal statute, all grant records shall be retained for a period of seven years. This period is extended until otherwise directed if there is any litigation, claim, negotiation, action, or audit in progress or audit finding involving grant records started before the end of the seven year period.

Travel

42. All out-of-state travel must have prior approval from DHTS. Requests for approval should be submitted to DHTS at least forty-five (45) days prior to the intended date of travel. A Subrecipient's use of any subaward funds for all allowable travel is controlled by the current State Travel regulations, State Circular 16-11-OMB, as amended. Exceptions to this policy may be considered on a case by case basis when justified by extenuating circumstances. A Subrecipient seeking an exception to these travel regulations must seek prior preapproval for the travel exception by submitting a written request to the awarding agency 60 days prior to commencement of travel.

Work Product Publication

43. DHTS and the Department reserve a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and authorize others to use the copyright in any work developed from activities supported by this subaward, and any rights of copyright to which a Subrecipient purchases ownership with support. Any reports, publications, etc., developed using subaward funds must be approved by DHTS prior to release. Any printed material must contain the name of the "New Jersey Division of Highway Traffic Safety" and the Subrecipient must acknowledge their use of Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds. The Subrecipient agrees that DHTS reserves the right to require the Subrecipient not to publish any work, which right shall not be exercised unreasonably. The Subrecipient assures that any publication by the Subrecipient shall include, on the title page, a standard disclaimer of responsibility by the DHTS for any opinions or conclusions contained therein.

Bonding and Insurance

44. Bonding and insurance, as applicable, shall be provided by the Subrecipient and proof of bonding and insurance must be retained on file by the Subrecipient.

Property and Disposal

45. The Subrecipient agrees that property furnished by DHTS or acquired in whole or in part with Federal or State funds or whose cost was charged to a project supported by Federal or State funds shall be utilized and disposed of in a manner generally consistent with State and Federal requirements.

Grant Closeout Procedures

46. The Subrecipient shall submit final expenditure and performance reports as prescribed by DHTS and in the timeframes set forth in the subaward agreement upon completion of the subaward period or termination of the subaward.
47. The DHTS may permit extensions when requested in writing by the Subrecipient.

FEDERAL CONDITIONS

Compliance with Federal Laws

48. The Subrecipient agrees to comply with all requirements imposed by the United States Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA) as a condition, administrative or programmatic requirement of this subaward, including but not limited to:
- a. 23 U.S.C. Chapter 4, the Highway Safety Act of 1966, as amended;
 - b. Sec. 1906, Public Law 109-59, as amended by Sec. 4011, Public Law 114-94;
 - c. 23 C.F.R. part 1300, the Uniform Procedures for State Highway Safety Grant Programs;
 - d. 2 C.F.R. part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Awards;
 - e. 23 C.F.R. part 1201, Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
 - f. Any other applicable Federal statutes and regulations.

No term or condition of this subaward is intended to require the Subrecipient to violate any applicable State, Territorial or Tribal law.

Cost Principles

49. All costs charged must be reasonable, allowable, and address a highway traffic safety problem. The allowability of costs incurred by the Subrecipient will be determined pursuant to 2 C.F.R. Part 200, Subpart E, Cost Principles (2 C.F.R. 200.400 et seq.), as amended by 2 C.F.R. Part 1201 et seq., program-specific requirements, and State Circular 07-05-OMB Grant Agreements-Agency Contracts.

Audit Requirements

50. As required under the Federal Single Audit Act of 1984, Pub. L. 98-502, as amended, the Subrecipient agrees to review and fully comply with the organizational audit requirements of 2 C.F.R. Part 200, Subpart F, Audit Requirements (2 C.F.R. § 200.500, et seq.), the Government Accountability Office's Government Auditing Standards (Yellow Book), and the State Circular, Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid, 15-08-OMB.
51. The Subrecipient understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues from 2 C.F.R. Part 200, Subpart F audits (or any other audits, investigations, or reviews grant funds) are not satisfactorily and promptly addressed.
52. The Department and DHTS reserve the right to recover any funds considered unsupported, ineligible, or unallowable as a result of any audit, review, investigation, or monitoring.

Employment Eligibility Form

53. Organizations funded under this Federal grant program must agree to complete and keep on file, as appropriate, the Immigration and Naturalization Service Employment Eligibility form (I-9). This form is to be used by the recipient of Federal Funds to verify that persons employed by the recipient are eligible to work in the United States.

