

# Overview

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

The South Carolina Department of Public Safety, Office of Highway Safety and Justice Programs (OHSJP) administers the federally-funded State and Community Highway Safety Program (commonly referred to as Section 402), and coordinates highway safety activities throughout the state. Each year, South Carolina receives approximately three million dollars in

Section 402 funding. SC uses these and other federal monies to fund sustainable grant proposals aimed at reducing collisions and traffic-related fatalities and injuries. Applicant's proposals must demonstrate a measurable impact on highway and traffic safety; be cost effective; and contain a method of evaluation that substantiates both performance and impact. Highway Safety grant funds are awarded to qualified applicants to create new or expand existing highway safety programs, with the intention that such initiatives continue when grant funding is discontinued. State agencies; non-profit 501(c) 3 organizations, political subdivisions (city and state), and state, local and federally-recognized Indian tribal governments are eligible to apply. The usual grant funding cycle is from October 1 - September 30. The submission deadline is in February of each year.

Version:

Application Deadline: 2022-09-30

Application #: T23011

Grant #:

Award Date:

State Start Date: 2022-10-01

State End Date: 2023-09-30

## Project Details

**Project Title:** City of Johnstown Police Department - Special DUI Prosecutor

**Project Location:** City of Johnstown

**Project Summary (max. 300 characters):** For a grant-activity performing Special DUI Prosecutor to prosecute all drug- and alcohol-related driving offense arrests made by JPD officers.

**Program Area:** Impaired Driving Countermeasures: Prosecution

**Type of Application:** New

**Year of Funds:** 1

**Plan to apply for additional years of funding after first year?:** Yes

## Agency Details

**Agency Name:** City of Johnstown Police Department

**Address:** 100 Smith Street

**City:** Johnstown

**State:** SC

**9 Digit Zip:** 12345

**(Area) Phone #:** (555) 123-4567

**(Area) Fax #:** (555) 987-6543

**County:**

**Other county/counties  
this project will serve:**

**Organization Type:** City

**Other (specify):**

**U.S. Congressional  
District:**

## Budget

	CATEGORIES		GRANTOR	TOTAL
<b>PERSONNEL - SALARIES:</b>				
Position Title	Annual Salary/Rate	% of Time On Project		
DUI/Alcohol Prosecutor Regular Project Activity Hours	60000	100	\$60,000	\$60,000
<b>TOTAL SALARIES:</b>			\$60,000	\$60,000

**PERSONNEL - FRINGE BENEFITS, EMPLOYER PORTION:**

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

Description	Rate	X Base		
Social Security & Medicare (FICA)	0.0765	60000	\$4,590	\$4,590
Retirement	0.1556	60000	\$9,336	\$9,336
Workers Compensation Insurance	0.0037	60000	\$222	\$222
Unemployment Insurance			\$0	\$0
Health Insurance	350	26	\$9,100	\$9,100
Dental	36	26	\$936	\$936
Pre-Retirement Death Benefit			\$0	\$0
Accident Death Benefit (Police Officers)			\$0	\$0
Other (List applicable other fringes in budget narrative)			\$0	\$0
<b>TOTAL FRINGE BENEFITS:</b>			\$24,184	\$24,184
<b>TOTAL PERSONNEL:</b>			\$84,184	\$84,184

**CONTRACTUAL SERVICES:**

**(Describe services to be performed)**

Description	Cost	Quantity		
			\$0	\$0
<b>TOTAL CONTRACTUAL SERVICES:</b>			\$0	\$0

**IN-STATE TRAVEL:**

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

Description	Cost	Quantity		
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Mileage @ up to current IRS Rate	2500	1	\$2,500	\$2,500
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**OUT-OF-STATE TRAVEL:**

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

Description	Cost	Quantity		
			\$0	\$0
			<b>TOTAL TRAVEL:</b>	<b>\$2,500</b>
				<b>\$2,500</b>

**EQUIPMENT (items >= \$1000):**

**(Itemize - DO NOT use brand names. DO NOT include leased or rented items)**

Item	Cost	Quantity		
Laptop (Up to \$3,000)	3000	1	\$3,000	\$3,000
			<b>TOTAL EQUIPMENT:</b>	<b>\$3,000</b>
				<b>\$3,000</b>

**OTHER (items < \$1000):**

Description	Cost	Quantity		
Office supplies	350	1	\$350	\$350
Registration fees (For OHSJP approved trainings)	500	1	\$500	\$500
			<b>TOTAL OTHER:</b>	<b>\$850</b>
				<b>\$850</b>
			<b>TOTAL PROJECT COST:</b>	<b>\$90,534</b>
				<b>\$90,534</b>

# Budget Narrative

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

DUI/Alcohol Regular Prosecutor Project Activity Hours allowable fringe benefits, to be adjusted proportionally to activity hours worked while performing grant activity hours.

Approved Trainings:

Standardized Field Sobriety Testing

Prosecuting the Impaired Driver: Preparing for the Trial of a DUI Case

Lethal Weapon DUI Homicide

IN-STATE TRAVEL:

Mileage at up to the IRS rate, to allow for travel to perform grant related activities, including mileage to and from court, as well as mileage to the aforementioned approved training(s).

