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South Dakota Office of Highway Safety

Grant Application and Management Handbook

Revised January 2016

Introduction

The Office of Highway Safety (OHS) is committed to reduce the number of traffic crashes, injuries, and fatalities occurring on South Dakota roadways. Local and state agency highway safety projects are essential to accomplish this goal.

This manual provides a guideline for local, non-profit and state agencies to apply for highway safety grant funding support, to establish grant management procedures, and to understand state and federal conditions of the funding and the required grant management process (post-award). This guide has been prepared by the South Dakota Office of Highway Safety (OHS) to serve as a primary reference for you, the sub-recipient. However, it is intended as a reference and is not to be considered the final word when questionable situations arise.

Only applications with clear and concise problem identification; realistic and quantifiable targets and objectives; activities that implement a proven countermeasure for the identified problem; and that sufficiently describe and defend the investment of scarce taxpayer resources will be considered for a traffic safety grant award.

The OHS administers highway safety grants exclusively through its online resource found at SAFESD.GOV; click on the “Grant Application & Reporting” link, top right of the web page to access EDGAR (or the link below). Grant applications, reports, and reimbursement requests will only be accepted through [EDGAR](#), the South Dakota OHS [Electronic Database for Grant Application & Reporting](#). We've prepared an EDGAR Supplement manual that gives you step-by-step instructions for navigating the EDGAR system.

For any questions, please contact OHS at the number below, and thank you for your efforts in keeping South Dakota's roads safe.

Lee Axdahl, Director
Office of Highway Safety
118 W Capitol Ave
Pierre, SD 57501
Phone: 605 773-4949
Fax: 605 773-6893

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Grant information is also available on the Office of Highway Safety website at <http://www.safesd.gov/> or <http://dps.sd.gov/> or by calling 605 773-4949.

Section I: Office of Highway Safety Overview

Authority

The Federal Highway Safety Act of 1966, Public Law 89-564, was passed by the 89th Congress and signed into law by President Johnson on September 9, 1966. The Act provides support for a coordinated National Highway Safety Program.

Section 402 of the Act describes the requirements for state highway safety programs:

Chapter 4, Section 402, paragraph (A) states in part:

Each state shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such programs shall be in accordance with uniform standards promulgated by the Secretary. Such uniform standards shall be expressed in terms of performance criteria.

Section 402, paragraph (B) requires that a state's highway safety program must meet all of the following conditions before it can be approved:

1. Provide that the Governor of the state be responsible for the administration of the program.
2. Authorize political subdivisions of the state to carry out local highway safety programs within their jurisdiction as a part of the state highway safety program, provided such local programs are approved by the Governor and are in accordance with the uniform standards of the Secretary and with the state's comprehensive plan.
3. Provide that at least 40% of all federal funds apportioned under this section to the state for any fiscal year will be expended by, or for, the benefit of political subdivisions of the state in carrying out local highway safety programs. (Cumulative 40% Local Benefit)
4. Provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the state.
5. Provide for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

Section 402 funds are to be used to support the state's problem identification, planning and implementation of a program to address a wide range of highway safety problems that are related to human factors and the roadway environment, and which contribute to the reduction of crashes, and deaths and injuries resulting from those crashes.

Section 402 funds provide significant support for state and community highway safety activities; enhancing state programs by providing resources to start up new, more effective projects; by catalyzing or accelerating state programs to address major traffic safety issues

with well-planned strategies; and by leveraging additional state and local investment in highway safety.

In 1967, the South Dakota legislature enacted legislation which empowered the Governor to contract with the US Department of Transportation for the purpose of securing funding available through the Highway Safety Act of 1966, Section 402. The Governor has delegated this responsibility to the Secretary of Public Safety who holds the title of Governor's Representative for Highway Safety or GR. The GR has empowered the Director of the Office of Highway Safety (OHS) to administer highway safety programming for the state. These actions are shown in the following state laws:

[South Dakota Codified Law Chapter 32-13 Highway Safety Program](#)

§ 32-13-1. Governor to administer program in accordance with Federal Highway Safety Act.

The Governor shall administer the highway safety program within this state and authorize, direct and coordinate existing and future activities of agencies of this state and its political subdivisions in such program. He shall do all things necessary to the administration of the program under the Federal Highway Safety Act of 1966 (Public Law 89-564), as amended and in effect on July 1, 1984.

Source: SL 1967, ch 120, § 1; 1984, ch 12, § 20.

§ 32-13-2. Participation by subordinate political subdivisions.

Subject to the provisions of § 32-13-1, the political subdivisions of this state are hereby authorized and empowered to participate in said state and federal highway safety programs and do all acts necessary to carry out the purposes thereof.

Source: SL 1967, ch 120, § 2.

Mission Statement

The Office of Highway Safety is committed to developing and implementing traffic safety programs designed to reduce the number of traffic crashes, injuries, and fatalities occurring on South Dakota roadways. The Office of Highway Safety supports local and state agencies as well as non-profit organizations to diminish the economic and human loss that results from traffic crashes.

Goals

1. To reduce the number of serious injuries and fatalities on the State's roadways through the efficient use of both public and private highway safety resources at the state and local level.
2. To develop and implement highway safety countermeasures in preventing motor vehicle crashes and/or reducing their severity.
3. To provide technical assistance and public education to local communities, law enforcement agencies, the judicial system, state agencies, advocates and the

general public on traffic safety issues, preventive countermeasures, and best practices.

4. To monitor improvements in highway safety through the use of evaluation techniques and targets and objectives.

For detailed information on South Dakota's chosen strategies (countermeasures) to reduce motor vehicle fatalities and serious injuries, see both the annual South Dakota OHS [Highway Safety Plan](#) (HSP) and the South Dakota [Strategic Highway Safety Plan](#) (SHSP):

- Highway Safety Plan (HSP)
http://dps.sd.gov/enforcement/highway_safety/highway_safety_plans.aspx
- Strategic Highway Safety Plan (SHSP)
<http://www.sddot.com/transportation/highways/traffic/safety/Default.aspx>

The intent of the South Dakota HSP is to reduce serious injury and fatal crashes. OHS authors the HSP detailing the state's programs and grant projects that will be funded to positively affect traffic safety problems via proven behavioral countermeasures (Education and Enforcement).

The intent of the South Dakota SHSP is also to reduce serious injury and fatal crashes. This is to be accomplished through broad interagency and partnership cooperation and support to align priorities and leverage the state's resources to improve highway safety through the 4 E's approach: Engineering, Enforcement, Education, and Emergency Medical Services. The SHSP interim goal is to reduce the most recent 5-year fatality and serious injury crash rate at least 15 percent by 2020. The SHSP identifies South Dakota's priority traffic safety needs, helping to efficiently guide limited resource investments to save lives and prevent serious injuries.

The seven selected emphasis areas of the SHSP and their corresponding targets and objectives provided direction for identifying potential safety strategies that would allow South Dakota's agencies to reduce fatal and serious injury crashes. Potential strategies from the 4Es of safety and their effectiveness were identified using the NCHRP *Report 500* series of guides and NHTSA's *Countermeasures That Work*. The initial list of 212 safety strategies included possible strategies for South Dakota's seven safety emphasis areas:

- 17 possible strategies for Roadway Departure
- 77 possible strategies for Intersections
- 33 possible strategies for Motorcycles
- 13 possible strategies for Unbelted Vehicle Occupants
- 32 possible strategies for Speeding-Related
- 21 possible strategies for Drug- and Alcohol-Related
- 19 possible strategies for Young Drivers

South Dakota's HSP and SHSP are good resources for problem identification, data sources, priority problem areas, and identifying countermeasures and strategies to reduce motor vehicle crashes and subsequent injuries and fatalities in South Dakota.

Section II: Application and Project Agreement Process

Overview

In alignment with the problem identification, targeted goals, and key strategies identified in the annual OHS [Highway Safety Plan](#) (HSP) and the State's [Strategic Highway Safety Plan](#) (SHSP), the OHS selects grant projects designed to reduce the number of deaths and serious injuries resulting from traffic crashes. Grant application processes should collect the most current data available to identify a local traffic problem and provide for a workable solution linked to the identified problem, targets and objectives, work plans, and budgets that demonstrate an understanding of the various issues to be resolved and a reasonable approach to resolving the identified problem. Proposed projects must be data driven and the OHS must be able to show that the strategies chosen are evidence-based.

The development of final grant project agreements is a two-step process. Proposed grant applications are first submitted to OHS by potential sub-recipients following a prescribed process and deadlines via the online [EDGAR](#) system (Electronic Database for Grant Application & Reporting). If chosen for award, the OHS and sub-recipient then work together to produce the Project Agreement, or contract for the grant award.

Application Guidelines & Eligibility

Applicants must log in to the [EDGAR](#) website, establish a user account, and apply for and manage their OHS grant project within that system. This includes all phases of the project: application, award, reporting, reimbursement, monitoring, and close-out. Refer to the EDGAR Supplement for step-by-step instructions.

The following agencies are eligible for Office of Highway Safety grant funding:

- South Dakota State Agencies
- Federally recognized Tribal Governments
- City and County Agencies
- Non-profit entities with existing IRS 501(c)(3) or (4) status. A copy of tax-exempt status certification may be required to attach to the application in [EDGAR](#).
- Public Schools (and private schools with non-profit status, if a copy of tax-exempt status certification is included with the application)

ADDITIONAL INFORMATION FOR LAW ENFORCEMENT AGENCIES:

Law enforcement agencies supported with NHTSA funding are required to participate in national impaired driving mobilizations by providing high visibility enforcement (checkpoints or saturation patrols) during the three mandatory national mobilizations and at least four additional high visibility enforcement events during the remainder of the grant year (current minimum total of seven events per year).