Non-Supplanting

54. The Subrecipient must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources.

Match Requirement

55. If applicable, the Subrecipient agrees to adhere to all NHTSA match requirements and satisfy any State requirements on matching and cost sharing.

Civil Rights Requirements

56. The Subrecipient agrees to comply with the following, as amended:
- a. Title VI of the Civil Rights Act of 1964, which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance;
 - b. 49 C.F.R. Part 21;
 - c. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.);
 - d. 49 C.F.R. Part 27;
 - e. The Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.)
 - f. The Civil Rights Restoration Act of 1987 (PL 100-209);
 - g. The Americans with Disabilities Act (42 U.S.C. § 1210 et seq.);
 - h. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.);
 - i. The Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255);
 - j. The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616);
 - k. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd-3 and 290ee-3);
 - l. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601, et seq.);
 - m. The requirements of any other nondiscrimination statute(s) which may apply to the application;
 - n. The whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310; and
 - o. The requirements of any other nondiscrimination statute(s) which may apply to the application.
57. The Subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by the laws referenced above.

Drug-Free Workplace

58. The Subrecipient must comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8103), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace.

Buy America Act

59. The Subrecipient will comply with the provisions of the Buy America Act (23 U.S.C. 313). Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the

overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

FFATA, DUNS, & SAM Requirements

60. The Subrecipient agrees to comply with applicable requirements of the Federal Funding Accountability and Transparency Act (FFATA) and its associated regulations, obtain a Data University Numbering System (DUNS) number, and register with the System of Award Management (unless exempted under 2 C.F.R. § 25.110) to receive funds provided through this subaward.

Financial Management and Internal Controls

61. In accordance with 2 C.F.R. § 200.302 and 2 C.F.R. § 200.303 the Subrecipient's financial management system must provide for the following:
 - a. Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any;
 - b. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in 2 C.F.R. § 200.327 Financial reporting and § 200.328 Monitoring and reporting program performance;
 - c. Records that identify the source and application of funds for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation;
 - d. Effective control over, and accountability for, all funds, property, and other assets. The Subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes. For more information see § 200.303 Internal controls;
 - e. Comparison of expenditures with budget amounts for each Federal award;
 - f. Written procedures to implement the requirements of § 200.305 Payment; and
 - g. Written procedures for determining the allowability of costs in accordance with 2 C.F.R. part 200 Subpart E—Cost Principles and the terms and conditions of this Federal award.

Procurement

62. Pursuant to DOT regulations at 2 C.F.R. § 1201.317, the Subrecipient shall follow such policies and procedures allowed by the State when procuring property and services under this subaward.

Conflict of Interest

63. The Subrecipient must disclose in writing any potential conflict of interest to DHTS in accordance with applicable DOT policy, pursuant to 2 C.F.R. § 200.112, and 2 C.F.R. § 1201.112. The Subrecipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Program Income

64. Program income is defined as gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of

performance. 2 C.F.R. § 1201.80. Such earnings include, but are not limited to, income from service fees, sale of commodities, and usage or rental fees.

- a. The Subrecipient must comply with State Circular 07-05-OMB regarding interest earned of \$250 or more in a fiscal year on advances of grant funds, and must comply with Federal program income requirements found at 2 C.F.R. §§ 200.80 and 200.307, and DOT specific program income requirements found at 2 C.F.R. § 1201.80 and 23 C.F.R. § 1200.34.

Debarment and Suspension

65. In accordance with 2 C.F.R. § 200.212 the Subrecipient and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 C.F.R. part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

The Subrecipient must also comply with 2 C.F.R. Part 1200, "Nonprocurement Suspension and Debarment" which generally prohibits entities that have been debarred, suspended, or voluntarily excluded from participating in Federal non-procurement transactions either through primary or lower-tier covered transactions. 2 C.F.R. Part 1200 is incorporated by reference in this subaward.

66. The Subrecipient must comply with State Executive Order No. 34 (Byrne, March 17, 1976), and State Circular Letter regarding Debarments, Suspensions & Disqualifications, OMB 93-13-GSA.

False Claims Act and Program Fraud Civil Remedies

67. The Subrecipient must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of Federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made. The Subrecipient must also comply with the requirements of the New Jersey False Claims Act, N.J.S.A. 2A: 32C-3.