EQUIPMENT\*:

Laptop and accessories will be used by the grant-funded Prosecutor to prepare and maintain alcohol/DUI caseload, conduct research, prepare notes and other correspondences related to the grant during project activity hours.

OTHER\*:

Registration Fees: to cover the registration costs for aforementioned approved trainings.

Office Supplies: For the purchase of paper, toner cartridges, file folders, pens, post-its, notebooks, steno pads, labels, tape, highlighters, flash drives, paper clips, business cards, and binder clips for use during the project activity hours.

\*All Equipment and Other category items must be used 100% in support of grant goals and objectives.

# Program Narrative

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

The City of Johnstown is situated in the southern portion of Smith County, along the northern border of Dexter County. It is the largest municipality in Smith County and is currently ranked as the 10th largest city in South Carolina (based on population). According to the most recent U.S. Census (2020) the population of the City of Johnstown was 47,000, a 25% increase since the 2010 census. The population of the city is currently spread across over 40 square miles of land, and the municipality continues to expand through both annexation and development. Smith County also has a growing population. Data provided by the Smith County Chamber of Commerce states that there were 120,937 residents residing in Smith County in 2015. The 2020 US Census indicates that the number of residents has increased by 12.2% to 135,725.

The City of Johnstown has been the beneficiary of tremendous residential development and growth due its location. The combination of growth in the city and the county has led to an ever-increasing flow of traffic into, out of, and within the city limits. Several major traffic thoroughfares run through the city, moving large volumes of traffic. Smith County has been named as a priority county by the Office of Highway Safety and Justice Programs, ranking 5th for fatal and severe injury DUI alcohol and/or Drug Collisions from 2016-2020.

The City of Johnstown Police Department (JPD) is an internationally accredited agency providing all law enforcement services across the city limits. The police department is staffed with 80 sworn officers and 30 civilian staff members. Of the 80 officers, 30 are assigned to Field Services, comprised of the officers that are actively out on the street conducting patrol operations. From 2018-2020, the City of Johnstown Police Department has produced 408 arrests for DUI; this is a 30% increase from the prior three-year period of 2015-2018. Since DUI arrests have increased, the city has seen DUI and other traffic fatalities on a consistent decline. Traffic collisions are also on a decline. With the increasing number of DUI arrests, the local courts are backlogged with DUI cases. Currently (in 2022), 100 of those cases are pending trial. The DUI conviction rate during this time period has been 27%. Over the last three years, 25 DUI cases have been dismissed or nolle prosequere, and 55 cases were reduced to reckless driving or a lesser traffic charge.

Officers at the Johnstown Police Department handle the vast majority of all DUI cases in municipal court without legal assistance, legal review, or training. As mentioned earlier in the application, our agency's DUI arrests have increased significantly, and our city's population continues to grow. The increase in traffic volume along with the increased attention to traffic enforcement is expected to result in a growth in arrests. The additional arrests will continue to build up and exacerbate the backlog in our court system, and more times than not, end in cases being dismissed or pled down. We are requesting funding of activity hours for a Special DUI prosecutor, who would greatly improve our chances of success in the courtroom. This Special DUI Prosecutor would prosecute all alcohol- and drug- related impaired driving cases made by our officers, and effectively and efficiently move these cases through the court system.

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

1. To increase the prosecution of DUI-related cases by \_\_\_ percent, from \_#\_ to \_#\_ by the end of the grant period.
2. To reduce the amount of time it takes to resolve the DUI-related cases to one year. There are \_#\_ pending cases currently that are over 1 year old.
3. To decrease the number of DUI-related cases currently pending on the docket by \_\_ percent, from \_#\_ to \_#\_ by the end of the grant period.

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

1. Statistics shall be obtained and compiled from the municipal court system to document the results of impaired driving cases brought forth by the (City/Town/County) officers for prosecution.
2. Statistics shall be obtained and compiled from the municipal court system to document the amount of time it takes the Special DUI Prosecutor to resolve the impaired driving cases brought forth by the (City/Town/County) officers for prosecution.
3. Statistics shall be obtained and compiled from the municipal court system to document the number of impaired driving cases brought forth by the (City/Town/County) officers for prosecution that are pending on the docket at the beginning of the grant year, and the number of pending cases by the end of the grant year.

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

- 1) To assign and/or maintain the assignment of a DUI prosecutor to perform grant project activity, in the amount of \_#\_ - \_#\_ hours, to prosecute all drug- and alcohol-related driving offense arrests made by agency law enforcement officers/deputies. The

prosecutor assigned to perform grant project activity hours will be prohibited from defending DUI cases while serving as the DUI Prosecutor.

- 2) The DUI Prosecutor will maintain a time log documenting all hours worked and charged to the grant for the services necessary to accomplish program goals. The hours worked and charged to the grant must include a breakdown of case type (DUI-alcohol or DUI-drug).
- 3) The DUI Prosecutor will review and prepare for court all pending alcohol-related and drug-related driving offenses made by agency law enforcement officers/deputies.
- 4) The DUI Prosecutor will meet with charging law enforcement officers/ deputies at a minimum of once per month to conduct pre-trial conferences of scheduled trials for alcohol-related and drug-related driving offenses.
- 5) A meeting will be held with local judges and magistrates to inform them of the grant project within the first quarter of the grant period.
- 6) To have the appropriate, corresponding increase in DUI cases filed as a result of DUI arrests.
- 7) To maintain a tracking system for the cases handled by the DUI Prosecutor. This system will be utilized throughout the grant period and should include a breakdown of case type (DUI-alcohol or DUI-drug) and the time spent on each case type.