Law Enforcement Liaisons (LELs) assist the Office of Highway Safety by providing technical assistance and support for law enforcement. LEL's are the face of OHS for all of the state's law enforcement agencies, and are a significant resource to them throughout the grant process, as well as for training needs, partnership opportunities, and technical assistance needs. LEL's also serve to monitor law enforcement grant projects for the OHS and provide expert evaluation and interpretation of data.

There are three national mobilizations that law enforcement agencies, funded through the Office of Highway Safety, will be required to participate in during the grant year (descriptions below). This coordinated effort has a strong impact in South Dakota, dovetails with efforts in other states, and is required by the federal funding. Each Office of Highway Safety funded law enforcement agency is **required to report** their mobilization activities to the Office of Highway Safety by completing a Mobilization Activity Report within the time period requested by OHS or reimbursement of grant related activity may be negatively affected.

If you have questions about these mobilizations, please contact the [LEL](#) for your region as posted on the Office of Highway Safety website: <https://dps.sd.gov>. To report mobilization activity, log into EDGAR and complete the Mobilization Activity Report for the particular mobilization.

Impaired Driving Mobilizations (2):

There are two national impaired driving mobilizations each year: one for the Labor Day holiday and one during the winter Holiday Season; dates vary slightly each year and are approximately two weeks in length. Law Enforcement Agencies must participate in both of these mobilizations.

Seatbelt Mobilization (1):

The third national mobilization is the National Seatbelt Mobilization scheduled around the Memorial Day holiday. The “May Mobilization,” with a seatbelt focus, is a mandatory mobilization for participation by all law enforcement agencies funded by the federal grant.

Application Instructions

The format to apply for funding through the Office of Highway Safety is available online at [EDGAR \(Electronic Database for Grant Application & Reporting\)](#), or by visiting <http://dps.sd.gov/>.

The only acceptable method to apply for and manage a South Dakota highway safety grant is by using the online EDGAR process. For step-by-step instructions, please thoroughly review the EDGAR Supplement to this manual.

Applicant Information

Prior to applying for a highway safety grant, the applicant will need to determine:

- Agency/Organization – the agency with fiscal and programmatic responsibility for the grant project
- Agency DUNS Number ([Dun & Bradstreet](#)).
- Project Title – include a short title that is descriptive of the project.
- Project Type – choose one from the drop-down list (i.e., impaired driving, seat belts, etc.)
- Project Director – The Project Director is the individual with overall responsibility for the operation and management of the Project; this is the primary agency contact person for the project.
- Agency Street Address, City, State, Zip, County, Phone, Fax and email.
- Authorizing Signer – The AS, or the authorized signer is the individual in the agency/organization who is authorized to commit the agency to proceed with the project; an electronic signature is required at the end of the application: Agency Head, Administrator (Police/Fire Chief, Sheriff, Director); the authorized signatory and fiduciary official of the agency.
- Federal Financial Accountability and Transparency Act Information (FFATA) - (to be completed only if federal funding request is \$25,000 or more).

Targets and Objectives

Use of performance targets and objectives is required to receive and evaluate a highway safety grant.

Targeted measurement is generally defined as quantifiable measurement of outcomes and results, which give reliable data on the effectiveness of a project; to see whether the output or outcome is in line with what was intended to be achieved.

Each sub-recipient must select the target most relevant to their proposed project as listed in the EDGAR application; and although more than one objective can be chosen, making multiple selections will not increase the odds of your project being chosen for funding. With that in mind, please select the primary target and objective area you wish to use to justify your proposed project from the following:

1. Reduce the number of traffic fatalities
2. Reduce the number of serious injuries in traffic crashes
3. Reduce the number of fatalities per vehicle mile traveled
4. Reduce the number of unrestrained passenger vehicle occupant fatalities for all seating positions
5. Reduce the number of fatalities in crashes involving a driver or motorcycle operator with a BAC of .08 or above
6. Reduce the number of speeding-related fatalities
7. Reduce the number of motorcyclist fatalities
8. Reduce the number of un-helmeted motorcyclist fatalities
9. Reduce the number of drivers age 20 or younger involved in fatal crashes
10. Reduce the number of pedestrian fatalities
11. Reduce the number of bicycle fatalities
12. Increase observed seat belt usage for passenger vehicles and front seat occupants

Grant projects are selected by the quality of data presented and by the priority of the problem identified in the community, along with the strategies and plans proposed to alleviate the problem.

Description of Project

Successful grant applications are **SMART**:

S – SPECIFIC (clarify the problem, and what you want to specifically do about it (Objectives, Activities, etc.))

M – MEASURABLE (is the evaluation for the project presented in terms that are relative to a quantifiable measure, like a rate per number of licensed drivers, vehicle miles traveled, or population, etc.? is the resource data reliable, available, and current?)

A – ATTAINABLE (can the project goals be reasonably achieved with the agency's current resources and the federal grant funds being requested, and within the time frame specified, or grant period?)

R – REALISTIC (does the agency have the capacity to achieve the objectives and activities as outlined, and within the grant time period? Are the targets and objectives relevant, and are the project's objectives realistically achievable by the agency within the grant period?)

T – TIMEBOUND (is a schedule provided for the project's activities, or a timeline on what activities will be completed and by when?)

Problem Identification – The ‘Why’ and ‘Where’ for the Project

Agencies that apply for grants through the Office of Highway Safety must identify and *quantify* a traffic safety problem that they want to address.

Current priority traffic safety problems in South Dakota can be found in documents such as the South Dakota Strategic Highway Safety Plan (SHSP). An example of problem safety areas are outlined on the table found below.

Federal rulemaking requires the Office of Highway Safety’s “Highway Safety Plan” to be a coordinated document with the South Dakota Department of Transportation’s “Strategic Highway Safety Plan.”

As such, we attempt in every way, to coordinate the planning between the agencies and plans through activities such as this. The Office of Highway Safety also plays an active role in assisting the Department of Transportation in drafting its “Strategic Highway Safety Plan.”

Safety Emphasis Area	Statewide	State Highways	County/Township Roads	City Streets	Other
Statewide Totals	3,858	1,970 (51%)	945 (24%)	914 (24%)	29 (1%)
Roadway Departure	2,211	1,175 (53%)	767 (35%)	248 (11%)	21 (1%)
Unbelted Vehicle Occupants	1,440	706 (49%)	475 (33%)	251 (17%)	8 (1%)
Speeding-Related	1,080	573 (53%)	267 (25%)	227 (21%)	13 (1%)
Intersections	1,041	419 (40%)	137 (13%)	477 (46%)	8 (1%)
Drug- and Alcohol-Related	926	386 (42%)	345 (37%)	184 (20%)	11 (1%)
Young Drivers (age 20 and younger)	899	350 (39%)	257 (29%)	286 (32%)	6 (1%)
Motorcycles	825	504 (61%)	175 (21%)	134 (16%)	12 (1%)
Note: Percentages indicate percent of total number of fatal and serious injury crashes statewide.					

Describe the highway safety problem using local data to document the problem. Include references for the source of the data. Agencies must also include an analysis of applicable crash and/or citation data from their community for the prior three years.

Examples of problem identification might be *an over-representation* of red-light running crashes; unbelted crash victims; or motorcycle crashes from the number of total motor vehicle crashes. Another example might be a higher than normal incidence of young drivers driving impaired (under age 21) and the resultant need for public education and/or enforcement.

To support the identified problem, agencies may use words, charts, tables, maps, or graphs to describe the existing conditions; they should be sure to use data *relevant to their jurisdiction or service area*. The South Dakota Office of Accident Records has reportable crash data for the largest cities, all counties, and statewide at: http://dps.sd.gov/enforcement/accident_records/default.aspx, or agencies can use data collected by their own agency.

Objective(s) - The 'What' and 'When' of the Project

Objectives are *measurable* goals needed to achieve the hoped-for outcomes of your project. If your project is to reduce the negative impact of traffic crashes, fatalities, and injuries, describe the improvements your project will make in terms of numbers, percentages, or rates.

Examples of objectives for a training project might be the number of people to be trained, what knowledge they will gain to positively impact highway safety, and by when will the training be accomplished. Another example might be to reduce the number of people who drive impaired by partnering with other local agencies in conducting high visibility enforcement events.

Objectives should be stated in the following format:

'Reduce the **(number/percent/rate)** of people killed or injured in **(what: alcohol-involved/unbelted/motorcycle)** traffic crashes in [your community] **by X (number/percent/rate) from X in base year 2013 to X by December 2017 (when).**'

Each objective should include a timeline. The timeline should take into account that projects funded through the Office of Highway Safety may start on October 1 and end on September 30 each year. **For additional samples, please see Appendix B.**

Activities - The 'How' of the Project

Activities are the specific steps needed to achieve the hoped-for outcome or objectives of the project. Activities should be included in a project timeline and aligned with the objective that they fall under. In logical sequence, describe the *specific* activities needed to accomplish the objectives above. Activities are the actions necessary to 1) implement the chosen strategy or countermeasure, and 2) help resolve the problem you've identified, and must link to the stated objectives.