Political Activity (Hatch Act)

68. The Subrecipient agrees to comply with provisions of the Hatch Act, the Federal law which limits certain political activities of employees of a state or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. 5 U.S.C. § 1501-08.

Lobbying Prohibitions

69. **Federal:** All Subrecipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt 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 any Federal action concerning the award or renewal.

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.

Labor and Wage Requirements

70. The Subrecipient agrees to comply with the minimum wage and maximum hours provision of the Federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq.

Vehicle Operation Requirements

71. Pursuant to Executive Order 13513, and DOT Order 3902.10, Subrecipients and their contractors are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or government-owned vehicles, or while driving personally-owned vehicles when on official Government business or when performing any work for or on behalf of the Government. These efforts may include conducting education, awareness, and other outreach for employees about the safety risks associated with texting while driving and should encourage voluntary compliance with the Subrecipient's text messaging policy when off duty.
72. In accordance with Executive Order 13043, the Subrecipient is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating government-owned, company-owned, rented, or personally-owned vehicles.

Trafficking Victims Protection Act of 2000

73. All Subrecipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104), located at 2 C.F.R. Part 175. This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007.
74. In accordance with the statutory requirement, Section 106(g) of the TVPA, as amended, authorizes DHTS to terminate this subaward, without penalty, if the Subrecipient:
- i. Engages in severe forms of trafficking persons during the period of time that the award is in effect;
 - ii. Procures a commercial sex act during the period of time that the award is in effect; or
 - iii. Uses forced labor in the performance of the award or subawards under the award.

The full text of the award term is provided at 2 C.F.R. § 175.15.

Environmental and Historic Preservation

75. The Subrecipient will comply with applicable environmental standards, which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969, 42 U.S.C. § 4321, and Executive Order No. (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972, 16 U.S.C. § 1451 et seq. and the Coastal Barrier Resources Act, 16 U.S.C. § 3501 et seq., which limits Federal expenditures affecting the Coastal Barrier Resources System; (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended, 42

U.S.C. § 7401 et seq.; (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, 42 U.S.C. § 300f et seq., as amended; and, (h) protection of endangered species under the Endangered Species Act of 1973, 16 U.S.C. § 1531, as amended.

Access to Records

76. NHTSA, DHTS, the Inspectors General, the Comptroller General of the United States, any other auditor or monitor, or their authorized representatives, must have the right of access to any documents, papers, examinations, or other Subrecipient records that are pertinent to the Federal award. The right also includes timely and reasonable access to the Subrecipient's personnel for the purpose of interview and discussion related to such documents.

Mandatory Disclosures

77. Pursuant to the mandatory disclosure requirements of 2 C.F.R. § 200.113, the Subrecipient must disclose in a timely manner and in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award to DHTS. Subrecipients that have received a Federal Award including the term and condition outlined in 2 C.F.R. Part 200, Appendix XII–Award Term and Condition for Recipient Integrity and Performance Matters are required to report additional information regarding civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. § 200.338 (Remedies for noncompliance), including suspension or debarment.

Incorporation of Approved Application by Reference

78. The Subrecipient's application, including the narrative and budget as approved by DHTS prior to award, is incorporated by reference in this subaward. Where the terms of subaward and the application differ, the terms of the subaward shall prevail. Changes to the approved application are governed by 2 C.F.R. § 200.308 and these conditions.