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

1. The Special DUI Prosecutor will be assigned to perform grant project activity, in the amount of \_#\_ - \_#\_ hours, to prosecute all drug- and alcohol-related driving offense arrests made by agency law enforcement officers/deputies.
2. The DUI Prosecutor will submit a time log documenting all hours worked and charged to the grant for the services necessary to accomplish the program goals and broken down by case type (DUI-alcohol or DUI-drug).
3. The grant-funded DUI Prosecutor will document time related to the review and preparation for court for all pending drug- and alcohol-related driving offenses made by the law enforcement officers/deputies.
4. Meetings between the grant-funded DUI Prosecutor and charging officers/Deputies will be held monthly to conduct pre-trial conferences. Documentation of meetings will be kept in the grant files.
5. A meeting with the judges and magistrates will be held prior to the end of the first quarter of the grant period. Documentation to substantiate the meeting shall be maintained in the grant file.
6. Data will be collected by the grant-funded Special DUI Prosecutor and submitted to the law enforcement agency to document the corresponding increase in DUI cases filed as a result of DUI arrests. Documentation will be submitted to the funding agency in the monthly statistics report.
7. The grant-funded Special DUI Prosecutor will maintain a tracking system for DUI case management.

**PROJECT NARRATIVE:** Provide a comprehensive step-by-step description of the project, indicating the tasks and activities to be employed to address the outlined in the Problem Statement. Detail what will be accomplished, how activities will be implemented, and who will perform the tasks. Each specific objective should be addressed, including an explanation of how it will be achieved.

Within the first 90 days of the grant, the Special DUI Prosecutor will meet with local judges to discuss the grant project. The Special DUI Prosecutor will be responsible for prosecuting all drug- and alcohol-related driving offense arrests made by (City/Town/County) officers. The Special DUI Prosecutor will maintain a tracking system of the DUI cases prosecuted throughout the grant period. The Special DUI Prosecutor will maintain a time log documenting all hours worked and charged to the grant for the services necessary to accomplish program goals. The hours worked and charged to the grant must include a breakdown of case type (DUI-alcohol or DUI-drug). The Special DUI Prosecutor will work to have an appropriate, corresponding increase in DUI cases filed as a result of DUI arrests. The Special DUI Prosecutor will meet with charging law enforcement officers at a minimum of once per month to conduct pre-trial conferences of scheduled trials for alcohol-related and drug-related driving offenses. The Special DUI Prosecutor will also submit all required monthly, quarterly, and final reports to the OHSJP by the established deadlines and will increase his/her knowledge in the area of DUI prosecution by attending grant approved trainings.

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

The Project Director will review and compare the number of DUI cases pending at the beginning of the grant year to the number of DUI cases pending at the end of the grant year to determine if the backlog has decreased. The number of DUI cases dismissed or pled to a lesser charge will be reviewed and compared to the number of judicial dismissals and pleas at the end of the current grant year.

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

When federal assistance is no longer available, this office will seek funds from County Council to continue the position.



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

Upon notification of the grant award, the (City/Town/County) will send out a press release announcing the DPS Highway Safety Award and the benefits it will bring to the community. Media outlets will be notified and kept abreast of grant activity.

## Program Narrative - Counts

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

**Total Population for  
county(ies) or  
City/Town:** 47000

**Cite source of  
information:** US Census 2018

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

**# of sworn officers in  
agency:** 80

**# of non-sworn staff in  
agency:** 30

**Total # of personnel in  
agency:**

**NUMBER BY CALENDAR YEAR**

<u>ACTIVITY</u>	CY: 2018	CY: 2019	CY: 2020
<b>DUI Arrests</b>	100	125	175
<b>Speeding (All Cases)</b>	1100	1400	1700
<b>Safety Belt Violations</b>	200	225	250
<b>Child Restraint Violations</b>	20	25	30
<b>All Other Traffic Violations</b>	4000	4200	4400
<b>Traffic Crashes Investigated</b>	1500	1200	1000
<b>Check Points Conducted</b>	19	25	30



# Acceptance of Audit Requirements

## ACCEPTANCE OF AUDIT REQUIREMENTS

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

We agree to have an audit conducted in compliance with 2 CFR 200.501, if required. If a compliance audit is not required, at the end of each audit period we will certify in writing that we have not expended the amount of federal funds that would require a compliance audit (\$750,000). If required, we will forward for review and clearance a copy of the completed audit(s), **including the management letter, if applicable**, to:

Grants Administration Accountant - D2  
S.C. Department of Public Safety  
10311 Wilson Blvd., PO Box 1993  
Blythwood, SC 29016

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

1. \*Audit Period: Beginning

2021-07-01

Ending

2022-06-30

2. Audit or written certification will be submitted to the Office of Highway Safety and Justice Programs by:

2023-03-01

(Date)

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

Additionally, we have or will notify our auditor of the above audit requirements prior to performance of the audit for the period listed above. We will also ensure that, if required, the entire grant period will be covered by a compliance audit which in some cases will mean more than one audit must be submitted. We will advise the auditor to cite specifically that the audit was done in accordance with 2 CFR 200.501.

