

# *UTAH HIGHWAY SAFETY OFFICE GRANTS MANAGEMENT MANUAL*

Revised 07/19/2021



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## Chapter 1 – Introduction

### Section 1.01 – Welcome, Purpose and Background

Welcome to the [Utah Highway Safety Office \(UHSO\)](#) Grants Management Manual (GMM).

***“Our mission is to save lives by changing behavior, so everyone on Utah’s roadways arrives safely”***

The goal of the highway safety program is to reduce traffic crashes that result in death and serious injury and the associated economic impacts. The UHSO provides funding for State and local agencies to achieve this purpose and stands ready to assist in the development, implementation, and evaluation of highway safety projects. New ideas and innovative approaches are encouraged.

This manual is a dynamic document, subject to revision as laws change and practices are updated. As an electronic document, it is linked to and incorporates statutes, Federal Code, administrative rules, statewide policies and other foundational documents. Linked source documents must be included in your reading and understanding. Any part of the manual may be viewed by selecting a link from the Table of Contents. The electronic UHSO GMM is the only official version. Printed procedures or versions saved to other media may become obsolete, so caution is advised.

### Section 1.02 – Location of Highway Safety Office

Utah Highway Safety Office  
4501 South 2700 West  
Building 3, 2nd Floor  
Taylorsville, UT 84129  
Telephone: 801-965-4400  
[www.highwaysafety.utah.gov](http://www.highwaysafety.utah.gov)

### Section 1.03 – Utah Highway Safety Office Personnel

Name	Title	Email	Telephone
Carrie Silcox	Director	<a href="mailto:csilcox@utah.gov">csilcox@utah.gov</a>	801-965-4400
Robyn LaLumia	Deputy Director	<a href="mailto:rlalumia@utah.gov">rlalumia@utah.gov</a>	801-573-2842
Carolyn Fronce	Financial Analyst	<a href="mailto:cfronce@utah.gov">cfronce@utah.gov</a>	801-707-1306

Katherine Kayser	Administrative Assistant	<a href="mailto:Kkayser@utah.gov">Kkayser@utah.gov</a>	801-386-2911
Jason Mettmann	Communication Manager	<a href="mailto:jmettmann@utah.gov">jmettmann@utah.gov</a>	801-664-7899
Stacy Debban	Programs Coordinator	<a href="mailto:sdebban@utah.gov">sdebban@utah.gov</a>	801-783-8521
Keri Fuhr	Program Manager Occupant Protection	<a href="mailto:kfuhr@utah.gov">kfuhr@utah.gov</a>	801-243-7571
Kerilee Burton	Program Manager Child Passenger Safety/Teens	<a href="mailto:kburton@utah.gov">kburton@utah.gov</a>	801-505-3315
Marissa Hesterman	Program Manager Vulnerable Roadway Users	<a href="mailto:mhesterman@utah.gov">mhesterman@utah.gov</a>	385-272-5687
Terry Smith	Rural Traffic Safety Coord.	<a href="mailto:terrysmith1@utah.gov">terrysmith1@utah.gov</a>	435-201-4312
Lynda Reinstein	Program Manager Impaired Driving	<a href="mailto:lreinstein@utah.gov">lreinstein@utah.gov</a>	385-290-5305
Jill Sorensen	Program Manager Youth Alcohol	<a href="mailto:jsorensen@utah.gov">jsorensen@utah.gov</a>	801-903-7078
Barbra Christofferson	Program Manager Traffic Records	<a href="mailto:bchristofferson@utah.gov">bchristofferson@utah.gov</a>	801-783-7250
Briana Bitner	FARS Analyst	<a href="mailto:bbitner@utah.gov">bbitner@utah.gov</a>	385-549-0470
Kevin Larsen	Law Enforcement Liaison	<a href="mailto:kdlarsen@utah.gov">kdlarsen@utah.gov</a>	385-787-4322
Rocio Huizar	Program Manager Police Traffic Services	<a href="mailto:rhuizar@utah.gov">rhuizar@utah.gov</a>	801-703-1852
Sgt. Chris Bishop	UHP – PI&E	<a href="mailto:cbishop1@utah.gov">cbishop1@utah.gov</a>	385-296-9436
Vacant Trooper	UHP - PI&E		



## Chapter 2 - Definitions

Activity Report	A required monthly or quarterly report where the grantee describes progress, accomplishments, challenges and evaluates grant activity during that time period. Or an enforcement activity report used to invoice law enforcement overtime.
Budget Category	Budgetary expenses including personnel costs, supplies, operating, travel, equipment, etc.
Buy America Act	Prohibits states from using highway grant funds to purchase steel, iron and all manufactured products unless they are produced in the United States, or a waiver is granted by the Secretary of Transportation. For compliance purposes, American-made covers any product that is manufactured or assembled in the United States.
CFDA	Catalog of Federal Domestic Assistance, provides a listing of all federal programs available to state and local governments; federally-recognized Indian tribal governments; United States territories and possessions; domestic public, quasi-public and private profit and non-profit organizations and institutions; specialized groups; and individuals.
CFR	Code of Federal Regulations, a listing of general and permanent rules published in the Federal Register by the Executive Branch of the federal government and federal agencies.
CPS	Child Passenger Safety. Any activities addressing the safety of children riding in motor vehicles.
DUI	Driving Under the Influence. This includes alcohol and drugs.
DUNS	Data Universal Numbering System, a nine digit number offered by Dun & Bradstreet to identify different divisions of companies and provide easy reference for those seeking information.
EMS	Emergency Medical Services
Equipment	Non-expendable, tangible property having a useful life of more than one year and an acquisition cost of \$5,000 or more per item to be used for traffic safety and/or law enforcement purposes.
Equipment Inventory Report	Report showing inventory status, serial number, grant name, and location for all equipment purchases made with grant funds over \$5,000.00.
Expenditure	Expenses incurred in support of approved grant activities that a grantee may submit for reimbursement.