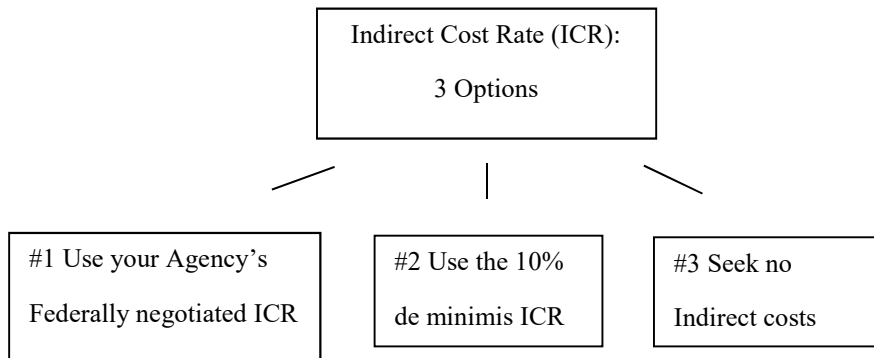
Equipment

79. Title to equipment purchased under this subaward vests in the Subrecipient, unless otherwise specified under 2 C.F.R. § 200.313, 2 C.F.R. § 1201.313, 23 C.F.R. § 1300, or the terms and conditions of the subaward. The Subrecipient shall comply with 23 C.F.R. § 1300 in conjunction with 2 C.F.R. § 200.313, 2 C.F.R. § 1201.313 on the use, management, and disposition of equipment, and no equipment purchased will be conveyed, sold, salvaged, or transferred without written approval from DHTS.

**NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

DEPARTMENT OF LAW & PUBLIC SAFETY INDIRECT COST RATE FACT SHEET

APPLICANTS FOR SUBAWARDS FROM PASS-THROUGH ENTITIES MAY BE ELIGIBLE TO USE FEDERAL FUNDS FOR INDIRECT COSTS UNDER 2 C.F.R. §§ 200.331, 200.414, APPENDIX IV AND V TO PART 200, AND OTHER SECTIONS OF THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS ("UNIFORM GUIDANCE"). THE UNIFORM GUIDANCE PROVIDES THESE OPTIONS TO AN APPLICANT WITH RESPECT TO AN INDIRECT COST RATE:



1. The applicant can elect to use its approved federally recognized ICR.
 - a. The applicant must submit a copy of the federal approval of its ICR with the applicant's application for funding.
 - b. The applicant can elect to seek indirect costs at a rate LOWER than their federally recognized ICR but is still required to submit a copy of the federal approval of their ICR with its application.
2. If the applicant has never had an ICR negotiated with the Federal Government and the applicant meets the conditions below, it may claim indirect costs using the 10% de minimis indirect cost rate.
 - a. By choosing this option, the applicant is certifying that the entity meets the following criteria to be qualified for the de minimis rate:
 - i. The entity is a non-federal, non-state or local government that has never received a federally recognized negotiated ICR.
 - OR
 - ii. The entity is a state or local government that has never received a federally recognized negotiated ICR AND receives less than \$35 million in federal funding.
 - b. The 10% de minimis ICR is applied to Modified Total Direct Costs (MTDC), which is defined per 2 C.F.R. § 200.68 as:
 - i. All direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward. MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.
 - c. Costs must consistently be charged as indirect or direct; costs may not be double charged or inconsistently charged as both, as per 2 C.F.R. § 200.414(f).
 - d. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-federal entity chooses to negotiate for a rate, which the non-federal entity may apply to do at any time, as per 2 C.F.R. § 200.414(f).
3. The applicant may choose not to seek indirect costs.

National Highway Traffic Safety Administration

Certifications and Assurances for Highway Safety Grants (23 U.S.C Chapter 4 and Sec. 1906, Pub. L. 109-59, as Amended)

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, the subrecipient acknowledges and agrees to the following conditions and requirements.

GENERAL REQUIREMENTS

The subrecipient will comply with applicable statutes and regulations, including but not limited to:

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

NONDISCRIMINATION

(APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

The State 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 74087-74100).

The subrecipient

- 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 subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

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.

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, 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 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.

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 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 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 the department or agency entering into this transaction.

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 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 principles, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

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

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

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

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

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension 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, 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 transactions. To verify the eligibility of its principles, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

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

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

BUY AMERICA ACT

(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 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 for approval by the Secretary of Transportation.

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

Appendix B

Grantee Travel Regulations

Effective January 1, 2019, the following are the items that are eligible for reimbursement for out-of-state grant funded travel:

1. Airfare / Rail / or Personal Vehicle mileage to and from the event
 - No airfare seat “upgrades” or baggage fees
 - Personal Vehicle mileage will be reimbursed at the State of NJ rate: 47 cents per mile (effective 10/1/2022)
 - Toll charges incurred when driving a personal vehicle are allowable (with receipts)
2. Registration fee for the event
3. Lodging at the event
 - Hotel rooms will be reimbursed at the allowable Federal Per Diem level, plus tax
 - No room upgrades, “extras”, or parking fees (unless personal vehicle is used for transportation to the event, not the airport)

Only the items listed above are eligible for reimbursement.