Any information regarding the CFR audit requirements will be furnished by the Office of Safety and Justice Programs, S.C. Department of Public Safety, upon request.

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

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

# Terms & Conditions

## Terms and Conditions

### 1. Availability of Federal Funds:

This grant award is contingent upon the availability of funds approved by the statutory governing body for those funds. For federal funds, availability is controlled by the United States Congress.

### 2. Applicable Federal Regulations:

The subgrantee 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, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 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 Requirement for Federal Awards; 2 CFR Part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and Administrative Orders issued by the National Highway Traffic Safety Administration (NHTSA).

### 3. Allowable Costs:

The allowability of costs incurred under any grant shall be determined in accordance with the cost principles outlined in [2 CFR Part 200](#) and NHTSA policy and guidance to determine necessary, reasonable, allocable, and allowable costs consistent with policies, rules, and regulations conforming to limitations or exclusion of costs as set forth in the applicable Super Circular referenced above.

### 4. Audit Requirements:

According to the Office of Management and Budget (OMB) 2 CFR Subpart F §200.501 – Audit Requirements, a non-federal entity that expends \$750,000.00 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with OMB 2 CFR Subpart F § 200.514. Please see OMB 2 CFR Subpart F § 200.502, Basis for determining Federal awards expended - to ensure all expended funds are accounted for. A copy of the audit must be made available to the Office of Highway Safety and Justice Programs within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. In addition, all grant contractors are subject to a financial and compliance audit by state and/or federal auditors. All documents associated with the grant project must be made available at any time for inspection by the Office of Highway Safety and Justice Programs or their designated representatives. The OMB 2 CFR Subpart F § 200.333, provides information on "Retention requirements for records". All financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, until any outstanding audits are completed. The Office of Highway Safety and Justice Programs will only pay the grant portion of compliance audit costs and only if a compliance audit is required. Funding for accounting services is not allowed.

### 5. Non-Discrimination:

During the performance of this contract/funding agreement, the subgrantee agrees:

a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time. These include but are not limited to:

- i. **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 or national origin) and 49 CFR Part 21;
- ii. **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);
- iii. **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), (prohibits discrimination on the basis of sex);
- iv. **Section 504 of the Rehabilitation Act of 1973**, as amended (29 U.S.C. 794 *et seq.*), (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- v. **The Age Discrimination Act of 1975**, as amended (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- vi. **The Civil Rights Restoration Act of 1987** (Pub. L. 100-259), (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);
- vii. **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;
- viii. **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 to 74100).
- ix. **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, and activities with disproportionately high and adverse human health or environmental effects on minority and low income populations); and
- x. **The Drug Abuse Office and Treatment Act of 1972** (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
- xi. **The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970** (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; and
- xii. **Sections 523 and 527 of the Public Health Service Act of 1912**, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse.

- a. 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;
- b. 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;
- c. 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
- d. 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.
- e. The Subgrantee assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will immediately forward a copy of the findings to the Office of Highway Safety and Justice Programs.

6. **Minority Business Enterprise (MBE) Obligation:**

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

7. **Conflict Of Interest:**

Personnel and other officials connected with this grant shall adhere to the requirements given below:

- a. **Advice:** No official or employee of a state or unit of local government or of nongovernment grantees/subgrantees shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which these funds are used, where to his knowledge he or his immediate family, partners, organization other than a public agency in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.
- b. **Appearance:** In the use of these grant funds, officials or employees of state or local units of government and non-governmental grantees/subgrantees shall avoid any action which might result in, or create the appearance of:
  - 1. Using his or her official position for private gain;
  - 2. Giving preferential treatment to any person;
  - 3. Losing complete independence or impartiality;
  - 4. Making an official decision outside official channels; or
  - 5. Affecting adversely the confidence of the public in the integrity of the government or the program.

8. **Bonding:**

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

9. **§200.444 General Costs of Government:**

- A. For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in §200.474 Travel costs). Unallowable costs include:
  - 1. Salaries and expenses of the Office of the Governor of a state or the chief executive of a local government or the chief executive of an Indian tribe;
  - 2. Salaries and other expenses of a state legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
  - 3. Costs of the judicial branch of a government;
  - 4. Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in §200.435 Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements); and
  - 5. Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.
- B. For Indian tribes and Councils of Governments (COGs) (see §200.64 Local government), up to 50% of salaries and expenses directly attributable to managing and operating Federal programs by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75886, Dec. 19, 2014]

10. **Project Implementation:**

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

11. **Written Approval of Changes:**

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

12. **Budget Revision Requirements:**

The major budget categories are: Personnel, Contractual Services, Travel, Equipment, and Other.