Expenditure Report	A report submitted by grantees for reimbursement of expenditures.
FFATA	Federal Funding Accountability and Transparency Act, requires grantees to annually report each action that obligates \$25,000 or more in federal funds.
FHWA	Federal Highway Administration
Final Activity Report	Report submitted by grantee following completion of the grant period, details the effectiveness of the highway safety project based on the grantee's goals and objectives.
GEARS	UHSO's grant electronic application and reporting system.
Grant	One year of federal fiscal funding awarded by UHSO to a local or state agency or organization to address a specific behavioral highway safety issue.
Grant Awarded	The status of a project once the grant has been approved by the Utah Highway Safety Office (UHSO).
Grant Training	Training for all new grantees (recommended for all grantees) regarding the grant management process.
Grantee	Local, state agency or non-profit organization receiving a highway safety grant from UHSO.
Grantor	The state agency that awards federal highway safety grant funds, usually UHSO.
HSP	The annual Highway Safety Plan submitted by the UHSO to the National Highway Traffic Safety Administration (NHTSA) to secure federal transportation grant funds for a federal fiscal year.
HVE	High Visibility Enforcement
LEL	Law Enforcement Liaison. An individual who works for the UHSO and provides law enforcement expertise to the UHSO and their partners.
NHTSA	National Highway Traffic Safety Administration. This is the federal agency responsible for administering the national highway traffic safety grant program funded by federal legislation.
OP	Occupant Protection, seat belt and child safety seat programs.
Time Certification	Personnel Activity Report, required quarterly from grants that have approved personnel budgets.

PD	Police Department
Program Manager	UHSO staff member responsible for the effective administration of grants and statewide highway safety programs.
Project Adjustment	A formal change to a contract based on a modification request. Adjustments are required when more than 10% of a budget category changes or if a specific term of the original contract changes.
Project Director	Individuals within a local or state agency or non-profit organization are responsible for establishing and maintaining procedures within their agency to ensure effective administration of the UHSO approved grant. The Project Director interfaces with the UHSO Program Manager.
PSA	Public Service Announcement. These are public interest messages disseminated by the media to raise awareness and change public attitudes and behavior towards improving highway traffic safety.
RFP	Request for Proposal. This is a document that outlines funding availability to address a priority highway safety program area as outlined in the HSP.
SFST	Standardized Field Sobriety Test law enforcement officials use to detect impaired drivers.
SO	Sheriff's Office
Supplies and Operating	Materials, supplies and equipment purchased directly for use on a specific project costing less than \$5,000.
Support Documentation	Documentation that supports expenditure reimbursements such as reports, invoices, receipts, timesheets, copies of checks, etc.
Timesheet	Document detailing work hours performed by an employee on behalf of his/her employer during a set time period (i.e., weekly, bi-weekly, overtime).
UCPA	Utah Chiefs of Police Association
UHSO	Utah Highway Safety Office is the lead traffic safety organization tasked with addressing, managing and implementing the State of Utah's behavioral highway safety program.
UHSO Website	Utah Highway Safety Office (UHSO) website offers a comprehensive resource service located at <a href="http://highwaysafety.utah.gov">http://highwaysafety.utah.gov</a> . It serves as an information hub for all traffic safety initiatives including campaign reporting, training, and educational programs.



## Chapter 3 – Program Information

### Section 3.01 – Program Descriptions

These are the general descriptions of the programs administered and coordinated by the UHSO.

<b>Program Title</b>	<b>Program Description</b>
<b>Planning and Administration</b>	Manages and coordinates highway traffic safety programs to reduce death and serious injury on all of Utah's roadways. P & A costs are direct and indirect expenses for the management of programs found in the Utah Highway Safety Plan (HSP) by the UHSO staff.
<b>Impaired Driving</b>	Reduces alcohol and drug related highway crashes, particularly fatal crashes, by implementing effective education, law enforcement programs and countermeasure strategies.
<b>Eliminating Alcohol Sales to Youth (EASY)</b>	Eliminate alcohol sales to youth at off-premise consumption retail locations statewide, using covert underage buyers (CUB's).
<b>Police Traffic Services</b>	Improve the capabilities of police traffic enforcement agencies in crash investigation, selective traffic enforcement, and speed compliance by educating police in traffic management and by conducting public education.
<b>Child Passenger Safety</b>	Increase education and awareness of the proper installation and use of child passenger safety restraints in order to reduce fatalities and serious injuries to children of all ages. This is accomplished by educating parents and the public in the proper installation of child restraints. This also includes training child passenger restraint installation technicians.
<b>Emergency Medical Services</b>	Provide the means to improve public awareness, emergency medical care and patient transport.
<b>Traffic Records</b>	Increase the quality of traffic safety-related data by improving timeliness, accuracy, completeness, uniformity, integration and accessibility. This will create a data-driven environment to improve the identification of traffic safety priorities for national, state, and local traffic safety programs.
<b>Distracted Driving</b>	Reduce the number of crashes with distracted driving as a contributing factor. Including support and resources for local law enforcement agencies in capacities, such as campaigns, events, enforcement activities and educational opportunities to raise awareness to the dangers of distracted driving.

<b>Occupant Protection</b>	Increase the usage of seat belts through public education and law enforcement thereby reducing fatalities and serious injuries of unrestrained occupants.
<b>Motorcycle Safety</b>	Increase motorcycle safety through education and law enforcement. Implement motorcycle training programs targeted to youth and those who are riding motorcycles for the first time.
<b>Pedestrian and Bicycle Safety</b>	Promote public awareness of safety programs for pedestrians and bicyclists by providing educational materials and technical assistance to communities and coalitions.
<b>Teen Driving Programs</b>	Decrease motor vehicle crashes involving teen drivers by promoting increased parental involvement in, and awareness of, teen driving as each new group of young drivers hit the roadways.
<b>Older Driving Program</b>	Increase awareness, communication and outreach efforts using education and training of safe driving practices with older drivers and caregivers.

### Section 3.02 – Frequently Asked Questions

**Q: Can I apply for more than one grant and/or a grant that covers more than one program area?**

A: Yes. The UHSO allows an agency or non-profit organization to submit multiple grant applications as well as applications that address more than one program area via the online grants management system. To be considered for grant funding, your agency's application must correspond to an approved program area. For example, if your agency is seeking funds to combat impaired driving and bolster seat belt use, you may submit applications for an Impaired Driving grant and an Occupant Protection grant. If you are unsure which program area(s) to apply under, you can visit our website at [highway safety.utah.gov](https://highwaysafety.utah.gov).

**Q: I have never applied for a grant before and don't have local data or statistics. What should I do?**

A: If you are applying for a grant to reduce motor vehicle crashes, your application should include three to five years of baseline data identifying your traffic safety problem. You may visit the UHSO website <https://highwaysafety.utah.gov/crash-data/> where you can find state and local crash data and statistics

**Q: Can the Project Director delegate their grant-related responsibilities to another agency employee?**

A: The Project Director is the individual within a local or state agency or non-profit organization who is responsible for establishing and maintaining procedures to ensure effective administration of the UHSO approved grant. When applying for a grant via the UHSO's online grants management system, the grantee must designate a Project Director for that application. If your agency applies for additional grants, a different Project Director may be designated for each application. Once a Project Director is entered into the system, this individual may select and enter the names of other staff members who may access the grant and handle various administrative functions such as initiating an expenditure or submitting an activity report. If the Project Director changes, the agency must notify the UHSO Program Manager.