For instance, if the Target is to reduce the number of serious injuries from traffic crashes, such as:

Improve emergency response services **by reducing response time** to crashes in Fort Pierre **by 20%** from a 40 minute average **in base year 2010**, to **32 minutes** by **December 2017**

Activities needed to achieve this target might include:

1. Create and/or maintain a tracking inventory of individual responders' training and re-certification needs;
2. Conduct regular communications (online, phone, etc.) with training providers to maintain updated calendar of emergency medical service courses available, schedule, location, etc.;
3. Share all training availability info with emergency responders on a regular basis as well as updating them on their individual status; maintain regular meetings, newsletters, announcements, or other venue to keep all partners informed and up-to-date;

Grant funded projects must propose objectives and activities *that are evidence-based* to positively affect the identified problem. The following link will provide access to NHTSA's most recent issue of [Countermeasures That Work](#). This manual describes highway safety strategies that have been proven to work (evidence-based) for specific traffic safety problems, and summarizes their effectiveness, cost, and implementation time in an easy to read format:

[Countermeasures That Work, 2013](#)

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As described earlier, law enforcement agencies are required to participate in traffic enforcement mobilizations by providing high visibility enforcement (HVE) on at least four occasions during the national mobilization periods and at least four additional HVE events during the remainder of the year (minimum total of eight events per year). Sample activities for these projects might include the following:

1. Determine the time period of each mobilization to be conducted for the grant year.
2. Schedule the mobilizations and recruit officers to work the overtime event(s).
3. Determine the community's high crash locations by analyzing local crash data.
4. Set-up a speed board/trailer weekly at selected high crash location(s).
5. Conduct sixteen (16) highly publicized speed enforcement campaigns at sixteen high crash locations in the City of Denver during the grant year.
6. Issue a press release before and after each mobilization (the 'after' is to show results of the mobilization/campaign).

Public Education Component

Public education has been proven to enhance the effect of highway safety activities. Grant applicants are encouraged to involve the various elements of the community in the application process and include a public education component in their proposal. A brief description of public education follows.

- Earned Media

Applicants are strongly encouraged to use earned media to enhance their highway safety efforts. Earned media is free publicity gained through newspaper articles, TV news stories, news conferences, media advisories, web news, letters to the editor, and op-ed pieces (as opposed to paid media, which is publicity gained through advertising dollars).

The South Dakota Department of Public Safety, Public Information Officer can provide technical assistance for the development of earned media pieces (i.e., news stories related to the project (newspaper, TV, radio, social media, etc.)).

- Paid Media

Applicants who wish to use paid media (radio, TV, print, billboards, internet, or other) to enhance their highway safety activities must describe paid media activities in the grant application and the expenses for the paid media must be described in the budget section.

Paid media funded with grant dollars must be pre-approved by the Office of Highway Safety.

Paid media activities should describe:

- Goal: what sub-recipient intends to accomplish with media component of action plan
- Target Audience: who, specifically, sub-recipient is hoping to reach with the media
- Key message: what message sub-recipient is hoping to convey to target audience
- Strategy: how sub-recipient is hoping to reach target audience (example: radio, TV, newspaper, billboard, etc.)
- Timeline: when the paid media activities will be implemented (or scheduled)

All paid media should include a citation indicating 'support was provided by [the sub-recipient] agency and the South Dakota Office of Highway Safety.'

Resource Materials (Public Information and Education Items)

To purchase these items with grant funds, resource material costs for the project must be described in the Activities and Budget sections of the grant application in [EDGAR](#).

When determining whether to purchase or produce resource materials, a sub-recipient should use good judgment as a responsible caretaker of tax dollars intended to support traffic safety.

All costs must be reasonable; within the scope of the project; address a priority traffic safety problem, and help meet performance targets. Allowable expense categories include recognition awards; safety supplies and equipment; educational materials; and advertising media. For specific eligibility criteria (allowable vs unallowable expenses), please contact OHS.

In addition, the resource material's graphics, message, and distribution plan must be pre-approved by OHS prior to purchase or their cost will not be reimbursed. The Office of Highway Safety may need up to two weeks to review and pre-approve these items.

Promotional items are not allowable costs for federal reimbursement (pens, t-shirts, keychains, etc.). If you purchase these items, we will not be able to reimburse your agency.

If you obtain OHS approval to purchase certain resource materials, an inventory of the items must be maintained showing beginning number, number distributed and ending number of items. A detailed record of whom & where distributions were made must be maintained or the sub-recipient will risk reimbursement from the Office of Highway Safety.

Evaluation

Use of *targets and objectives* in evaluating a project provides focus to policymakers, educators, and the public on (1) key aspects of how a program is operating; (2) whether progress is being made, and (3) where there are potential problems (gap analysis). The underlying purpose of evaluation itself is to examine a program's accomplishments and measure progress toward its specific goals. However, the level of detail associated with evaluation criteria is greater than that associated with targets and objectives.

Put some thought into how the grant project is going to be evaluated or 'measured' to determine its success or impact:

- Identify the project's key evaluation points (what specific data is needed)
 - Who (person type: pedestrian; driver; police officer or agency)
 - What (the problem id: impaired driving; riding unbuckled)
 - Where (jurisdiction; crash location; roadway type; rural)
 - When (seasonal; time of day; nighttime/daytime; day of week)
 - Why (objective)
 - How (activities)
- Develop the right questions and define measurable outcomes (how you're going to analyze the data)
- Define how the agency will collect the necessary data (to measure)
- Collect the data
- Analyze the data
- Provide information on the results (report and provide narrative on the data analysis and measurements)

In short, describe how you will determine success or failure of what's been done and how to measure the success of the project's activities. If an objective is to decrease traffic crashes, describe how you will identify a baseline number of traffic crashes and for what time period, how the increase or decrease will be measured, and factors to be considered in analyzing the data to determine the effectiveness of that activity or strategy.

Remember that the evaluation criteria will be useful for quarterly, final, and special event reporting requirements of the grant award or Project Agreement.

Equipment/Other Cost Items

Please describe any equipment or other tangible items needed to accomplish your objectives and activities, and who is expected to bear the expense of those items. Please note that federal funding restricts the grant funds from replacement of items previously purchased with federal funds.

Equipment may be purchased by the local agency if the subsequent grant agreement provides approval for the equipment.

For major equipment purchases, please refer to Section III, Guidelines for Managing Highway Safety Projects, *Procurement Procedures*.

Law enforcement equipment purchases that may be reimbursed are listed below:

- Radar – standard & laser
- Video Camera – digital
- Alcohol testing equipment (PBT or FST)
- Radar Trailers

The Office of Highway Safety will reimburse a percentage of the cost of equipment, depending on the item, or up to a maximum dollar amount, whichever is lower. Maximum reimbursement amounts may change each grant year and will be posted on the Office of Highway Safety website and may also be reflected in the EDGAR software application.

Other equipment purchases may be made, i.e. speed trailers, but will be handled on a case by case basis. If you are a law enforcement agency, please work with your assigned OHS LEL to seek pre-approval for the purchase before making the purchase or you will not be reimbursed.

Current Maximum Federal Reimbursement for Law Enforcement Equipment		
	FEDERAL SHARE	TOTAL COST
Radar – Both Standard and Laser 80% Federal / 20% Local	\$2,400	\$3,000
Radar Trailer 80% Federal/ 20% Local	\$3,500	\$4,375
Digital Video Camera 50% Federal / 50% Local	\$1,750	\$3,500
Breath Testing Device PBT/FST 50% Federal / 50% Local	\$200	\$400
Other equipment may be approved on a case by case basis		

Budget Detail Narrative and Budget Summary Table

Complete the budget detail narrative and summary table providing information as requested and show the source of the funds, federal (South Dakota Office of Highway Safety) or Local Match. The application should include information to provide a full understanding of the expenditure.

Definitions of allowable costs, specific cost supporting documentation needs, and applicable state and federal rules and regulations are discussed by object of expense.

The budget presented with a proposal is an estimate of what the costs will be. Request only the dollar amount that you know you can reasonably expect to expend. All line item changes must be approved by the Office of Highway Safety in the EDGAR system. The degree to which you have adequately planned your budget reduces the number of changes that may be required and establishes a degree of credibility for your agency.

Overtime Policy

Law enforcement agencies requesting overtime must include a current overtime policy with the application to comply with federal requirements. Applications submitted without an overtime policy will not be processed until the policy is received.

Local Match

Match contributions must have the same supporting documentation as the costs for which you request reimbursement. All agencies must provide documentation of applicable local match (see definition of match below). **In rare instances, match requirements may be waived.** Please contact the Office of Highway Safety or your Law Enforcement Liaison for more information if you do not believe your agency is able to provide matching funds.

In your application, please specify the type of local contribution that will be provided:

- Hard (cash) match - cash contributions or documented expenses not paid by Federal government funds in support of activities.
- Soft (in-kind) match - donations, volunteer efforts, and in-kind contributions to the project. The value of soft-match must be verifiable and documented as per the requirements of 2 CFR 200.306.

Certifications and Assurances

Federal certifications and assurances are required elements of Project Agreements. By signing the application, the Authorizing Signer for the agency applying for funding agrees to these certifications and assurances.

Reporting Requirements

By signing the application, the Authorizing Signer for the agency applying for funding agrees to provide quarterly progress reports, a final report, and any special reports relevant to their agency which will be specified in a successful Project Agreement.

Authorizing Signer Signature

The AS, or the authorized signer is the individual in the agency/organization who is authorized to commit the agency to proceed with the project; an electronic signature is required at the end of the application: Agency Head or Administrator (Police/Fire Chief, Sheriff, Director); the authorized signatory and fiduciary official of the agency.