A budget revision will not be required unless:

- a. The expended amount in a major budget category exceeds the amount budgeted for the amount budgeted for that major budget category by 10%;
- b. The quantity of Personnel or Equipment changes;
- c. Or an item to be purchased is not listed in the grant budget;
- d. The Final grant revisions are requested to be submitted by the June 30<sup>th</sup> day before the close of the project year listed on the grant award documents. Revisions submitted after this date must have thorough justification as to why the revision is needed for the success of the project. Revisions must be completed online via GMIS. Every change made to the original application or subsequent revisions, is considered a revision and will require you to create a revision, and justify the revision. Should you need assistance, please contact the appropriate Program Staff;
- e. Retroactive approval of revisions will not be granted; costs incurred in such situations will not be reimbursed;
- f. Revision requests for new or different activities not related to the scope of the original approved grant will not be considered.

13. **Contract Approval Requirements:**

The Subgrantee must receive approval of all contract agreements for services and products from the Office of Highway Safety and Justice Programs **prior to execution**. The contract will require review and approval by appropriate staff. Every contract will identify by name all researchers, agents or vendors providing the service or product stipulated. If written

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

14. **Individual Consultants:**

Billings for consultants who are individuals must include at a minimum: a description of services; dates of services; number of hours services performed; rate charged for services; and, the total cost of services performed. Individual consultant costs must be within the prevailing rates, as required by the federal oversight agency. The current federally-approved rate must not to exceed the maximum of \$650.00 per day or \$81.25 per hour.

15. **Dual Employment Compensation:**

Dual employment compensation must be approved by the Office of Highway Safety and Justice Programs prior to contracting with consultants. An appropriate dual employment compensation form must be completed and submitted to the Office of Highway Safety and Justice Programs.

16. **Sole Source Procurement:**

(All purchases must be pre-approved by the Office of Highway Safety and Justice Programs). Use of sole source procurement is discouraged. Sole source purchases will be awarded only under exceptional circumstances and must follow precisely the procedure set forth in the South Carolina Consolidated Procurement Code. All sole source purchases will require the explicit prior written approval of the Office of Highway Safety and Justice Programs.

17. **Bidding Requirements:**

(All purchases must be pre-approved by Office of Highway Safety and Justice Programs) The subgrantee must comply with proper competitive bidding procedures as required by 2 CFR 200. Bids must be submitted to the Office of Highway Safety and Justice Programs for review and approval prior to acceptance of any quote/bid on any items, including those bids in the aggregate, whose total cost requires a bid. Provide a copy of all bids submitted; the bid selected; and the criteria used for selection. If other than the low bid was selected, provide justification. This includes state agencies. *Note that approved, budgeted items purchased through State Purchasing (General Services) under a state contract are still required to be submitted to the Office of Highway Safety and Justice Programs for approval.* Include the state contract number and the contract ending date on the invoice when it is submitted with the Request for Payment.

- a. **Purchases \$2,500 and less:** Purchases not exceeding \$2,500 may be accomplished without securing competitive quotations if the prices are considered fair and reasonable. The purchases must be distributed equitably among qualified suppliers. When practical, a quotation must be solicited from other than the previous supplier before placing a repeat order. Subgrantee grant budget items equal to or less than \$2,500 will be evaluated by the Office of Highway Safety and Justice Programs Financial staff at the time of grant budget approval or revision, and only fair and reasonable costs will be approved for inclusion in the subgrantee grant budget.
- b. **Purchases from \$2,500.01 to \$4,999.99,** this documentation must include three (3) written quotes. The award must be made to the lowest responsive and responsible sources.
- c. **Purchases from \$5,000 to \$10,000,** on any items, including those bids in the aggregate, whose total cost is \$5,000 or more, bids must be submitted to the Office of Highway Safety and Justice Programs for review and approval prior to acceptance of any bid. Provide the following information:
  1. A copy of all bids submitted.
  2. The bids selected.
  3. The criteria used for selection.
  4. If other than low bid selected, provide justification.
- d. **Purchases from \$10,000.01 to \$50,000:** Requires bid specification that must be submitted to the Office of Highway Safety and Justice Programs prior to solicitation of written bids or proposals. Also requires solicitation of written bids or proposals that must be advertised at least once in the SC Business Opportunities publication or through a means of central electronic advertising. Award must be made to the lowest responsive and responsible source or when a Request for Proposal is used, the highest ranking offer. Submit to the Office of Highway Safety and Justice Programs for approval prior to obligation of grant funds.

18. **Personnel:**

All personnel funded under this grant must be identified by name and date of hire. Any changes in grant personnel, reassignments or terminations must be reported by the subgrantee agency in writing within 30 days from the date of hire, or the date the change occurs. Costs for personnel can only be reimbursed for the time spent directly on the implementation of the project (if benefits are included, this encompasses accrued annual and sick leave). All Requests for Payment (RFP) must include timesheets for grant-funded personnel. Payment will not be processed without submission of timesheets. Agency timesheets may be used, or a timesheet can be provided by Office of Highway Safety and Justice Programs upon request. The timesheets must include the time period requested for reimbursement. These records must be available for review when a monitoring visit is made by the Office of Highway Safety and Justice Programs.

19. **Use of Grant-Funded Traffic Officers:**

The purpose of funding traffic safety units is to increase the level of traffic enforcement in a community. Subgrantees funded for traffic safety enforcement units must ensure that the level of enforcement for traffic-related offenses is increased above and beyond enforcement levels experienced prior to the establishment of the grant-funded unit. In other words, the grant-funded traffic officers are not to replace existing personnel who are performing traffic enforcement duties. Existing personnel should continue traffic enforcement efforts. Progress reports must reflect the activity level of existing personnel separate from grant-funded personnel. Grant-funded traffic officers are not permitted to provide any type of escort services (funeral processions, parades, etc.) since their primary responsibility is traffic law enforcement and traffic safety education. They may only perform those tasks specified in the approved grant agreement.