**Q: Why does the UHSO conduct an on-site monitoring visit?**

A: Federal and State grant management rules require the UHSO to monitor grantees to ensure compliance with applicable requirements and cost principles. While the UHSO staff will maintain regular contact with grantees throughout the course of the grant year, the UHSO personally or virtually visits every grantee that receives a grant of \$25,000 or more at least once during the grant year to conduct a comprehensive assessment of their programs. Grants less than \$25,000 may also receive an on-site visit as deemed by the Program Manager. The on-site visit is designed to be instructive, not disruptive and to foster information exchange and partnership. The programmatic aspects, such as the goals, objectives, and performance indicators, are reviewed to determine if the project is having an impact and if the project is being implemented according to schedule as outlined in the approved grant. The financial review includes an examination of agency and grant-specific financial documents and issues related to the implementation and performance of the project.

**Q: What should be included in my agency's activity report?**

A: Your agency's activity report should describe any tasks or activities conducted during the month or quarter to accomplish the objectives outlined in your grant (i.e., conducted 6 training courses with 380 participants) along with progress made or challenges in addressing the problem statement (i.e., 1<sup>st</sup> quarter FY2021 crashes down by 5 compared to 1<sup>st</sup> quarter FY2020 as described in tasks). Attach copies or provide links to outreach efforts (i.e. press releases, social media posts, flyers, etc.) that support these activities. Activity reports are submitted through the electronic grant system.

**Q: Must my agency submit an expenditure to UHSO every month or quarter even if we haven't spent any grant funds?**

A: No. However, an Activity Report must be submitted providing an update of the grant status.

**Q: If my agency doesn't spend all of the awarded grant funds during the year, what happens to the money?**

A: Since grants are approved on an annual basis (October 1-September 30), funding that is not expended at the end of the 12-month period is not carried over to the next fiscal year. Grantees are encouraged to plan ahead and carefully monitor their expenditures throughout the grant period to ensure objectives are met and funds are spent responsibly. If a grantee was not able to accomplish the goals of the project during the award year, they are welcome to apply just like everyone else in the following year.

**Q: What is the last day I can spend the grant funds?**

A: The expenditures must be incurred and/or invoiced on or before September 30<sup>th</sup>. All expenditures must be submitted for payment by November 10<sup>th</sup>. Any expenditures received after that date may not be reimbursed.

**Q: How does a law enforcement agency go about getting overtime enforcement shifts?**

A: Contact the UHSO Program Manager overseeing the program area. [highway.safety.utah.gov](https://highway.safety.utah.gov).

**Q: What documentation is needed for overtime reimbursement?**

A: It depends on what time of overtime is being done. For specific documentation, contact the Program Manager overseeing the program area. A list of helpful forms for enforcement overtime may be found on the UHSO website. <https://highwaysafety.utah.gov/law-enforcement-forms/>

**Q: If I need to make a modification to my grant, what is the process?**

A: Contact your Program Manager for assistance. <https://highwaysafety.utah.gov/contact-highway-safety/>

**Q: What equipment may be purchased with grant funds?**

A: Refer to the Police Traffic Services Program Manager for information.  
<https://highwaysafety.utah.gov/contact-highway-safety/>

**Q: How long must I maintain and track equipment purchased with grant funds, and if the equipment is destroyed, must I report it?**

A: All equipment purchased with grant funds must be tracked for its useful life. If the equipment is destroyed or is no longer deemed useful for its intended purpose, you must immediately notify the UHSO Police Traffic Services Program Manager. With UHSO guidance, you'll be required to determine the fair market value of the equipment and give credit to an active grant in order to transfer or dispose of the equipment. After disposing of any grant-purchased equipment (whether destroyed or no longer having a useful life), your agency should maintain all records pertaining to this equipment for three years.

## Chapter 4 – Highway Safety Program

The Utah Highway Safety Office (UHSO) is Utah's lead traffic safety organization. Located within the Utah Department of Public Safety in Salt Lake City, the UHSO is tasked with the responsibility of planning and implementing a comprehensive highway safety program that utilizes NHTSA, State and Community Highway Safety Grant funds.

The goal of these programs is to eliminate death and serious injury resulting from motor vehicle crashes. The UHSO partners with law enforcement, government agencies, and nonprofits to address Utah's highway safety needs at the state and community level through the use of Federal Highway Safety Grant Program funds.

In addition to administering grant funds, the UHSO is also responsible for managing Utah's Federal Fatal Analysis Reporting System (FARS) program.

## Chapter 5 – Development of the Highway Safety Plan

### Section 5.01 – Project Development for the Highway Safety Plan

The process for selecting state and local safety projects for inclusion into the annual Highway Safety Plan (HSP) starts with problem identification and data analysis. Input is also gathered from various stakeholders including:

- Representatives from state and local governments
- Regional and municipal planning organizations
- Law enforcement
- Emergency Medical Services, courts, licensing, highway planners, engineers, health services and social services.

Priority is given to applications that demonstrate a highway safety problem as identified in the Strategic Highway Safety Plan (SHSP), HSP, Traffic Records Strategic Plan and by the National Highway Traffic Safety Administration (NHTSA). The application must outline a clear plan employing proven countermeasures linked to measurable objectives. All approved grant-funded projects are included in the annual HSP that is submitted to NHTSA by July 1.

A risk assessment is conducted on each agency prior to approving a grant application.

### Section 5.02 – Highway Safety Plan Process Flow Chart

Planning for the next federal fiscal year begins in November with creation of the problem identification report and recommended focus areas.

Month	Activity
<b>November/December</b>	Generate Traffic Safety Problem Identification Report
<b>January</b>	<p>UHSO staff debriefs the previous federal fiscal year's program in coordination with the Annual Evaluation Report. The NHTSA Regional Office Priority Letter is reviewed. The grant solicitation process begins with highway safety partner agencies. The grant proposal application deadline is selected by the UHSO staff. The deadline is approved by the Director.</p> <p>Begin planning sessions for project proposals.</p> <p>GEARS begins accepting grant applications no later than January 31st, which can change upon approval by the UHSO Director.</p>
<b>February</b>	UHSO determines revenue funding, estimates, and drafts the initial HSP budget.
<b>March</b>	UHSO staff will review project applications-and determine eligibility. Begin fine-tuning the grant application with the sub-grantee through the grant modification process.