All grant funded travel must be pre-approved, at least 90 days prior to travel, through a properly submitted “Travel Authorization” form attached to your grant in SAGE. Failure to get pre approval may result in no reimbursement for the travel.

Please direct any questions regarding this policy to your DHTS Region Supervisor or program staff contact.

(rev. 8.2022)

Appendix C

NHTSA Guidelines for Grant Related Purchases



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

Memorandum

Subject: **Use of NHTSA Highway Safety Grant Funds
for Certain Purchases**

From: **Paul A. Hemmersbaugh** *PH*
Chief Counsel

To: **Mary D. Gunnels**
Office of Regional Operations and Program Delivery

Date: **MAY 18 2016**

Reply to
Attn. of:

Over the last several months, a number of questions have arisen concerning permissible purchases under the highway safety grant programs. States have asked about the conditions that attach to the purchase of equipment, the distinction between advertising, public relations, educational materials, and promotional items, and whether Federal grant funds may be used to purchase items for distribution to members of the public. I issued guidance on these issues in a January 19, 2016 memorandum, which I subsequently clarified in a February 11 memorandum applicable to certain fiscal year 2016 purchases. In this memorandum, I am issuing final guidance on these matters. For ease of reference, today's memorandum consolidates all of the relevant information from these two past memoranda into this one document. This memorandum supersedes those prior documents, and States should no longer consult them. Please distribute this memorandum to the Governors' Representatives for Highway Safety.

I. Allowable Costs

NHTSA highway safety grant funds are intended to support traffic safety in the States. Any use of NHTSA grant funds must support data-driven State traffic safety goals. When determining whether to expend grant funds under the categories below, a State or subrecipient should use good judgment as a responsible steward of tax dollars intended to support traffic safety. All costs charged to NHTSA highway safety grants must be reasonable, within the scope of the grant, address a highway safety problem, and help to meet performance measures.

Note that the OMB Super Circular has additional provisions that apply to certain items that fall within the categories below. For example, certain educational materials costs may be subject to the Super Circular provision on Conference Costs (2 C.F.R. §200.432). States should consult Subpart E of the Super Circular (Cost Principles) to determine if there are additional provisions that pertain to a particular item or use of that item.



A. Equipment

Items purchased for direct use by a State or any of its subgrantees or contractors (rather than for public distribution, as discussed later under Section I.E) are properly categorized as *equipment*. The government-wide rules covering the term of art “equipment” are well-established in law: Equipment is eligible for reimbursement as a direct expense chargeable to a specific project agreement, provided the equipment is needed to perform that project. NHTSA’s grant rules impose the additional requirement that the project for which the equipment is needed must be based on identification of a specific safety problem in the State (often referred to as “problem ID”). In other words, a State must first establish a project (documented by a project agreement), based on problem ID. If that project requires the use of equipment for its performance, the cost of that equipment may be reimbursed under the grant. No project may be created solely to purchase equipment.

For purposes of illustration of these principles, a speed measurement device such as a radar or laser unit purchased by a police agency is a piece of equipment whose expense is permitted under Section 402, provided it is identified in a project agreement whose specific safety activity (i.e., speed enforcement) requires the purchase of the speed measurement device for its performance and provided the need for that project is established by problem ID.

Fundamentally, NHTSA highway safety grants are for safety activities, and equipment serves a supporting role in accomplishing those activities through defined projects. As always, equipment must be used, managed, and disposed of in accordance with applicable Federal requirements. (Although NHTSA’s grant rules impose a requirement for advance approval of equipment only at a threshold of \$5,000 and when the useful life exceeds one year, all equipment must meet the requirements stated here, and all expenditures to purchase equipment are subject to audit.)

There have been questions about the purchase of items erroneously referred to as “safety equipment,” when the intent is to distribute the items to members of the public. Items intended for distribution to the public are not “equipment,” as that term is used under Federal grant law, and the Federal rules governing equipment do not apply to such items intended for distribution to the public. Instead, States should consult Section I.E below, “Safety Items for Public Distribution,” for guidance on the treatment of those items. The key to differentiating between (i) equipment and (ii) items for public distribution is the use of the item—equipment must be needed by those carrying out work under the grant, and must be used, managed and disposed of in accordance with applicable Federal requirements.