20. **Travel Costs:**

Travel costs for lodging must not exceed the federal rate established by the General Services Administration. These rates vary by location and season and are updated annually at [www.gsa.gov](http://www.gsa.gov). Attendees will only be reimbursed up to the maximum allowable rate for lodging, excluding taxes and surcharges. If travel costs are included in the grant application, a copy of the agency's policies and procedures manual or its Board's signed minutes, which provides mileage rates, must be submitted with the application. Meals will be covered at the state rate of \$25 per day for in-state travel and \$32 per day for out-of-state travel. **Out-of-State Travel:** The subgrantee must receive prior approval from the Office of Highway Safety and Justice Programs on all out-of-state travel not specified in the approved grant application. Lodging receipts are required and must itemize room charges and taxes by date. Reimbursement for checked baggage fee is limited to only one (1) checked bag and must be within the airlines' size & weight restrictions (with receipt). The Office of Highway Safety and Justice Programs will not reimburse any overweight and oversized baggage fees if your bag exceeds weight or size limits. Hotels that are booked through websites like Expedia, Kayak and Travelocity are not allowed and will not be reimbursed. The most economical means of transportation must be utilized. Fares for taxis, bus, or light rail service to and/or from an airport are reimbursable with a valid receipt. The Office of Highway Safety and Justice Programs will not reimburse any

amounts for tips. A rental car should only be used when other forms of transportation are not available and prior approval from the Office of Highway Safety and Justice Programs must be granted. Documentation is required for reimbursement of the rental fee and gas. Car rental insurance is not reimbursable.

21. **Training Approval:**

When grant funds are used to pay for the training of grant-funded personnel (e.g., registration, lodging, meals, or mileage) prior written approval by the Office of Highway Safety and Justice Programs must be obtained. A copy of the agenda must also be submitted to the Office of Highway Safety and Justice Programs.

22. **Obligation of Grant Funds:**

Grant funds must not be obligated prior to the effective date of award or approved revision or subsequent to the termination date of the grant period. No obligations are allowed after the end of the grant period and the final request for payment must be submitted no later than 45 calendar days after the end of the grant period.

23. **Utilization and Payment of Grant Funds:**

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

24. **Recording and Documentation of Receipts and Expenditures:**

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

25. **Financial Responsibility:**

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

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

26. **Reports:**

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

27. **Program Income:**

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

28. **Cash Depositories:**

Subgrantees are required to deposit grant funds in a federally insured banking institution and the balance exceeding insurance coverage must be collaterally secured.

29. **Retention of Records:**

Records for non-expendable property purchased totally or partially with grantor funds must be retained for three (3) years after its final disposition. All other pertinent grant records including financial records, supporting documents and statistical records shall be retained for a minimum of three (3) years after the final expenditure report. However, if any litigation, claim or audit is started before the expiration of the three-year period, then records must be retained for three (3) years after the litigation, claim or audit is resolved.

30. **Property Control:**

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

- a. **Title:** Subject to the obligations and conditions set forth in 2 CFR 200.313, and 2 CFR 439 title to non-expendable property acquired in whole or in part with grant funds shall be vested in the subgrantee. Non-expendable property is defined as any item having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit.
- b. **Property Control Record Form:** At the time the final request for payment is submitted, the subgrantee must file with the Office of Highway Safety and Justice Programs a copy of the Property Control Record Form (provided by the Office of Highway Safety and Justice Programs) listing all such property acquired with grant funds. The subgrantee agrees to be subject to a biennial audit by the Office of Highway Safety and Justice Programs and/or its duly authorized representatives for verification of the information contained in the Property Control Record Form.
- c. **Use and Disposition:** Equipment shall be used by the subgrantee in the program or project for which it was acquired as long as needed, whether or not the program or project continues to be supported by federal funds. When use of the property for project activities is discontinued, the subgrantee shall request, in writing, disposition instructions from the Office of Highway Safety and Justice Programs prior to actual disposition of the property. Theft, destruction, or loss of property shall be reported to the Office of Highway Safety and Justice Programs immediately.

31. **Performance:**

This grant may be terminated or fund payments discontinued by the Office of Highway Safety and Justice Programs where it finds a substantial failure to comply with the provisions of the Act governing these funds or regulations promulgated, including those grant conditions or other obligations established by the Office of Highway Safety and Justice Programs. In the event the subgrantee fails to perform the services described herein and has previously received financial assistance from the Office of Highway Safety and Justice Programs, the subgrantee shall reimburse the Office of Highway Safety and Justice Programs the full amount of the payments made. However, if the services described herein are partially performed, and the subgrantee has previously received financial assistance, the subgrantee shall proportionally reimburse the Office of Highway Safety and Justice Programs for payments made.

32. **Deobligation of Grant Funds:**



All grants must be deobligated within forty-five (45) calendar days of the end of the grant period. Failure to deobligate the grant in a timely manner will result in an automatic deobligation of the grant by the Office of Highway Safety and Justice Programs.