<b>April</b>	UHSO staff will begin to draft the HSP and conduct an internal review of the drafted HSP for compliance with federal requirements, completeness, and accuracy.
<b>May</b>	The deadline for submitting a grant application is May 10th. The deadline can change upon approval by the UHSO Director.  UHSO staff will complete and review a detailed draft of the HSP. This reviewed draft HSP may be submitted to the NHTSA Regional Office for an informal review.
<b>June</b>	Final draft of the HSP is reviewed and submitted to the NHTSA Regional Office for an informal review and feedback by June 1.
<b>July</b>	Submission of the Highway Safety Plan is made to NHTSA by July 1 via the required transmission method.  Complete risk assessment process for projects identified in the HSP.
<b>August</b>	UHSO receives NHTSA approval letter and begins finalizing grant agreements in GEARS.
<b>September</b>	Continue finalizing grant agreements. UHSO Director and Deputy Director review and approve grant agreements.
<b>October</b>	Implement the HSP.

**Note: The above timeline and deadlines, excluding submission due date for the HSP, are subject to change given approval by the UHSO Director.**

Once the application period has closed, potential projects are sorted according to the focus area most closely fitting the project. The UHSO staff develops priority and funding recommendations using the criterion for assessing each project's potential in an evidence-based environment to:

- Eliminate traffic deaths and serious injuries
- Improve the operation of an important traffic safety system
- Integrate as part of a community-wide crash elimination project; and
- Increase the coordination of efforts between several traffic safety agencies

*The UHSO staff also evaluates past agency performance when recommending funding for future projects.*

All approved grant-funded projects are included in the annual HSP which is submitted to NHTSA by July 1. NHTSA reviews and approves the HSP by September 30. Work associated with the grant cannot start until October 1, which is the start of the federal fiscal year.

### Section 5.03 – Traffic Safety Problem Identification and Program Areas

A “traffic safety problem” is an identifiable subgroup of motor vehicle drivers, pedestrians, vehicles, or roadways that are statistically higher in crash experience than is normally expected. Data analysis is essential to understanding who is crashing, where they’re crashing, and why. The UHSO reviews local, county, and state crash data to identify roadway users – motorists, pedestrians, bicyclists, teens, for example – with a statistically higher crash rate. This data, combined with citation, licensing, vehicle miles traveled, and demographic information, are analyzed to help the UHSO and its partners understand what is prompting crashes and the resulting injuries and fatalities on Utah roadways. Traffic safety enforcement grants are awarded based on problem identification.

The 5<sup>th</sup> edition of the Utah Strategic Highway Safety Plan (SHSP) was adopted in April 2021 and serves as a guiding document for the HSP. The focus areas are identified and the strategies outlined in the SHSP will help the State of Utah attain the goal of “Zero Fatalities”.

The emphasis safety areas identified in the SHSP are:

Aggressive Driving	Distracted Driving	Senior Driver	Impaired Driving
Intersection Safety	Motorcycle Safety	Pedestrian Safety	Use of Safety Restraints
Roadway Departure Crashes	Speed Management	Teen Driving Safety	

The Utah HSP projects are consistent with projects listed in the Utah SHSP and the latest version of the NHTSA publication *Countermeasures That Work*.

## Chapter 6 – Grants Management

### Section 6.01 – Grant Orientation Training

Grants management training is mandatory for all new grantees, and some agencies may be required to review it at the discretion of UHSO. All agencies receiving grants from the UHSO are encouraged to review this training annually. The training link will be sent to each grantee when they are notified of grant approval. In addition to the grants training, this manual and the online grants management system user manual are available to assist grantees in the submission of activity reports and expenditures in accordance with fiscal and program management requirements. The UHSO staff reviews the grantees' responsibilities and procedures including any changes mandated by state and/or federal law that have occurred since the previous year.

### Section 6.02 – Grant Contract

An authorizing letter will be uploaded in the online grants management system outlining the terms and conditions of receiving federal highway safety grant funds.

## Chapter 7 – Grant Reimbursement Requirements

### Section 7.01 - Overview

Reimbursement is contingent upon the grantee complying with all grant requirements in the grant contract and the appropriation of sufficient funds by the federal government and the state highway safety program. The UHSO does not represent or guarantee the availability of federal funds for initial or subsequent year funding.

Once a grant has been awarded and becomes effective, the UHSO reimburses the grantee for expenditures related to approved activities. The objectives outlined in the grant should be accomplished during the grant period and within the approved budget. It is preferable that purchases occur early in the grant period for maximum benefit. *Only costs incurred within the approved grant period that do not exceed the federally obligated funds as indicated in the grant agreement are reimbursed.*

### Section 7.02 – Federal and State Regulations Governing UHSO Grants

The expenses and costs eligible for reimbursement under the UHSO program are those stipulated in the approved grant budget. To be allowable, costs must be necessary, reasonable, allocable, and expended according to the appropriate federal and state statutes or grant regulations. Grant management rules require the UHSO to monitor grantees to ensure compliance with applicable federal requirements and cost principles.

The Office of Management and Budget (OMB) 2 CFR Part 200, <https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200> Uniform Guidance for Federal Awards, is the federal administrative regulation under which the UHSO grants operate. This document is available online for review and reference. Agencies receiving highway safety funds must adhere to these requirements. At minimum, the UHSO adheres to the requirements of 2 CFR Part 200. In some cases, such as the due date for grantee final reports and claims, the UHSO may be more restrictive to allow time for submission of reports, which include grantee information, to NHTSA. If there are any questions associated with due dates contact the appropriate UHSO Program Manager.

### Section 7.03 - Audits

Audits are conducted to determine the fiscal integrity of financial transactions and reports, as well as compliance with laws, regulations, and administrative requirements. All grants awarded by the UHSO that are federally funded are recorded in the Catalog of Federal Domestic Assistance (CFDA). If a grantee or its parent agency expends over \$750,000 in federal funds from any source, a single audit procedure is required by the Single Audit Act for State and Local Agencies.

## Chapter 8 – Grantee Responsibilities and Procedures

### Section 8.01 - Overview

When an agency or organization accepts federal highway safety funds, it also agrees to fully comply with all requirements in this manual and any periodic changes that may be made during the grant period. The Project Director of the agency or non-profit organization will be notified in writing of any changes.

It is critical for the Project Director to carefully review the federal regulations outlined in 2 CFR Part 200 <https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200> and the certifications and assurances included in this manual. The Governor is ultimately the responsible official for the administration of Utah's highway safety program through the UHSO and must assure compliance with applicable statutes, regulations, certifications and assurances. By accepting NHTSA funds, an agency or non-profit organization is also bound by these statutes, regulations, certifications and assurances.