Application Review: Award Decision-Making Process

Grant applications are reviewed by an Office of Highway Safety review team. The following considerations are used when scoring and selecting projects for award:

1. Does the proposal adequately describe the traffic safety problem and does it contain verifiable data?
2. Does the project use proven strategies to address the identified problem?
3. Are the targets and objectives measurable?
4. Is the budget reasonable, and has local match been shown in the budget narrative and summary table?
5. Is the evaluation plan adequate?
6. Is there a level of confidence in the sub-recipient and project personnel?
7. If applicant has received funding previously, has performance been satisfactory?

Other factors which may be taken into consideration include:

1. The availability of federal funding to make the award.
2. Is the proposed project a good fit with the target objectives of the South Dakota "Highway Safety Plan" and "Strategic Highway Safety Plan?"
3. Are there other limiting factors or requirements on awarding or administering such projects at the state or federal level?

Section III: Guidelines for Managing Highway Safety Projects

General Guidelines

Applications received from areas with the most serious crash problems will be given priority for funding. Applications received by the annual application deadline are reviewed and evaluated by a review team. If an application is approved for funding, the Office of Highway Safety will enter into a Project Agreement or contract with the applicant. Highway Safety Project Agreements and contracts follow the federal fiscal year, October 1 through September 30.

Grants available through the Office of Highway Safety are funded with federal dollars provided by [NHTSA](http://www.nhtsa.gov/) (National Highway Traffic Safety Administration), see also <http://www.nhtsa.gov/>.

Since the Highway Safety Act of 1966, several specific funding programs have been incorporated into the Act. A brief description of the funding sections administered by the South Dakota Office of Highway Safety is provided below.

1. §402 State and Community Highway Safety Grant Program:

Each state receives §402 funding to support a basic highway safety program. The highway safety program must follow guidelines provided by NHTSA to reduce traffic crashes and resulting deaths, injuries, and property damage. Activities supported by §402 funding will improve driver performance and address speed management; occupant restraints, such as safety belts and child safety seats; impaired driving; law enforcement services; emergency response systems; community projects; engineering; and the collection and reporting of data on traffic-related deaths and injuries.

To receive §402 funding, States must submit an annual Highway Safety Plan (HSP) which must be data-driven and set quantifiable, annual performance targets for 15 performance measures. The plan must include strategies that will allow the state to meet its performance targets and must describe its successes in meeting its performance targets in the previous fiscal year.

2. §405 National Priority Safety Grant:

This section of funding combines the impaired driving, occupant protection, traffic records, distracted driving, graduated driver licensing, and motorcyclist safety programs authorized under previous authorizations.

Because states must meet restrictive and highly specific criteria to be eligible for programmatic §405 grants, not all of the funding areas outlined in the prior paragraph will be available in South Dakota.

States are required to submit their §402 and §405 consolidated grant application by July 1 of each fiscal year. The National Highway Traffic Safety Administration (NHTSA) will have 45 days to review and approve or disapprove the consolidated grant application.

If an application for a highway safety project is approved, the Office of Highway Safety alone determines which fund will be used to support the project.

Applicants for highway safety grant funding are responsible for understanding the content and requirements of the program guidelines as outlined in this document. **Project directors of the sub-recipient agency are responsible for the fiscal and programmatic conditions and requirements found in the Project Agreement or contract.**

Fiscal responsibilities include:

Proper financial recordkeeping; reporting (documenting costs, submitting vouchers for reimbursement, etc.); following procedures for equipment purchases (bidding procedure and local inventory responsibility); contractual arrangements (bidding and contract format/provisions); and audit requirements.

Programmatic responsibilities include:

Submitting timely and complete progress reports/special reports and cooperating with Office of Highway Safety staff in completing monitoring and inventory requirements.

Responsibilities

For the Project Director or Authorized Official, and Authorized Signer

- ✓ Submits completed application and budget proposal in EDGAR by deadline
- ✓ Coordinates related activities with other agencies working on similar projects
- ✓ Carries out all tasks and activities specified in the contract
- ✓ Promptly notifies the OHS staff of any changes or problems that arise during the project period
- ✓ Complies with all applicable state requirements
- ✓ Ensures budgeted costs are in accordance with the sub-recipient agency's standard policies and procedures
- ✓ Ensures accounting records are maintained that separate and accurately record project costs and in-kind contributions
- ✓ Ensures claims for reimbursement of project costs are limited to those specifically authorized in the Project Agreement
- ✓ Ensures costs submitted for reimbursement are allowable and verifiable
- ✓ Ensures reimbursement requests are prepared using project accounting records or a process that reconciles claims with the project records no less than once a quarter
- ✓ Participates in periodic operational reviews with the OHS staff
- ✓ Provides requested documents during OHS on-site reviews
- ✓ Establishes operating procedures and controls that will ensure adequate administration of the project in accordance with the terms of the agreement with emphasis on:
 - Meeting work schedules
 - Maintaining costs within the approved budgets
 - Maintaining sufficient documentation for validation of project progress and accountability for funds expended

- Submitting required project reports
- Conducting project evaluation

For the Office of Highway Safety

- ✓ Reviews and evaluates each project
- ✓ Ensures contracts contain all pertinent information and forms
- ✓ Provides sub-recipient with technical assistance
- ✓ Assists the sub-recipient in understanding and complying with the required procedures
- ✓ Ensures maximum benefits are gained from the sub-grant award
- ✓ Assists in the coordination of meetings with other agencies having similar projects and provides any available and relevant information
- ✓ Reimburses sub-recipient for allowable expenses

Required Reports

Program reports are essential for effective and meaningful project management. The information you provide in your project reports allows OHS to showcase project accomplishments and identify best practices, strengths, and/or challenges for others who may want to do a similar project. Reports also provide an evaluation of your overall performance toward the attainment of the project goals and objectives. The OHS uses the information provided to measure success and incorporates this information into its Annual Performance Report. Program reports also help identify recipients for awards and commendations and to justify future funding for traffic safety projects. ***Your reports are critical to the success of your agency's project and to the OHS mission.***

Quarterly and Final Progress Reports

Quarterly Reports: A narrative report required by all grant recipients who are **not law enforcement agencies** is to be completed and submitted in EDGAR by the project director outlining the agency's activity for the previous three-month period (quarter) toward achieving the objectives and activities of the grant award.

Quarterly reports should contain at least three elements: 1) Narrative: what's been happening toward achieving the goal; 2) Progress made or not made on Objectives and Activities, and why or why not; 3) Project Documentation (e.g., newspaper articles, sample public information and education items, news releases, training rosters, survey results, etc.) can be attached to the report in EDGAR.

Final Report: A narrative report completed and submitted in EDGAR at the conclusion of the contracted grant period. The final report should include an overview of the previous year's activity and detail how the activities helped the agency meet the objectives identified in the agreement, as well as how things would be done differently due to unforeseen challenges and how the sub-recipient plans on continuing the program or project, as applicable (self-sustainment).

All non-law enforcement agencies are required to submit quarterly progress reports in the format provided by the Office of Highway Safety in the EDGAR system. Progress reports are due fifteen (15) calendar days after the end of the reporting calendar quarter as follows:

First Quarter:	October 1 – 31 December	Report due January 15
Second Quarter:	January 1 – 31 March	Report due April 15
Third Quarter:	April 1 – 30 June	Report due July 15
Fourth Quarter:	July 1 – 30 September	Report due October 15

Sub-recipients must report on each objective and activity contained in the Project Agreement. Begin the narrative section by reviewing the objectives in the numbered order as shown in the Project Agreement. In broad terms, use the following guidelines to help prepare the report:

The data elements that need to be reported on are inclusive of the project's targets and objectives, as well as the evaluation criteria of the agreement. If you said you were going to lower the number of alcohol related crashes in Sioux Falls, then tell us how many crashes there were before starting the project and how many there were during the reporting period.

Law Enforcement Traffic Safety and Mobilization Reports

Law enforcement agencies receiving funding from the Office of Highway Safety are required to input citation, warning, and related data into EDGAR using the Traffic Safety Reports on a monthly basis. This data report is due each month on the 15th for the previous month.

Law enforcement agencies receiving funding from the Office of Highway Safety are **required** to submit pre-mobilization plans via EDGAR as well as reporting results after each of the mobilizations. Due dates for the final mobilization report will be approximately 15 days after the end of the mobilization.

Frequently Asked Questions on Reporting:

What supporting documentation is needed?

Attach copies of press releases or newspaper articles concerning your grant, public information and education items purchased, like booklets, handouts, flyers, workshop agendas, Public Service Announcements; attendance rosters, videos of events, survey results, letters from concerned constituents, and anything relevant to the grant project.

Will a Quarterly Report serve as the Final Report for the project?

No. The Project Agreement specifies that you will do a quarterly report for each three-month fiscal period of the project, as well as a final annual report. The last quarterly report should be limited to what is completed during that quarter of the grant. The final report will be a more in-depth report, serve as a narrative for the Annual Report that the Office of Highway Safety must submit to its federal partners, and officially summarize the entire project.

The project started late in the quarter and didn't get much done. Do we still need to submit a Quarterly Report?

Yes. We need to know what you didn't do as well as what you did do in your reports. If you didn't have sufficient time to implement or evaluate your grant in a quarter's time, it is important for us to know that as well. You will not be penalized if your reports reflect that you did not have the necessary time to initiate your project during the quarter. You might be penalized, however, if you fail to submit a report.

Can quarterly and final reports be submitted electronically?

Yes; in fact, reports *must* be submitted to OHS online via the EDGAR system.

What happens if a report is not submitted?