Illustrative examples of allowable safety equipment:

- Reflective safety vest for use by employee conducting a roadside survey, provided the vest is retained by the program.
- Bike helmet for use by participants in a bike rodeo event and returned to the program after the event.
- Safety gear—including helmets, safety vests, reflective material—for use by trainees during motorcycle training events and returned to the program after the training.

B. Recognition Awards

The Agency understands that an appropriate part of any State program involves recognition and reward for noteworthy accomplishments. NHTSA highway safety grant funds may be used to purchase awards, where appropriate, under a formalized recognition program that rewards superior performance or exceptional contributions to the purposes served by the NHTSA grant. An appropriate award may be a certificate, plaque, coin, or medal, if it is given under a limited, formalized recognition program.

Illustrative examples of allowable recognition awards:

- A plaque given to a State employee under the State's official personnel recognition program.
- A plaque given by the SHSO to a police department at the annual highway safety conference for specific outstanding enforcement efforts.
- A certificate given by the SHSO to an employee for exceptional work in a specific enforcement effort.
- A medal given by the SHSO at a State Lifesavers conference to an individual for a career of exceptional service to public safety.
- A medal or coin given by a subrecipient to a police officer as a formal award for specific superior highway safety enforcement performance (but not a challenge coin for general distribution).
- A certificate given by a subrecipient to a community partner for exceptional work on a collaborative highway safety project.

C. Educational materials

There have been questions about the difference between "educational materials," whose purpose is to convey substantive information about highway safety, and "promotional items," whose purpose is to generate good will or to incentivize behavior (discussed later, under Section II). The former category is an allowable expense, as discussed in this section, while the latter category is not. Paper, pamphlets, flash drives, CD-ROMs, and similar media that contain educational materials are allowable because their purpose is to contain and convey educational information. In order to be considered educational, distributed material must provide substantial information and educational content to the public (not merely a slogan) and have the sole purpose of conveying that information. If a recipient or subrecipient chooses to provide educational content on a flash drive, CD-ROM, or similar device, that device must be an economical method of conveying the information.

Illustrative examples of allowable educational materials:

- Traffic-safety-themed coloring book given to children at a school event, state fair, etc.
- A pamphlet including statistical information such as "X number of people lose their lives every year when not wearing a seat belt" and safety tips distributed at a state fair.
- A flash drive containing information about the dangers of texting and driving (e.g., statistics, ideas to prevent texting while driving).

- A folder containing information about child passenger safety (e.g., statistics about car seat or booster seat laws, proper car seat installation and use, danger of leaving children unattended in hot or cold cars, etc.) and relevant safety tips provided to parents at a car seat inspection station.
- A CD-ROM or flash drive containing training or conference materials given to attendees at a highway safety conference hosted by the recipient or subrecipient.

D. Advertising media

There have been questions about the difference between “advertising,” “public relations,” “educational materials,” and “promotional items.” These terms are not interchangeable. Educational materials are discussed directly above, under Section I.C. The differences and distinctions between the other categories are addressed later, under Sections II and III. Here, we limit the discussion to advertising media. Advertising media intended to reach a large audience—such as television or radio ads, ads on social media, signs, banners, and posters—are allowable costs under NHTSA’s highway safety grants. The Uniform Guidelines for State Highway Safety Programs provide that “the State should enlist the support of a variety of media, including mass media, to improve public awareness and knowledge and to support enforcement efforts about seat belts, air bags, and child safety seats.” (See Guideline No. 20, Section IV)

Illustrative examples of allowable advertising media:

- Banners or posters featuring the Click It or Ticket campaign for use at events.
- A “U Text. U Drive. U Pay.” banner displayed in a school.
- A television ad about the dangers of impaired driving.
- Posters displayed in bars that say “Report every drunk driver immediately at *55.”
- A yard sign telling drivers to “Watch for Motorcycles.”

E. Safety Items for Public Distribution

The purchase of ***items for public distribution*** (in contrast with equipment for direct use by a State or its subgrantees and contractors, as discussed under Section I.A above) using Section 402 funds is governed by different requirements. Such items do not fall within the definition of equipment, and therefore are not governed by the same principles. There are important limitations on the use of taxpayers’ funds to purchase items for distribution to members of the public. NHTSA and its grantees must be mindful of the Agency’s responsibility as a steward of public funds. In addition to the limitations and requirements described below, any purchase of items for public distribution must be justified by compelling safety benefits.