### Section 8.02 – Financial Management

The Project Director is responsible for establishing and maintaining procedures within their agency or non-profit organization to ensure the effective administration of the grant, including timely completion of the grant objectives and proper record keeping. A UHSO Program Manager is assigned to every grant and works with the Project Director and agency designated staff.

The Project Director must ensure the agency's accounting system conforms to generally accepted accounting principles. While the UHSO's online grants management system allows the grantee to maintain and store critical documents, it is strongly recommended that copies of all financial records pertaining to a grant be stored in a grant file (hard copy, electronic or both) maintained by the Project Director. This will make it easier to submit claims, complete status reports, respond to questions, and locate reference documents. This recommended practice will also aid in the on-site monitoring.

### Section 8.03 – Financial Reporting

To receive reimbursement, a grantee must submit accurate, current, and complete financial information via the UHSO's online grants management system. All authorized federal funds must be acquired and work performed during the federal fiscal year, which starts October 1 and ends September 30. Only hours worked during the current federal fiscal year may be claimed for reimbursement.

Grantees must maintain records identifying the source (federal, state, and/or local) and application of funds for each budget line item. Grantees are responsible for tracking reimbursement by Catalog of Federal Domestic Assistance (CFDA) coding provided by the UHSO, for the Single Audit process.

#### Internal Controls

A grantee must maintain effective control and accountability for all funds, property, and other assets. Additionally, the grantee must adequately safeguard all assets and ensure they're used only for traffic safety-related purposes.

## Allowable Costs

### Section 8.04 – Indirect Costs

Indirect costs represent the expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the organization

and the conduct of the work activities it performs. In theory, costs like heat, lights, accounting and personnel could be charged directly to a specific project if little meters could record minutes in a cross-cutting manner to the specific project, however this is not practical. Therefore, indirect cost rates are sometimes used to distribute these “overhead” costs to projects.

Indirect costs are either determined by utilizing a negotiated indirect cost rate (IDCR) or by use of the de minimis indirect cost rate of 10% if a negotiated indirect cost rate has never been established. **It is important to understand the UHSO is responsible for monitoring the subgrantee’s indirect costs.** The Program Managers are responsible to maintain documentation of the approved rate of the indirect costs.

If a federally established IDCR is used, the indirect costs must be supported by a [federal cognizant agency](#) approval letter, which should be obtained and included in the grant file within the online grants management system. The UHSO may not force or entice the subgrantee to accept a lower rate. If a subgrantee has a federally negotiated IDCR and requests that rate, the UHSO may not request or require the subgrantee to offer a lower or zero IDCR. If a non-Federal agency or subgrantee voluntarily chooses to waive indirect costs or charge less than the full rate, this can be allowed. To maximize the effectiveness of the limited funds available, the UHSO may opt to deny a grant application or contract proposal that includes a high indirect cost rate.

The requirement that the UHSO must use a federally negotiated IDCR applies to subgrantees; it does not apply to contracts. The UHSO must use State and Department of Public Safety policies and procedures when procuring property and services via contract.

Effective with FY2016 grants, a subgrantee that does not have, or ever had, a federally established IDCR may either negotiate a rate with the UHSO or elect a de minimis rate of 10 percent of “modified total direct costs” as defined in the Uniform Guidance.

The UHSO is responsible for approving indirect cost rates for subgrantees based on an indirect cost proposal submitted by the subgrantee. The indirect cost proposal should:

1. Identify all the work activities and associated costs carried on by the subgrantee within a base period of time. All activities must be included regardless of the source of funds used to pay for them.
2. Classify the work activities and their associated costs as either direct or indirect.
3. Eliminate from indirect costs capital expenditures and those stipulated as unallowable by [2 CFR Part 200](#).

Compute the rate by dividing the total remaining indirect costs by the direct costs during the base period of time. The work of generating an indirect cost proposal and determining a resulting indirect cost rate is usually done by accounting professionals.

### Section 8.05 – Direct Costs

Direct costs can be identified specifically and with ease allocated to a particular grant, contract, project, function or activity during a base period of time. Direct costs generally include:

1. Salaries or wages (including vacations, holidays, sick leave, and other excused absences of employees working specifically on a project).
2. Other employee fringe benefits allocable on direct labor employees.
3. Consultant services contracted to accomplish specific work on a specific project.



4. Travel of (direct labor) employees.
5. Materials, supplies and equipment purchased directly for use on a specific project.
6. Communication costs such as telephone calls or mailing services identifiable with a specific award or activity.

#### Section 8.06 Grant Modifications and Project Adjustments

A grantee may request, or the UHSO may recommend, a project adjustment that modifies the original budget, goals, objectives, tasks or other sections of the signed grant agreement. All project adjustment requests from the grantee must be fully detailed and justified. If the request by the grantee calls for a change to approved budgeted line item of less than 10% of the total grant award, no project adjustment is required, but a note will be placed in the electronic grants system by the Program Manager. Any change requested by the grantee of more than 10% of the total grant award, a project adjustment request form to the contract is required.

For a grantee to initiate a request, the Project Director must change the grant status in the electronic grants system to adjustments in process, complete the request form and make any requested changes to the grant application, then submit it to the Program Manager. The Program Manager will then review the request, and if no additional information is needed, submit it to the UHSO Director for approval. Once approved, the grant will be in “grant awarded” status and at that time the grantee may begin spending funds associated with the modification. If the request is denied, the Project Director will be notified and the grantee may continue to spend funds as allocated in the originally approved grant agreement.

#### Section 8.07 – Reimbursement Payment Schedule - Expenditure Reports

Grantees must submit an invoice for reimbursement as agreed upon - typically monthly or quarterly, using the process prescribed by the UHSO. All submissions must be made through the UHSO’s online grants management system. Expenditure reports submitted after November 10 may not be accepted.

Grantees must submit an activity report and all required supporting documentation with the expenditure report. Expenditure reports/invoices should include an invoice number, date, and reporting quarter. The UHSO usually does not process a reimbursement claim until both the expenditure and activity reports are received and approved.

High Visibility Enforcement (HVE) grantees must submit an enforcement/activity report within 21 days of enforcement effort. (DUI, CIOT, Crosswalk Enforcement, etc.). Each agency will have an assigned online grants management system user who will complete the enforcement report and submit immediately following the enforcement effort. Enforcement reports include stats on the following:

- Number of DUI arrests (including felony, and drug)
- Number of seat belt violations
- Number of child safety seat violations
- Speeding
- Suspended licenses
- Uninsured motorists
- Reckless driving
- Number of recovered stolen vehicles

- Number of fugitives apprehended

### Section 8.08 – Reimbursement Request Details

Grantees may submit a reimbursement request up to the itemized amount listed in the approved grant budget. Only items listed in the approved grant are eligible for reimbursement. All claims must be submitted on the forms prescribed by UHSO and must be signed and dated by the Project Director.