Sub-recipients are responsible for timely filing of reports. Failure to submit a quarterly or final report or the submission of an incomplete report, will result in a delay in processing grant reimbursement claim(s). Repeated failure to submit reports may result in termination of the grant project. If you have other questions concerning the reporting process or requirements, please contact OHS (community grants) or your LEL for guidance.

Can I buy incentive or promotional items to give away with safety slogans on them?

Only if you want to bear the expense of doing so on your own. The Office of Highway Safety will be unable, in nearly all instances, to reimburse these expenses – even if your interpretation is that we should be able to do so. This is not an area where it would be wise to take the action and ask for forgiveness at a later date!

Accounting and Reimbursement

Notify Your Fiscal Officer

Your city, county, or state agency fiscal department should be notified of this federal grant award. They have certain reporting requirements that must be met. See also CFDA below.

CFDA Number

Your fiscal officer will need to know the Catalog of Federal Domestic Assistance (CFDA) number for your OHS grant award. This number varies by federal funding source and will appear on page one of the Project Agreement. If your agency or organization has more than one grant with OHS, they may or may not have the same CFDA number, so please refer to each project for the correct CFDA number.

General Accounting Requirements

Project costs must meet minimum requirements as outlined below:

- a. Project Agreements (which include 'contracts' in this manual) follow the federal fiscal year, October 1 through September 30 of each year. Project costs must be incurred on or after the effective date stated in a signed Project Agreement and before the end of the project period. The end date for project costs is September 30th of each year. Any costs incurred after this date are not allowable and will not be reimbursed. Costs are incurred when goods or services are received and/or are on hand.
- b. To be eligible for the agreed upon percentage share of reimbursement, all costs (including in-kind contribution) shall be identified and pre-approved in the Project Agreement.
- c. Costs must be permissible under federal, state and local laws and consistent with established policies, regulations and practices.
- d. Federal regulations prohibit supplanting of funds. Supplanting is using federal grant money to “replace” or “take the place of” existing local funding or budgets. Federal funds are intended to provide local entities with increased capabilities. Grant funds cannot be used to replace aged, local equipment. The funds are not to be used to replace items that are worn out or broken, or for replacing (supplanting) routine local budget expenses. Funding may not be used to supplant on-going, routine public safety activities of state and local law enforcement, and may not be used to hire staff for operational activities or backfill purposes.
- e. Costs must be reasonable and necessary for efficient operation of the project.
- f. Costs must not result in a profit to the state or local governmental units (sub-recipient).
- g. All costs incurred in a grant project must be reduced by any income produced from the activities of the project. For instance, if a sub-recipient’s child safety seat distribution program charges a nominal fee for installation and education services,

- the sub-recipient must reduce their grant's voucher for reimbursement by the amount of program income received. (See also 'Program Income' below). Sub-recipients *may* be authorized to retain program income earned during the grant period in accordance with terms of the grant agreement to further program objectives. Please contact OHS for further information.
- h. Credits to project costs: applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allowable for a grant project's direct or indirect costs. Examples of such transactions are purchase discounts, rebates, or allowances, recoveries or indemnities on losses, sale of publications, equipment and scrap, income from personnel or incidental services, and adjustment of overpayments or erroneous charges.
 - i. Cost supporting documents must be on file and maintained by the sub-recipient to verify all direct and indirect costs charged to the project. The costs must be clearly identified and must be entered in the sub-recipient's accounting records prior to submitting a reimbursement voucher.
 - j. Advance payments of federal grant funds for project activities are not allowed under the Office of Highway Safety regulations.
 - k. All documents related to the grant program must be retained for a minimum of three years after the OHS final reimbursement claim is paid, unless there is an action before the end of the three years, such as a federal audit or litigation.
 - l. Required reports must be current with the Office of Highway Safety before any request for reimbursement will be processed.
 - m. The cutoff date for reimbursement of project costs is November 15th (for the grant period that ended on September 30th). All requests for reimbursement and their required cost-supporting documents must be submitted to the Office of Highway Safety by this date. The Office of Highway Safety has no ability to provide leeway on this deadline as the federal funding source will be closed for all fiscal year transactions within weeks of this date. It is imperative that sub-recipients meet this deadline.

Program Income

This section defines program income and provides guidance and procedures for reporting project income derived from activities conducted with federal grant assistance (See also (g) above).

Program income means gross income earned by sub-recipients from federal grant-supported activities during the grant period. Such earnings include, but are not limited to, income from service fees, sale of commodities, and usage or rental fees.

Sub-recipients may be authorized to retain program income earned during the grant period in accordance with terms of the grant agreement to further the program's objectives; please contact OHS about this before submitting the first claim for reimbursement in EDGAR.

Program income must be reported on the sub-recipient progress reports and final reimbursement voucher stating whether the income is retained and put back into the administration of the program, or whether the income is credited as a reduction of the federal share in proportion to the federal participation in the project.

Sub-recipient accounting records must reflect the receipt and expenditure of program income which is also subject to subsequent audit.

Proceeds from sale of property and equipment shall be handled in accordance with 2 CFR 200.311 Real Property and/or 2 CFR 200.313 Equipment, or as specifically identified in Federal statutes, regulations, or the terms and conditions of the Federal award.

NOTE: Program income generated by grant supported activities which is *not* identified until the project is underway or completed shall be used to reduce the federal share.

Cost Supporting Documents

Cost supporting documents are those documents which substantiate the expenditures on the project. All goods and services must be received and accepted prior to the end of the project. Records of all of the grant project's expenditures must be retained by the sub-recipient for audit for three years after the OHS final reimbursement claim is paid, unless there is an action before the end of the three years, such as a federal audit or litigation. Financial irregularities, identified as the result of an audit, may necessitate repayment of federal funds.

Cost supporting documents can include, but are not limited to:

Object of Expense	Documentation Requirements
Personal Services & Employee Related Expenses	Timekeeping records, labor distribution reports, payroll journal reports, payroll taxes and insurance reports (where applicable to overtime). The report must have the names of the individuals, overtime hours, dollars, and employee-related expenses for each individual.
Professional & Outside Services; Materials & Supplies (PI&E); Capital Outlay/ Equipment; Other Expenses	Bid documents, where applicable to procurement policy (i.e., Requests for Proposal, verbal and/or written quotes, awards); requisitions; purchase orders; receiving reports; invoices; copies of payment checks to vendors (proof of payment)
Travel In-State & Out- of-State	Travel expense claims; hotel receipts; airline travel itineraries and receipts; conference/workshop registration fee receipts; copies of credit card receipts/ bills and/or registration fee & other payment checks (proof of payment)

Cost supporting documents *are required* to be attached to the Cover Sheet in the EDGAR system.

2 CFR 200.430 and 2 CFR 200.431 outlines timekeeping requirements in support of salaries, wages, overtime, fringe benefits and related costs for grant program management and administration of federally funded projects.

Reimbursement Requests

Payment for actual costs incurred shall be on a reimbursement only basis. An advance of funding is not allowable for federal highway safety activities.

The following is a list of the types of vouchers to be used for reimbursement of project costs. **All reimbursement requests must have** copies of the invoices or other proper documentation attached before reimbursement payment can be processed.

- I. Cover Sheet: This form is to be used by local or state agencies for reimbursement of costs related to the project. The form can be found online in the EDGAR system; see the EDGAR Supplement for step-by-step instructions. Cost supporting documents such as scanned original invoices must be uploaded and attached to the Cover Sheet in EDGAR.
- II. Law Enforcement Overtime Reimbursement Form: This form is to be used by local law enforcement agencies for reimbursement of traffic enforcement overtime. This reimbursement form is found online in the EDGAR system. If there are any questions regarding the completion of this form, please seek advice first from the appropriate OHS [Law Enforcement Liaison](#). **Supporting documentation, i.e., copies of time sheets or time cards and payroll records must be attached and/or available for inspection by the LEL.**
- III. Matching Funds: All sub-recipient agencies must complete the Matching Funds form with corresponding supporting documentation when submitting a reimbursement request in EDGAR.
- IV. Equipment Reimbursement: The Equipment Reimbursement form should be completed when requesting reimbursement for equipment. An invoice and a copy of the check showing the sub-recipient's payment must be attached to the Cover Sheet.
- V. Equipment Inventory: The only time this form needs to be completed is when the purchase price per unit is greater than or equal to \$5,000.
- VI. Non-Cash Voucher: This voucher is only used by state agencies for reimbursement of costs related to the grant project. One voucher must be submitted for all objects of expense with an invoice containing an itemized list of expenditures by object of expense.

NOTE: Claims for reimbursement *may not be eligible for reimbursement unless* the agency is current on all reporting requirements (see Section III - Required Reports). Reports will be reviewed by the OHS staff for completeness in addressing contract progress, task activities, and evaluation measures.

Objects of Expense

The following section is organized by object of expense. Definitions of allowable costs, specific cost supporting documentation needs, and applicable state and federal rules and regulations are also discussed.