Subject to the foregoing cautions and requirements, the Agency has determined that, going forward, child restraints (i.e., child car seats); bicycle helmets; and other similar items whose ***sole purpose*** is to improve highway safety are allowable purchases under the Section 402 program for distribution to members of the public, *provided* these items are specifically identified in a project agreement and based on problem ID, just as is required for equipment purchases. The project may not be limited to distribution of the items, but must also contain specific performance criteria justifying the safety benefit, such as targeted population, number of

items for distribution, method of distribution, and educational component. (Separately, States may use up to five percent of occupant protection funds awarded under 23 U.S.C. § 405(b) to provide child restraints to low-income families, because that section of statute specifically authorizes this expenditure.)

For purposes of illustration of the term “sole purpose,” the purchase and public distribution of a reflector or reflectorized tape that may be attached to clothing to improve pedestrian conspicuity would be allowable (provided it is tied to a specific project to address pedestrian safety, as discussed above), but the purchase of a reflectorized backpack or jacket would be unallowable. The Agency will interpret the term “sole purpose” strictly when evaluating the purchase of items for distribution to the public, and expects States to do so as well. No promotional item or memorabilia may be purchased for distribution under this provision (see discussion of Promotional Items under Sections II and III below).

A State that finds ambiguity about whether a proposed purchase is allowed under this guidance should not proceed with that purchase. States should exercise their best judgment in this area, and should consult their Regional Administrator if they have questions about the application of this guidance to a particular project. Regional Administrators should reject projects that do not conform to the guidance.

II. Promotional Items are Not Allowable Costs under NHTSA Grants

The OMB Super Circular makes clear that no promotional items or memorabilia are allowable costs under Federal grants (see discussion under Section III below). Use of NHTSA grant funds to purchase promotional items or memorabilia is prohibited and could result in the requirement to repay the misused funds. An item that is purchased for distribution as an incentive or to increase goodwill (e.g., to police officers to maintain partnerships) is an unallowable promotional item. Any item that is distributed as a giveaway, except in strict accordance with the provisions of Section I.E above, is not allowable. NHTSA grant funds are intended to promote safety and to educate the public about traffic safety, not to provide items to individuals or groups through widespread distribution.

This promotional items guidance applies only to the use of NHTSA grant funds for these types of purchases. States and their subrecipients may use State funds or privately collected funds or donations to purchase promotional items, subject to applicable State laws and policies.

Illustrative examples of unallowable promotional items or memorabilia include:

- Bumper stickers, and/or texting thumb bands given to members of the public at a state fair.
- Keychains and/or pens given to groups at a training event.
- Shirts for volunteers at a state fair or car seat installation center (either as an incentive or to designate staffers as a team).
- Shirts for Law Enforcement Liaisons.
- Shirts or hats worn by participants in a press event.

- Challenge coins, when ordered in bulk and kept on hand to give to many people outside of a limited, formalized recognition program (for example, to all attendees at a conference, to police officers in the ordinary course of employment).

III. Governing OMB Super Circular Provision on Advertising and Public Relations Costs

The Super Circular allows Federal funds to be used only for certain specified **advertising** and **public relations** costs. *See* 2 C.F.R. § 200.421.

- The Super Circular provides that the only allowable **advertising** costs are for:
 - Recruitment of personnel required for performance of a Federal award;
 - Procurement of goods and services for the performance of a Federal award;
 - Disposal of scrap or surplus materials acquired in the performance of a Federal award except when reimbursed for disposal costs at a predetermined amount; or
 - Program outreach and other specific purposes necessary to meet the requirements of the Federal award.
- The Super Circular provides that the only allowable **public relations** costs are for:
 - Costs specifically required for the Federal award;
 - Costs of communicating with the public and press pertaining to specific activities or accomplishments which result from performance of the Federal award; or
 - Costs of conducting general liaison with news media and government public relations officers, to the extent that such activities are limited to communication and liaison necessary to keep the public informed on matters of public concern, such as notices of funding opportunities, financial matters, etc.

The Super Circular *excludes* all other advertising and public relations costs, and *specifically excludes* “costs of **promotional items** and **memorabilia**, including models, gifts, and souvenirs”—these items are always unallowable advertising and public relations costs. 2 C.F.R. § 200.421(e)(3). Therefore, Federal grant funds are *never* available to cover the costs of **promotional items** and **memorabilia**.

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