If personnel costs are paid, the grantee must submit quarterly or monthly time certifications.

Grantees requesting reimbursement for non-personnel items, such as travel, supplies, equipment purchase, or professional fees must show these requests as separate line items.

Claims for equipment purchases (items costing \$5,000 or more) must have prior written approval from the UHSO Director and NHTSA before the purchase is made.

### Section 8.09 – Activity Report Details

Grantees must also submit an activity report as part of the reimbursement package. The UHSO normally will not process the expenditure report until the activity report has been received, reviewed, and approved.

The activity report should describe the activities undertaken during the quarter to accomplish the objectives outlined in the grant along with progress made or challenges found in addressing the problem statement. The grantee is encouraged to include copies or provide links to news advisories, social media posts, and printed materials such as flyers or press releases that support the activities described in the activity report.

The UHSO Program Manager will review the activity report, paying particular attention to whether a grantee is making satisfactory progress in achieving the grant objectives in a timely manner. If deficiencies are identified, the Program Manager will notify the Project Director describing the deficiency and will request that the Project Director provide modifications. Modifications must be made, submitted, and approved before the claim will be processed. Reimbursement amount may be prorated based on activities reported.

### Section 8.10 – Final Report

Grantees must submit a final report no later than November 10. The UHSO will not process a final claim for reimbursement until the final report is received and approved.

The UHSO reviews final reports to determine the effectiveness of a grantee's highway safety project and it is critical to note the UHSO takes past performance into consideration when approving future awards. The UHSO may also share this information with NHTSA via the state's annual report; therefore, it is critical that grantees pay particular attention to the details of this final report.

### Section 8.11 – Audit Reporting

The UHSO ensures that subgrantees expending \$750,000 or more in federal awards from all sources complete and submit through the Federal Audit Clearinghouse a single audit conducted in accordance with [2 CFR 200.501](#).

Program Managers will ensure that all subgrantees certify themselves or the parent organization by submitting a single audit certification letter stating:

- The subgrantee expended more than \$750,000 in total federal awards, completed the single audit for the year, and has no material findings affecting UHSO funding.
- The subgrantee expended more than \$750,000 in total federal awards, completed the single audit for the prior year (or other year in which a single audit was completed for expending \$750,000 or more), and has findings that do not affect UHSO funding.
- That certification is not applicable due to being a **for-profit** organization, or having expended less than \$750,000 in the fiscal year.

### Section 8.12 – Federal Funding Accountability and Transparency Act (FFATA) Reporting

If a grantee (state, non-profit, local, etc.) is awarded \$25,000 or more in Federal Funds during the grant year, the UHSO fiscal analyst will complete and submit the [FFATA](#) form no later than November 30. This reporting is required by the FFATA Act and addresses grant expenditures and executive compensation. A grantee is exempt from this requirement if, during the previous tax year, its gross income from all sources was less than \$300,000.

### Section 8.13 – Personnel Time Certification

NHTSA regulations require any full or part-time position funded through a highway safety grant to be certified on a quarterly basis. This certification must indicate what percentage of the employee's time was spent working on grant-related duties and being signed by the employee or supervisor having first-hand knowledge of the work the employee performed. In support of these requirements, the grantee shall provide a quarterly time certification for employees who are paid from this highway safety program grant. For your convenience a form is provided on the Highway Safety website.

<https://highwaysafety.utah.gov/law-enforcement-forms/>

#### Lobbying Certification

In the grant contract with the UHSO, the grantee certifies, to the best of its knowledge and belief, that:

- a. No federally 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 an 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 any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than federally 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 contract, grant, loan, or cooperative agreement, the grantee shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- c. The grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants and contracts under

grants, loans, and cooperative agreements) and that all sub-recipients 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 and is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. Section 1352.

## Chapter 9 – Monitoring

### Section 9.01 - Overview

Federal and state grant management rules require the UHSO staff maintain regular contact via telephone, email or other written correspondence, and on-site visits with grantees throughout the course of the grant year to ensure compliance with applicable requirements and cost principles. This monitoring includes not only the review and approval of claims and activity reports, but also ongoing outreach to grantees through desk monitoring and/or on-site visits.

The intent of this outreach is to develop a relationship with the grantee, address grant management-related questions, provide technical assistance, and identify and if needed address problems and/or concerns. Any documentation generated as a result of this contact is placed in a monitoring report.

### Section 9.02 – On-site and Desk Monitoring

The UHSO visits every grantee that has been awarded a grant at least once during the grant year (typically between February and July) to conduct a systematic and comprehensive programmatic and financial assessment. This visit is designed to be instructive, not disruptive, and to foster information exchange and partnership. Agencies receiving \$25,000 and above will receive at least one on-site or virtual visit from their Program Manager. The visit will be scheduled and details on how to prepare for the on-site visit will be provided by the UHSO. An unscheduled monitoring visit will occur if the agency receives a letter which issues a finding after the annual on-site visit or if there is concern that the agency's project is showing signs of significant weakness.

During the programmatic portion of the visit, goals, objectives, and tasks are reviewed to determine if the project is being implemented as outlined in accordance with the grant contract. This assessment is also used to determine if the grantee has satisfied special conditions and is adhering to contract terms and conditions. The financial review includes an examination of agency and grant-specific financial documents and issues related to the implementation and performance of the project.

While on-site, the Program Manager completes the UHSO monitoring form in the electronic grants management system. Once completed, the form is reviewed and approved. Any recommendations or corrective actions needed will also be stated. If necessary an additional on-site or virtual visit may be scheduled to monitor efforts made to implement corrective actions.

Agencies receiving less than \$25,000 will receive a desk, phone, onsite, or virtual monitoring. The Program Manager will contact the agency to schedule a suitable time. An on-site visit may be required if the agency's project shows significant weakness or non-compliance.

### Section 9.03 – Title VI (Non-Discrimination)

Through its financial assistance programs, the U.S. government seeks to improve the status of disadvantaged and minority businesses and citizens and provide fairness in the areas of employment and contracting. Title VI of the Civil Rights Act of 1964 and Section 405 of the Rehabilitation Act of 1973, as amended, prohibit discrimination on the grounds of race, color, national origin, handicap, or gender in the provision of services, programs, or personnel transactions. Agencies receiving federal grant funds, including grantees of the UHSO, must fully comply with the provisions of Title VI and 49 CFR Parts 21 and 27, and make reference to these mandates.