Expense items must meet ALL the following criteria to be allowable as a reimbursable cost of an approved highway safety project. They MUST:

- Be an item or service included in the budget and approved in the Project Agreement
- Represent an actual expenditure and be chargeable to the project
- Be incurred on or after the authorized effective date of the agreement and on or before the ending date of the agreement
- Be necessary for proper and efficient administration of the project and be allocated to the activities in the agreement
- Be reasonable when compared to unit value
- Be reduced by all applicable credits (see Program Income in Sections III and IV)
- Be permissible under federal, state and local laws, regulations and practices. Not result in a profit to the program or project, UNLESS the profit is used to advance the project within the limits of the agreement
- Not be allocated to, or included as a cost of any other federally funded program
- This list is not necessarily all inclusive

Personal Services (2 CFR 200.430)

Compensation for personal services includes all payments for services rendered during the grant period including, but not limited to, wages or salaries, employer's contribution for social security, life and health insurance plans, pension plans, annual/sick leave, unemployment insurance, and workmen's compensation (i.e., fringe or benefits). The cost of such compensation is allowable to the extent that:

1. It is reasonable for services rendered. It will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of state and local government.
2. It conforms to the compensation plan applicable to the state or local governmental unit.
3. It is supported by appropriate payroll records and individual time sheets or time cards which show the actual time spent on the project. Amounts charged will be based on payrolls documented and approved in accordance with generally accepted practices of the state or local agency.

Travel

Charges for meals, lodging, air fare, and mileage for either in-state or out-of-state travel are allowable under this object of expense. All agencies **must have prior written approval** from the Office of Highway Safety for reimbursement of travel expenses, even when they have grant monies awarded for "travel" expenses; this can be accomplished via email with OHS.

If additional out-of-state travel is desired after the grant application is submitted and approved, a travel request must be submitted to the Office of Highway Safety at least 30 days prior to travel. The request should include a justification and have attached an agenda of the workshop, conference, etc. to be attended.

All claims for reimbursement of traveling expenses must be itemized and stated in accordance with appropriate travel regulations.

Receipts are required for expenditures in excess of \$3.00, including lodging but excluding meals, and in excess of \$5.00 for taxi, shuttle, or limousine fares. This includes any charges for the operation of state vehicles, equipment, rentals, and any other charges including hotel/motel statements claimed. Receipted statements for lodging and miscellaneous expenses that are electronically prepared on printed billheads (name, address, telephone number, city and state) and are marked "Paid" are acceptable.

All registration costs must be supported by a properly signed receipt. When registration fees include meals, these meals must be deducted from the daily meal allowance being claimed for reimbursement. All registration receipts must be attached.

Listed below are **Regulations and Requirements** made by the Office of Auditor General and the State Auditor's Office:

1. Required signatures must be **actual signatures**. Signatures may not be "stamped" or "initialed".
2. Out-of-state travel using airline credit card. Cost of airline ticket must be listed on voucher. A copy of airline ticket must also be attached.
3. Every request for out-of-state travel must be supported by a Travel Request form, and approved by the Director of Highway Safety (OHS). If the Travel Request has been filed or attached to a previous voucher, proper reference thereto shall be made.
4. Sales tax is reimbursable for lodging expense if the individual traveler paid the lodging bill himself.
5. Travelers who are away from their home stations overnight or several nights must either have a lodging receipt or specify that lodging was obtained at no cost to the state. *In the event an approved attendee stays overnight at the home of a friend or relative, only the meal allowance portion of the per diem will be applicable.*
6. Mileage that is in excess of map mileage from point to point must be explained and justified before it is allowable.
7. Purpose of travel must be documented in the space provided on the Travel Payment Detail.

8. No more than three meals may be claimed during any 24-hour period.
9. Travel payment detail vouchers must be neatly prepared and legible.
10. The State Auditor's Office requires that all Travel Payment Detail forms which include reimbursement for attending a conference or convention include an official program schedule. The purpose of this schedule is to confirm conference dates and registration fees. If the registration fee is not indicated in the program, then receipt for registration will suffice. In all cases, attendance at a conference or convention requires a program and written information regarding the registration. If there is no program available, a copy of the letter which was the original notification from the organization giving particulars on the conference is required. If numerous employees from a section attend the same type of meeting and copies of the program, with or without the indication of registration fees, do not equal the number of employees, photo copies will suffice.
11. When someone of the employee's family attends the conference or meeting where a fee is charged, as well as hotel/motel charges, it is necessary that all receipts be *properly marked showing only the cost that applies to the attendee representing the Highway Safety project*. In other words, lodging receipts should state the single rate as well as the rate for double occupancy and registration receipts should show a single registration.
12. Time of Departure and Arrival - The date and hour of departure from, and arrival at, the official station and stops at which temporary duty is performed must be shown on the Travel Payment Detail. Other stops visited shall be shown on the form, but the time of arrival and departure need not be shown. Time of arrival or departure from a place shall be considered as the hour at which the conveyance used by the traveler actually leaves or arrives at its regular terminal (see #13 below).
13. "Terminal" is defined as airport, railroad station or bus depot as related to common carriers, and as the official or temporary duty station when private, pool, or other state-owned vehicles are used by the traveler. Transportation to the airport for one round trip will be paid. Transportation costs to and from eating establishments are not allowable. Airport parking fees are allowable when accompanied by proper receipt.
14. No mileage will be paid for a city or county vehicle. Reimbursement for mileage will be allowable only when authorized by Office of Highway Safety.
15. Meal Allowance

Reimbursement will be made at current state rates for meals for both in-state and out-of-state travel as shown below. Receipts for meals are not needed.

Maximum Meal Allowable	In State	Out of State	When Leaving Before	When Returning After
Breakfast	\$6.00	\$10.00	5:31 am	7:59 am
Lunch	\$11.00	\$14.00	11:31 am	12:59 pm
Dinner	\$15.00	\$21.00	5:31 pm	7:59 pm
Total Per Day	\$32.00	\$45.00		

16. Lodging

Lodging receipts must be submitted with the travel reimbursement request (Travel Payment Detail).

a. Out-of-State Travel

Reimbursement for lodging for out-of-state travel will be computed as follows (meal allowances are shown in the chart above):

- Lodging at actual cost, but not to exceed one hundred-fifty dollars (150.00) plus tax per night.
- Written approval is needed for additional lodging allowance, not to exceed seventy (\$70.00) additional dollars per night for lodging.
- Private Vehicle- Anyone wishing to drive their personal car on out-of-state trips will be allowed meals and lodging for a maximum of two days each way. Vehicle mileage cost is not to exceed the cost of the most economical commercial air fare available.

b. In-State Travel

Reimbursement for in-state travel will be computed as follows (meal allowances are shown on the chart above):

- Lodging at actual cost, but not to exceed current state rate (\$55.00 plus tax per night Sept 1 through May 31 and \$70.00 plus tax per night June 1 through October 31).
- Lodging expenses must be supported by a properly executed receipt. Mileage to and from an in-state work site shall be allowable only to the extent that it does not exceed the allowable cost of meals and lodging that could be charged if the traveler stayed at the work site.
- Regularly scheduled rates for car rental services will be an allowable charge for transportation for state business when neither state nor privately owned vehicles are available, providing proper receipts and a statement of justification accompany such claims.

17. Allowable Transportation Expenses

Transportation includes ground transportation and expenses incidental to travel, such as baggage fees, or the usual taxicab and other fares from station or terminal, to either place of residence or place of business and/or terminal.

a. Routing of Travel

Direct route will be by a usually traveled route by standard map miles. Indirect route will be considered to be points such as sites, project locations and other points of visitation not listed in standard map mileage. In case an approved attendee, for his or her convenience, travels by an indirect route or interrupts travel by direct route, the extra expense shall be borne by said attendee.

Reimbursement for expenses shall be based on such charges as would have been incurred by a usually traveled route.

The date and hour of leaving travel status and the date and hour of return to travel status (with respective odometer readings, if applicable) shall be shown. Return to duty status must be at the point which traveler left duty status or at some point equidistant or nearer the point of destination. When weather or plane problems cause interrupted flight, the expenses for the first twenty-four hours may be absorbed by the airlines; no additional meals or lodging allowance will be allowed for this period.

b. Use of Privately-Owned Vehicle

When authorized, approved attendees shall be paid, in lieu of actual expenses of transportation, forty-two cents (\$.42) per mile for use of privately-owned automobiles when engaged in official business outside the city limits of their designated posts of duty or place of service. The mileage rate shall cover all expenses incidental to the operation of an automobile, including but not limited to gasoline, oil, tires, repairs, towing, insurance, and parking meters. However, for state employees, if state travel commission vehicles are available but the employee chooses to drive a personal vehicle, the employee shall be paid at the rate of 0.23 cents per mile.

When transportation is authorized or approved for travel by privately-owned automobiles, distances between points traveled shall be shown as determined in standard map mileage guides for direct travel and by odometer readings for indirect travel. Any deviation from distances shown in the standard highway maps shall be justified before reimbursement is made.

c. Weekend Layovers

When required to perform duties in a specific area for a period of time longer than one week, the weekend layover shall not exceed two days. In no event shall the cost of the layover exceed the cost of a round trip to his/her duty station and back.

18. Summary of Travel Reimbursement

All claims for reimbursement of travel expenses while on state business shall be submitted on Travel Payment Detail forms available from the Office of Highway Safety, and must be itemized and stated in accordance with these rules. Non-state employees should complete the Travel Data form, sign the Travel Payment Detail, and attach all applicable receipts. If a meeting or a conference was attended, please also attach a copy of the agenda. Additionally, for out-of-state travel, attach an approved Travel Request.

Contractual Services

Allowable costs under this object of expense would be contracts for professional services which include services performed by a consultant or other vendor retained under contract to carry out specific phases of the grant project for the sub-recipient.

Consultants may be used when the requirement is of a nature or length which cannot be fulfilled by the agency's staff or when an independent viewpoint is required.

Efforts shall be made to utilize small businesses and minority business enterprises when feasible.

Contracts shall be awarded only to responsible recipients who possess the ability to perform successfully. Matters such as recipient integrity, compliance with public policy, record of past performance, and financial and technical resources should be considered.