33. **Copyright:**

Except as otherwise provided in the terms and conditions of this grant, the subgrantee or a contractor paid through this grant is free to copyright any books, publications or other copyrightable materials developed in the course of or under this grant. However, the federal awarding agency and/or Office of Highway Safety and Justice Programs (Office of Highway Safety and Justice Programs) reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for federal government and/or Office of Highway Safety and Justice Programs purposes:

- a. the copyright in any work developed under this grant or through a contract under this grant, and;
- b. any rights of copyright to which a subgrantee or subcontractor purchases ownership with grant support.

The federal government's rights and/or the Office of Highway Safety and Justice Programs' rights identified above must be conveyed to the publisher and the language of the publisher's release form must ensure the preservation of these rights.

34. **Produced Materials/Publications:**

Materials produced as part of the grant shall indicate that the project is sponsored by the Office of Highway Safety and Justice Programs of the South Carolina Department of Public Safety. All public awareness/education materials developed as a part of a highway safety grant are to be submitted in draft to the Office of Highway Safety and Justice Programs for written approval prior to final production and/or distribution. Prior to submission of the final request for payment, the subgrantee shall submit to the Office of Highway Safety and Justice Programs two copies of all materials produced as part of the grant.

35. **Closed Captioning of Public Service Announcements:**

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

36. **Confidential Information:**

Any reports, information, data, etc., given to or prepared or assembled by the subgrantee under this grant which the Office of Highway Safety and Justice Programs requests to be kept confidential shall not be made available to any individual or organization by the subgrantee without prior written approval of the Office of Highway Safety and Justice Programs.

37. **Disclosure of Federal Participation:**

In compliance with Section 623 of Public Law 102-141, the subgrantee agrees that no amount of this award shall be used to finance the acquisition of goods and services for the Project to apply to a procurement for goods or services that has an aggregate value of \$500,000 or more unless the subgrantee:

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

38. **Cost Assumption:**

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

39. **Political Activity (Hatch Act):**

The subgrantee 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.

40. **Equipment Purchase:**

All equipment purchases must be specifically itemized in the budget proposal. If not included in the original budget proposal, expressed written approval from the Office of Highway Safety and Justice Programs is required prior to any purchase. Upon receipt of any equipment purchased with federal funds, the grant contractor must complete an "Equipment Inventory Log" and submit it to the Office of Highway Safety and Justice Programs. The "Equipment Inventory Log" is located on the Office of Highway Safety and Justice Programs website. The subgrantee must appropriately maintain any equipment purchased under the grant contract. Office of Highway Safety and Justice Programs staff will provide an OHSJP inventory tag to be placed on all equipment purchases.

41. **Equipment Use:**

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

42. **Observance of National Safety Weeks:**

All subgrantees shall assist the Office of Highway Safety and Justice Programs in activities associated with Sober or Slammer/Christmas /New Year's (December and January); Buckle Up South Carolina (May); Operation Southern Shield (July), Sober or Slammer/Labor Day (September); and the observance of National Child Passenger Safety Week (September).

43. **Specialized Equipment/Occupant Protection Device Purchases:**

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

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

44. **Purchasing Deadlines Required to Meet Federal Fiscal Year Close-Out:**

Purchases in excess of \$5,000 in the unit or aggregate and requiring approval of specifications/bid awards must be submitted through standard approval process prior to August 1<sup>st</sup> each year. All grant-funded expenditures must be requested, purchased, invoiced, and delivered prior to September 30<sup>th</sup>.

45. **Fiscal Regulations:**

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

46. **Compliance Agreement:**

The subgrantee agrees to abide by all Terms and Conditions including "Special Conditions" placed upon the grant award by the Office of Highway Safety and Justice Programs. Failure to comply could result in a "Stop Payment" being placed on the grant and/or repayment by the subgrantee of costs deemed unallowable.

47. **Suspension or Termination of Funding:**

The Office of Highway Safety and Justice Programs may suspend, in whole or in part, and/or terminate funding or impose another sanction on a subgrantee for any of the following reasons:

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

48. **Buy America Act:**

The subgrantee will comply with the provisions of the Buy America Act (23 U.S.C. §313), which contains the following requirements: Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such 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. 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.

49. **Restriction on State Lobbying:**

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

50. **Federal Funding Accountability and Transparency Act (FFATA):**

The Federal Funding Accountability and Transparency Act (FFATA or the Transparency Act – Pub.L. 109-282, as amended by section 6202(a) of Pub.L. 110-251) requires the Office of Management and Budget (OMB) to maintain a single searchable website that contains information on all federal spending awards. The site is [www.USASpending.gov](http://www.USASpending.gov). The Transparency Act requires every grant/sub-grant/contract/sub-contract equal to or greater than \$25,000.00 awarded by the Office of Highway Safety and Justice Programs to be accounted for on the Federal Funding Accountability and Transparency Act Sub-award Reporting System (FSRS) at [www.fsrs.gov](http://www.fsrs.gov). All contractors awarded federal funding equal to or greater than \$25,000.00 will be required to submit specific information requested by the Office of Highway Safety and Justice Programs to comply with the Transparency Act.