## Chapter 10 - Equipment and Supplies

### Section 10.01 - Definition of Equipment

**Equipment is any nonexpendable, tangible, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more.** All equipment purchased using federal funds requires prior written approval from the National Highway Traffic Safety Administration, which is handled by the UHSO. The agency follows the provisions of the Uniform Guidance for Federal Awards, [2 CFR Part 200.33](#). Equipment purchased with grant funds must be used for traffic safety purposes only. Non-authorized use of equipment is grounds for refunding a portion of the equipment value to the UHSO. All equipment purchased with grant funds must comply with the Buy America Act. Additional guidance is available from the grantee's UHSO Program Manager.

Equipment must be tracked for its useful life, and that inventory is checked during the annual on-site monitoring visit conducted by the UHSO. If the equipment is destroyed or no longer used for its intended purpose, the Project Director must immediately notify the UHSO Program Manager. With the UHSO's guidance, the Project Director must determine the fair market value of the equipment and give credit to an active grant, transfer, or dispose of the equipment. After disposing of any grant-purchased equipment (whether destroyed or no longer having a useful life), the grantee's agency or organization must maintain all records pertaining to this equipment for an additional three years.

### Section 10.02 – Purchasing Requirements

Rules and definitions for the purchase of equipment, supplies, and other materials and their management are governed by the State of Utah. A grantee must follow these rules unless its governing agency or organization has its own policies and procedures and can make them readily available for inspection by the UHSO. An agency's policies and procedures must, at a minimum, be as stringent as the state regulations.

### Section 10.03 – Equipment Inventory

Equipment, any item costing \$5,000 or more, purchased with federal grant funds must be inventoried biennially by the UHSO for the useful life of the equipment. Once a grantee enters a claim for reimbursement of equipment purchased using grant funds into the UHSO online grants management system, it is automatically tracked for the required time period.

### Section 10.04 - Supplies

**Any item with an acquisition cost of less than \$5,000 is a supply and may be purchased using highway safety grant funds.** The purchase of supplies does not require NHTSA pre-approval. However, supplies purchased with grant funds must be used for traffic safety and/or enforcement purposes only. Non-authorized use of supplies is grounds for refunding a portion of the value to the UHSO. Consult the UHSO Program Manager for guidance on allowable supplies, and refer to the Public Information & Education section for information concerning the inclusion of logos on these materials.



## Chapter 11 – Purchase of Promotional, Educational, Safety Items and Awards.

### Section 11.01 – Promotional and Memorabilia Items and Activities

Highway safety grant funds are intended to support traffic safety and any use of these grant funds must support the State of Utah traffic safety goals. The UHSO and grantees must use good judgement and insure that all costs charged to grant funds must be reasonable, within the scope of the grant, addresses an evidence-based highway safety problem as outlined in 2 CFR Part 200 Subpart E. As a result grantees may use highway safety grant funds for items in the following four categories:

- **Equipment:** Items purchased for the direct use of UHSO or any of its grantees or contractors (rather than for public distribution) are properly recognized as equipment. Equipment is eligible for reimbursement as a direct expense chargeable to a specific project agreement, provided the equipment is needed to perform that project. The project for which the equipment is needed must be based on identification of a specific safety problem in Utah, often referred to as “problem ID”. If the project requires the use of equipment for its performance, the cost of that equipment may be reimbursed under the grant.
- **Recognition Awards:** 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. Some examples are:
  - A plaque given to a State of Utah employee under Utah’s official personnel recognition program.
  - A plaque given by the UHSO to a law enforcement agency at a highway safety conference for specific outstanding enforcement efforts.
  - A certificate given by a grantee to a community partner for exceptional work on a collaborative highway safety project.
- **Educational Materials:** The distinction has to be made between “educational materials” and “promotional items”. 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. Some examples are:
  - A pamphlet including statistical information such as “X number of people lose their lives every year when not wearing a seatbelt” 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 CD-ROM or flash drive containing training or conference materials given to attendees at a highway safety conference hosted by the UHSO or grantee.
- **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.

The purchase of *safety items for public* distribution (in contrast with equipment for direct use by the UHSO or its grantees or contractors) is governed by different requirements. NHTSA has determined that child restraints (i.e., child car seats); bicycle helmets; and other similar items whose **sole purpose** is to improve highway safety are allowable purchases for distribution to members of the public, **provided** these items are specifically identified in a project agreement and based on problem ID, just as 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 a targeted population, number of items for distribution, method of distribution, and educational component.

For purposes 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), but the purchase of a reflectorized backpack or jacket would be unallowable.

Use of NHTSA federal highway safety funds for promotional items or memorabilia *are not allowable*. This only applies to the use of federal highway safety funds. The UHSO and their grantees may use State funds or privately collected funds or donations to purchase promotional items.

If a grantee has a question about whether an item or activity meets the provisions outlined in the grant contract, the Project Director should contact the UHSO Program Manager for clarification **prior** to purchasing the item or engaging in the activity.

## Chapter 12 – Non-Compliance and Termination

January 9, 2020

The UHSO will impose sanctions in the event of noncompliance or violation of any grant provision by the grantee agency. Appropriate sanctions may include, but are not limited to, withholding payments, suspension, or termination of a portion or the entire grant. The UHSO will provide 30 days' notice to the grantee as outlined in the "Terms and Conditions" of the contract.

Non-compliance issues include, but are not limited to, using federal highway safety grant funds to:

- Purchase equipment and/or supplies that are not used in support of the activities/services agreed to in the approved grant.
- Influence or lobby local, state, and federal officials (elected and non-elected) and others who may have control over the distribution of grant funds or activities associated with a grant.
- Pay for an activity specifically designed to urge or influence a state or local elected official to favor or oppose the adoption of pending legislation.
- Replace routine and/or existing state or local expenditures (i.e., salaries, supplies, materials) that constitute general expenses required to carry out the overall responsibilities of state, local, or federally recognized Indian tribal government.
- Knowingly enter into an agreement with a person or entity that is barred, suspended, declared ineligible, or voluntarily excluded from participating in the Section 402 program, unless otherwise authorized by NHTSA in accordance with the provisions of 2 CFR Part 200.
- The purchase of alcoholic beverages, including for controlled settings where law enforcement officers are trained to detect impairment.
- Pay for the cost of entertainment for amusement and social purposes (i.e., sports/show tickets, meals, lodging, rentals, and transportation).