All contractual services must meet federal requirements as found in 2 CFR 200.317 through 2 CFR 200.326. If applicable, request for proposals soliciting contractual services should contain a clear and accurate description of the technical requirements for services to be procured.

The State Auditor will not allow payment on verbal (oral) contracts. All consultant contracts or letters of agreement must be in writing.

Invoices should indicate whether the payment is the first payment, the second payment, the final payment, payment in full, etc. The invoice or an appropriate attachment should also certify that the work (or the phase, in the case of a partial payment) has been completed.

No costs can be incurred until the contract's final signatures are acquired.

The consultant contract form must include stipulations required by the State of South Dakota. For this reason, all contracts must have prior approval from the Office of Highway Safety.

Equipment/Procurement Procedures

Equipment 2 CFR 200.313

Procurement 2 CFR 200.317 through 2 CFR 200.326

All procurement transactions, including equipment, supplies, and services, shall be conducted in a manner that provides maximum open and free competition. Procurement procedures shall not restrict or eliminate competition.

Equipment may be purchased by the local agency if the Project Agreement provides approval for the equipment. Sub-recipients may follow their own documented procedures provided that they conform to applicable Federal law and standards found in 2 CFR 300.18. The sub-recipient agency obtains bids or releases a Request for Proposals (RFP) as required. The agency must pay for the equipment and submit a copy of the original invoice, purchase order, and proof of payment for the equipment to the Office of Highway Safety for reimbursement, subject to the reimbursement allowance and match rate. All equipment must be received by September 30th, the end of the grant period.

Law enforcement equipment that measures speed or alcohol must be in compliance with the latest published Conforming Product List.

The List for radar and LIDAR equipment is issued by the International Association of Chiefs of Police; see [IACP Radar Lidar Conforming Product List](#). Preliminary Breath Testing devices must be included in Conforming Product List published in the Federal Register December 7, 2011, see:

[Highway Safety Programs; Conforming Products List of Evidentiary Breath Alcohol Measurement Devices](#).

No equipment purchased with Highway Safety funds is to be sold, disposed of, traded, scrapped, or relocated without prior approval of the Director of the Office of Highway Safety:

1. Assets (equipment) with an individual purchase price of \$5,000 or more, **must be approved by NHTSA prior to purchase** and will be accounted for and depreciated according to useful life expectancy as determined by use. Equipment purchased with Highway Safety funds must be used only for highway safety purposes.
2. Equipment (2 CFR 200.313)
 - a. Title. 2 CFR 200.313(a). Equipment purchased by the sub-recipient with federal award funds is the property of the sub-recipient.
 - b. Use. 2 CFR 200.313 (c)(1). Equipment must be used by the sub-recipient in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the non-Federal entity must not encumber the property without prior approval of the Federal awarding agency.
 - c. Property Records. 2 CFR 200.313(d)(1). Property records must be maintained for all items with a per-unit acquisition cost of \$5,000 or more. Property records must include:
 - i. description of property
 - ii. serial number or other identification number
 - iii. source of funding for the property (including the federal award number found on the Grant Subaward Agreement)
 - iv. who holds title
 - v. acquisition date
 - vi. cost of the property
 - vii. percentage of Federal participation in the project costs for the Federal subaward under which the property was acquired
 - viii. the location
 - ix. use
 - x. condition

Note: Many property record systems will not allow for the inclusion of all of the required information. In that case, it may be necessary to maintain additional records for property acquired under the federal grant.
 - d. Physical Inventory. 2 CFR 200.313(d)(2). A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
 - e. Control System. 2 CFR 200.313(d)(3). A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.

- f. Maintenance Procedures. 2 CFR 200.313(d)(4). Adequate maintenance procedures must be developed to keep the property in good condition.
 - g. Disposition. 2 CFR 200.313(e). When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, disposition of the equipment will be made as follows:
 - (i) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.
 - (ii) Items of equipment with a current per-unit fair market value in excess of \$5,000 may be retained by the sub-recipient or sold. If sold, the sub-recipient must return a proportionate share of the federal funds from the sale of the equipment.
 - (iii) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.
 - (iv) If the non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.
3. Replacement of equipment items will be the responsibility of the sub-recipient responsible for those items.

Life Expectancy of Equipment

Breathalyzer/Intoxilyzer/PBT	4 years
Computer Hardware & Peripherals	6 years
CPR Training and Equipment	5 years
In-Car Video Cameras (digital)	3 years
Radar – Standard & Laser	4 years
Speed Trailers	8 years
Speed Monitoring Equipment	5 years
Extrication Equipment	5 years
Electronic Ticketing Equipment	3 years

Other equipment items not listed will be assigned a life expectancy by the Office of Highway Safety.

Other Direct Costs

Any other allowable costs incurred specifically to carry out the grant program that does not fit under any of the above categories is included under this object of expense. Agencies must submit a reimbursement request along with supporting documentation in EDGAR; state agencies are required to submit a Non-Cash Voucher as well.

Indirect / Administrative Costs

Indirect costs are those costs incurred for a joint purpose benefiting more than one program and not readily assignable to one program. Commonly, indirect/ administration costs include general expenses grouped and distributed to benefiting activities by a cost allocation process.

Examples of indirect costs would include office space, general office supplies, accounting/legal expenses, administrative salaries, utilities, etc.

PROJECTS REQUESTING REIMBURSEMENT OF INDIRECT COSTS WILL BE CAREFULLY SCRUTINIZED PRIOR TO GRANT AWARD TO ENSURE THAT THE PROPER DOCUMENTATION IS PROVIDED TO MEET FEDERAL REQUIREMENTS, PROJECT AFFORDABILITY, AND OTHER OHS REVIEW CRITERIA!

If the applicant for any Office of Highway Safety grant wishes to include Indirect Cost Rate calculations, the applicant needs to contact the Pierre office (605-773-4949) to determine how such calculation shall be accounted for in the proposed project budget. Indirect cost requests will be reviewed and approved on an individual project basis by the Office of Highway Safety.

The cost allocation plan must be supported by formal accounting records. In no case can the amount allowable exceed actual indirect costs. The cost allocation plan should contain the following information:

1. The nature and extent of services provided and their relevance to the project
2. The items of expense to be included
3. The methods to be used in distributing costs

Unallowable Costs

To be allowable, costs must be necessary, reasonable, and allocable and federal funds must be used in accordance with the appropriate statute and implementing grant regulations or guidance. Grant management rules require that OHS monitor sub-awards to assure compliance with applicable federal requirements and cost principles. Part of this monitoring process is verifying that claimed project costs were necessary, reasonable, and allowable; that the products or services were actually received by the sub-recipient, and the expenses were actually paid for by the sub-recipient.

The selected items of cost listed below are examples of items which specifically **are not allowable to be charged to a Highway Safety agreement or contract**. Failure to mention a particular item in the application budget is not intended to imply that it is either allowable or unallowable. Please contact the Office of Highway Safety for further assistance in determining the allowance of costs:

- Office furniture or fixtures (table, chair, desk, clock, lamp, filing cabinet, floor covering, shelving, permanent lighting, credenza, coat rack, etc.)
- Real Property
- Physical infrastructure

- Highway construction, maintenance, or design
- **Nearly ALL Incentive, Promotional, or Giveaway items of ANY nature**
- Construction or reconstruction of permanent facilities such as paving, driving ranges, towers, and non-portable skid pads
- Costs for highway safety appurtenances including longitudinal barriers (guardrails), sign supports, luminary supports, and utility poles
- Construction, rehabilitation, or remodeling of any buildings or structures or for purchase of office furnishings and fixtures
- Cost of land/permanent fixtures (i.e., power pole)
- Regulatory and warning signs
- Truck scales
- Traffic signal preemption systems
- Salaries while pursuing training
- Training or expenses of federal and military employees
- Supplanting: replacing routine and/or existing state or local expenditures with the use of federal grant funds or using federal grant funds for costs of activities that constitute general expenses required to carry-out the overall responsibilities of state, local, or federally-recognized Indian tribal governments (i.e., already in the agency's budget)
- Research
- Alcoholic beverages
- Entertainment costs including amusement and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, food, lodging, rentals, transportation, and gratuities)
- Commercial drivers
- Lobbying
- Cost of international travel
- Fines, penalties, bad debts, contributions, donations
- Salaries and expenses of the chief executive or legislative body of a political subdivision
- Purchase of replacement equipment
- Purchase of standard police equipment, i.e., guns, ammunition, uniforms, etc.
- Use of Section 410 funds is limited to alcohol-related enforcement/programs only

The following items of cost MAY be allowable with specific approval:

- Development costs of new training curriculum and materials, provided they will not duplicate materials already developed for similar purposes
- Training using DOT/NHTSA developed or endorsed curriculum
- Child Restraint devices that are in compliance with NHTSA performance Standard FMVSS 213
- Radar units must be in compliance with NHTSA's approved *Speed-measuring Device Performance Specifications*, published as part of the Conforming Product List, International Association of Chiefs of Police, see <http://www.theiacp.org/>.

Audit

According to federal grant regulations, non-federal entities that expend \$750,000 or more during their fiscal year in federal awards must have a single or program-specific audit conducted for that year. Auditing is performed to protect local, state and federal funds from being misspent, and to assure that the funds are used for the purpose intended. Agencies which receive federal grant funds shall have an audit performed in accordance with 2 CFR 200.501.

Audits should be made by an independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits.

The audit should cover the entire operation of a state or local government, except where it is more economical to conduct individual project audits.