51. **Prohibition on Using Grant Funds to Check for Helmet Usage:**

The subgrantee must not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

52. **Policy on Seat Belt Use:**

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's Web site at [www.nhtsa.gov](http://www.nhtsa.gov). Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, DC metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit [www.trafficsafety.org](http://www.trafficsafety.org).

53. **Policy on Banning Text Messaging While Driving:**

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

54. **Indirect Costs:**

Indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned directly to Federal awards and other activities as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost. Indirect costs are normally charged to Federal awards by the use of an indirect cost rate. A separate indirect cost rate(s) or IDCRC is usually necessary for each department or agency of the governmental unit claiming indirect costs under Federal awards.

*2 C.F.R. §200.331(a)(4) and 2 C.F.R. §200.414(4)(f) states...if a subrecipient does not have a federally negotiated indirect cost rate, the pass-through entity may either negotiate a rate with that subrecipient or apply the de minimis indirect cost rate of 10% of modified total direct costs (MTDC). The pass-through entity may not force or entice the subrecipient without a federally negotiated indirect cost rate to accept a rate lower than the de minimis rate of 10%. MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward or subcontract under the award (regardless of the period of performance of the subawards under the award). 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.*

55. **Active DUNS number, Central Contractor Registration (CCR) registration, and South Carolina State Vendor ID are required for federal reporting purposes and reimbursement:**

**A DUNS number is required during the application process:** A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point-of-contact information, and registration is required only once. The DUNS number will be used throughout the grant life cycle. Obtain a DUNS number by calling 1-866-705-5711 or by applying online at <https://fedgov.dnb.com/webform>.

- a. **System for Award Management (formerly Central Contractor Registration [CCR]):** The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB). SAM is a Federal Government-owned and operated free web site that consolidates the capabilities in CCR/FedReg, ORCA, and EPLS. Future phases of SAM will add the capabilities of other systems used in Federal procurement and awards processes. If you had an active record in CCR, you have an active record in SAM. You do not need to do anything in SAM at this time, unless a

change in your business circumstances requires updates to your Entity record(s) in order for you to be paid or to receive an award or you need to renew your Entity(s) prior to its expiration. SAM will send notifications to the registered user via email 60, 30, and 15 days prior to expiration of the Entity. To update or renew your Entity records(s) in SAM you will need to create a SAM User Account and link it to your migrated Entity records. You do not need a user account to search for registered entities in SAM by typing the DUNS number or business name into the search box. <https://www.sam.gov/portal/public/SAM/>.

- b. **South Carolina State Vendor Number:** To ensure that your agency is registered with the state, in order to receive reimbursement for grant-eligible expenses, an agency or entity will need to go to the following link and register to obtain a SC State Vendor number. <http://www.mmo.sc.gov/PS/vendor/PS-vendor-registration.phtm>. This information should be sent with the first Request for Reimbursement to the person listed on the cover letter in your award packet.

**56. Certifications Regarding Federal Lobbying, Debarment and Suspension and Drug-Free Workplace Requirements and other Responsibility Matters:**

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

**57. Certification Regarding Federal Lobbying:**

**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

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

**58. Certification Regarding Debarment and Suspension: Instructions for Primary Certification (States):**

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and coverage sections of 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 1300.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business

dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

**59. Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions:**

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

**60. Instructions for Lower Tier Certification:**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of 2 CFR Part 180. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by 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 low tier participants to comply with 2 CFR Parts 180 and 1300.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

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

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

**62. Drug-Free Workplace Certification Act 1988 (41 U.S.C. 8103):**

The State will provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing a drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace.
  - b. The grantee's policy of maintaining a drug-free workplace.
  - c. Any available drug counseling, rehabilitation, and employee assistance programs.
  - d. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
  - e. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
3. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
  - a. Abide by the terms of the statement.

- b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
4. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction.
5. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted:
  - a. Taking appropriate personnel action against such an employee, up to and including termination.
  - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
6. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs of all of the paragraphs above.

# Certification by Project Director

## CERTIFICATION BY PROJECT DIRECTOR \*

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

**Prefix:**

**Name:**

**Suffix:**

**Title:**

**Agency:**

**Mailing Address:**

**City:**

**State:**

**9 Digit Zip:**

**(Area) Phone Number:**

**(Area) Fax Number:**

**E-Mail Address:**

**Signature:**

**Bonded:** yes<sup>c</sup> no<sup>c</sup>

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

# Certification by Financial Officer

## CERTIFICATION BY FINANCIAL OFFICER \*

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

**Prefix:**

**Name:**

**Suffix:**

**Title:**

**Agency:**

**Mailing Address:**

**City:**

**State:**

**9 Digit Zip:**

**(Area) Phone Number:**

**(Area) Fax Number:**

**E-Mail Address:**

**Signature:**

**Bonded:** yes  no

# Certification by Official Authorized to Sign

## CERTIFICATION BY OFFICIAL AUTHORIZED TO SIGN \*

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

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

**Prefix:**

**Name:**

**Suffix:**

**Title:**

**Agency:**

**Mailing Address:**

**City:**

**State:**

**9 Digit Zip:**

**(Area) Phone Number:**

**(Area) Fax Number:**

**E-Mail Address:**

**Signature:**

**Bonded:** yes  no

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