## Chapter 13 – Disputes and Disagreement

Any dispute, disagreement, or question of fact concerning a grant should be handled by the UHSO Program Manager assigned to that grant in consultation with the UHSO Director. All final decisions will be put in writing and distributed to all concerned parties as well as maintained in the grant file. The grantee may then proceed with the performance of the grant in accordance with that decision.

If a grantee disagrees with a decision made by the Program Manager, an appeal may be made to the UHSO Director. The appeal must be made in writing within 15 working days of the Program Manager's decision and sent to the UHSO Director by certified mail. No legal action may be taken by the grantee without following these steps.

## Chapter 14 - Certifications, Assurances and Terms

The UHSO as part of its annual Highway Safety Plan submits the appropriate certifications and assurances documentation for review to NHTSA. The following federal assurances and certifications apply to all state and local governmental and non-governmental agencies and non-profit organizations that accept federal highway safety funds.

### **NON-DISCRIMINATION:**

The agency receiving a highway safety grant (subgrantee) will comply with all Federal statutes and implement regulations relating to nondiscrimination. These include but are not limited to:

- (a) *Title VI of the Civil Rights Act of 1964* (Pub. L. 88–352), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21);
- (b) *Title IX of the Education Amendments of 1972*, as amended (20 U.S.C. 1681–1683 and 1685–1686), which prohibits discrimination on the basis of sex;
- (c) *Section 504 of the Rehabilitation Act of 1973*, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (Pub. L. 101–336), as amended (42 U.S.C. 12101, et seq.), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27);
- (d) *The Age Discrimination Act of 1975*, as amended (42 U.S.C. 6101–6107), which prohibits discrimination on the basis of age;
- (e) *The Civil Rights Restoration Act of 1987* (Pub. L. 100–259), which requires Federal-aid recipients and all subrecipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities;
- (f) *The Drug Abuse Office and Treatment Act of 1972* (Pub. L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse;
- (g) *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;
- (h) *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 patient records;
- (i) *Title VIII of the Civil Rights Act of 1968*, as amended (42 U.S.C. 3601, et seq.), relating to nondiscrimination in the sale, rental or financing of housing;
- (j) *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
- (k) *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 FR persons have meaningful access to programs (70 FR 74087-74100).

- (I) 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.

#### ***BUY AMERICA ACT***

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

#### ***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.

#### ***CERTIFICATION REGARDING FEDERAL LOBBYING***

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The subgrantee agency head 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 subgrantee agency, 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 subgrantee agency shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The subgrantee agency 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***

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***

Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency is 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.

4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, civil judgement, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant 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 will require lower tier participants to comply with 2 CFR parts 180 and 1200.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

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

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

*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 any of the Statements in this certification, such prospective participants shall attach an explanation to this proposal.

***Instructions for Lower Tier Certification***

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, civil judgement, debarment, suspended, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the 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 Participant 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 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 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 and/or debarment.

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

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify any of the statements in this certification, such prospective participants shall attach an explanation to this proposal.

***POLICY ON SEAT BELT USE***

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

***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, subgrantees 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 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.

#### ***EVIDENCE BASED ENFORCEMENT***

If the subgrantee is performing enforcement activities, the subgrantee will provide for an evidenced based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. The subgrantee will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the Highway Safety Office, including participation in the national high-visibility law enforcement mobilizations.

#### ***IACP GUIDELINES***

The subgrantee is encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect, and will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system.

#### ***PROGRAM INCOME***

(CFR 1200.34)

(a) Definition. Program income means gross income received by the grantee or subgrantee directly generated by a program supported activity, or earned only as a result of the grant agreement during the period of time between the effective date of the grant award and the expiration date of the grant award.

(b) Inclusions. Program income includes income from fees for services performed, from the use or rental of real or personal property acquired with grant funds, from the sale of commodities or items fabricated under the grant agreement, and from payments of principal and interest on loans made with grant funds.

(c) Exclusions. Program income does not include interest on grant funds, rebates, credits, discounts, refunds, taxes, special assessments, levies, fines, proceeds from the sale of real property or equipment, income from royalties and license fees for copyrighted material, patents, and inventions, or interest on any of these.

(d) Use of program income.

(1) Addition. Program income shall ordinarily be added to the funds committed to the Highway Safety Plan. Such program income shall be used to further the objectives of the program area under which it was generated.

(2) Cost sharing or matching. Program income may be used to meet cost sharing or matching requirements only upon written approval of the Approving Official. Such use shall not increase the commitment of Federal funds.

#### ***GRANT MANAGEMENT AND COST PRINCIPLES***

The management of this subgrant and allowability of costs shall be in accordance with 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

**AUDITS**

Sub-Recipients that expend \$750,000 or more during their fiscal year in Federal awards must have single or program-specific audit conducted for that year in accordance to 2CFR Part 200 Subpart F. The results of the audit will be reported to the Highway Safety Office.

**TIME CERTIFICATION AND PERSONNEL ACTIVITY REPORTS**

§ 200.430, (Compensation—personal services), records must accurately reflect the work performed. The records must: 1) be supported by a system that ensures the charges are accurate, allowable and properly allocated; 2) Be incorporated into official record keeping of the non-federal entity; 3) Reflect the total activity for which the employee is compensated by the non-Federal entity; 4) Support the distribution of the employee's salary or wages among specific activities or cost objectives.

In support of these requirements, the subgrantee shall provide a quarterly time certification for employees who are paid from this Highway Safety Program Grant. For your convenience a form is provided on the Highway Safety Website. <https://highwaysafety.utah.gov/law-enforcement-forms/>

**APPROPRIATE TRAINING**

Subgrantees are encouraged to assure that employees or agents have appropriate training. For example, an officer working a DUI overtime enforcement shift should have received training on SFST procedures, or a person installing child safety seats should have CPS Technician training.

**TERMINATION**

This grant agreement will be issued based on federal funds. This project agreement may be terminated or fund payments discontinued or reduced by the Utah Highway Safety Office at any time upon written notice to the subgrantee due to non-compliance and/or failure of the subgrantee to accomplish any of the terms herein, or from any change in the scope or timing of the project. Should the level of federal funding change sufficiently to affect the agreement, the recipient will be given written notice to suspend expenditures within 30 days. Termination for failure to comply with State and Federal statutes, regulations, or terms and conditions may be considered in evaluating future applications received from the subgrantee.

**TERMS AGREEMENT**

By submitting this application and accepting federal funds, if approved, the submitter understands that failure to comply with applicable State and Federal statutes and regulations may subject agency officials to civil or criminal penalties.