Auditors shall determine whether:

- The financial statements fairly represent its financial position and the results of its financial operation in accordance with generally accepted accounting principles
- The organization has internal accounting and other control systems to provide reasonable assurance that it is managing federal financial assistance programs in compliance with applicable laws and regulations
- The organization has complied with laws and regulations that may have material effect on its financial statements and on each major federal assistance program

Audits should be performed annually unless the State or local government has a requirement for less frequent audits (not less than every two years).

Audit reports must be retained for a minimum of three years from the date of the audit report unless notified to extend the retention period. All audit findings shall be resolved within six months after receipt of the report.

Audit reports are sent to the State Auditor General. After the Auditor General reviews the audit reports, they submit a report to applicable state agencies. Any audit findings noted by the Auditor General will be followed up with a Management Decision Letter addressing the audit findings.

Whether or not your agency falls within the Single Audit Act requirement, all highway safety projects are subject to audits by the Federal government and OHS at any time. You must permit and cooperate with any State or Federal investigations by assuring the availability of all records and the availability and cooperation of sub-recipient staff.

Transparency Act Information

The [Open Government Directive](#) detailed transparency as a cornerstone of an open government. Full and easy access to information on government spending promotes accountability by allowing detailed tracking and analysis of the deployment of government resources. Such tracking and analysis allow both the public and public officials to gauge the effectiveness of expenditures and to modify spending patterns as necessary to achieve the best possible results. Transparency also gives the public confidence that agencies are properly managing their funds.

Grant project data is available to the public as reported to the FSRS system and posted on <http://www.usaspending.gov/>.

Important Reminders

- Federal grants are awarded for a Federal Fiscal Year (October 1 through September 30).
- Claims and cost incurred before or after the grant award period cannot be reimbursed!
- All purchases or services ordered must be in your possession or occur and be paid for by September 30, the last day of the grant award!
- Unexpended funds cannot be forwarded or 'rolled' into the next fiscal year.
- Funding is provided on a reimbursement basis only. The sub-recipient pays expenses up front and then requests reimbursement from OHS!
- Any deviation from the approved Project Agreement budget requires advance approval from OHS.
- Sub-recipients must be and remain in compliance with the federal and state regulations outlined in the Project Agreement!
- Federal funds cannot be used to reimburse promotional or incentive items, no matter how clever or worthwhile you believe they happen to be!

Section IV: State Conditions of Award

All non-law enforcement agencies are required to submit quarterly progress reports in the format provided by the Office of Highway Safety in the EDGAR system. Progress reports are due fifteen (15) calendar days after the end of the reporting calendar quarter as follows:

First Quarter:	October 1 – 31	December	Report due January 15
Second Quarter:	January 1 – 31	March	Report due April 15
Third Quarter:	April 1 – 30	June	Report due July 15
Fourth Quarter:	July 1 – 30	September	Report due October 15

Law enforcement agencies are also required to provide a Traffic Safety Report (enforcement data) **monthly** on the EDGAR website. *No **quarterly** reports are required of law enforcement agency grant projects.*

Work Plan

If a grant application is approved, the work plan, or scope of work for the project is incorporated by reference and made a part of the Project Agreement from the information input and/or negotiated by the applicant agency in EDGAR.

Fiscal and Administrative Requirements

The agency will ensure compliance with all financial and administrative requirements set forth in this manual, as follows (see also Appendix C: Federal Certifications & Assurances):

Subcontracts

The agency shall not assign any portion of the work to be performed under the agreement or obligate itself in any manner with any third party with respect to its rights and responsibilities under the agreement without the prior written concurrence of the Office of Highway Safety. The agency must submit any proposals for subcontracted services to the Office of Highway Safety for final approval no less than 30 days prior to acceptance.

Procurement of Materials and Equipment

All solicitations made for the Project Agreement require competitive bidding or negotiation. Agencies making large purchases or entering into contractual service agreements provided for by the Agreement must adhere to the federal policies and procedures of 2 CFR 200.317 through 2 CFR 200.326.

Property and Equipment

1. **Maintenance and Inventory.** The agency shall maintain and inventory all property and equipment purchased per the Project Agreement.

2. **Utilization.** The property and equipment purchased under the Agreement must be utilized by the agency for the sole purpose of furthering the traffic safety efforts of the agency for the entire useful life of the property or equipment.
3. **Title Interest.** Title to equipment acquired under a Federal award will vest upon acquisition in the non-federal entity. In the event that the **agency fails or refuses to comply with the provisions of the Project Agreement or terminates the Project Agreement, the Office of Highway Safety, at its discretion, may take either of the following actions:**

Require the agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or

Require the agency to transfer the property or equipment and title of said property or equipment, if any, to the Office of Highway Safety or to another agency, as directed by the Office of Highway Safety. Sub-recipient will forfeit all interest, consideration and title in such transfer of property or equipment due to its default.
4. **Equipment.** Equipment defined as tangible personal property having a value of \$5,000 or more with a life expectancy of more than one year. Non-expendable property purchased under the Project Agreement cannot be sold, traded, or disposed of in any manner without the express written permission of the Office of Highway Safety.

Procurement Procedures

1. **General Requirement.** Subrecipients will follow all federal provisions under 2 CFR 200.318 through 2 CFR 200.326.
2. **Procurement Procedures.** 2 CFR 200.318(a). The subrecipient must use its own documented procurement procedures which reflect applicable State, local and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards found in 2 CFR 300.318. **It is not sufficient to follow the subrecipient's own policies and procedures if they do not meet the federal requirements referenced above.**
3. **Conflict of Interest.** 2 CFR 200.318(c)(1). The subrecipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.
4. **Competition.** 2 CFR 200.319(a). All procurement transactions must be conducted in a manner providing full and open competition.
5. **Methods of procurement to be Followed.** 2 CFR 200.320.
 - (i) Micro-purchases, which are aggregate purchase amounts not exceeding \$3,000, may be awarded without soliciting competitive quotations if the subrecipient considers the price to be reasonable.
 - (ii) Price or rate quotations **must be** obtained from an adequate number of qualified sources for all purchases with aggregate purchase amounts exceeding \$3,000. A minimum of two quotes or bids are to be obtained. The subrecipient must maintain documentation of quotes in their grant files and be able to justify that an adequate number of quotations were received.

- (iii) Sealed bids. 2 CFR 200.320(c). Sealed bids **must be** obtained when the aggregate purchase amount exceeds \$150,000. The following requirements apply:
 - a. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised.
 - b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
 - c. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly.
 - d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
 - e. Any or all bids may be rejected if there is a sound documented reason.
- (iv) In addition to the above federal requirements, subrecipients must adhere to all provisions of their own procurement procedures when they are more restrictive than federal requirements.

- 6. Procurement by Non-Competitive Sources (Sole Source). 2 CFR 200.320(f). **Sole source** purchases are not allowed without prior approval from OHS.

Any **public education or promotional material** developed using funds from the Project Agreement must be **reviewed and approved by the Office of Highway Safety** prior to production. Promotional items must carry a highway safety message and the cost of promotional materials is limited to a maximum of \$3.00 per item.

Review of Incentive Items, Reports and Publications

Any reports, papers, publications, or other items produced or printed with federal funds must be reviewed and **pre**-approved by the SD Office of Highway Safety before reimbursement can be made to the sub-recipient.

Reimbursement

- a. **General.** Reimbursement will be based upon actual allowable costs. Requests for reimbursement will be made upon receipt of an itemized reimbursement claim in EDGAR. The itemized invoice shall be supported by documentation of costs attached to the EDGAR reimbursement claim.
- b. **Approval.** The Office of Highway Safety shall review and approve the itemized reimbursement request prior to payment. Sub-recipients that are not current on required reports in EDGAR will not receive reimbursement until the reports are received.

- c. **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the sub-recipient agency. The agency agrees that in the event the Office of Highway Safety determines that, due to federal or state regulations, that grant funds must be refunded, the agency will reimburse the Office of Highway Safety a sum of money equal to the amount of federal and state participation in the rejected costs.
- d. **Final Reimbursement Claims.** Final reimbursement claims must be received by the Office of Highway Safety in EDGAR no later than November 15th for the grant year that ended the prior September 30th.
- e. **Expending Funds in the Project Agreement.** Under no circumstances will reimbursement be made for costs incurred prior to the Project Agreement effective date or after the Agreement ending date.
- f. **Travel Expenses** will be reimbursed as described in this manual in Section III.

Project Costs

It is understood and agreed that the work conducted pursuant to the Project Agreement shall be done on an actual cost basis by the agency. The amount of reimbursement from the Office of Highway Safety shall not exceed the estimated funds budgeted in the approved agreement. The agency shall initiate and prosecute to completion all actions necessary to enable the agency to provide its share of the project costs at or prior to the conclusion of the project.

Program Income

The agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 2 CFR 200.307(e)(2). Program income earned during the agreement period shall be retained by the sub-recipient and added to the funds committed to the project by the Office of Highway Safety, to be used to further eligible program objectives. Program income must be accounted for separately and the records made available for audit purposes.

Project Directors

The Project Director, as specified on the signature page of the Project Agreement, must be an employee of the sub-recipient or of its governing body. Any exception to this provision must have the expressed written approval of the Office of Highway Safety.

Continued Funding

Federal Funding. The sub-recipient agency agrees and understands that continuation of this project with federal funds is contingent upon federal funds being appropriated (or other unanticipated federal requirements by the United States

Congress) specifically for that purpose. The agency further agrees and understands that in the event funds originally appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the agency may be proportionately reduced.

State Funding. The sub-recipient agrees and understands that continuation of this project with funds from the State of South Dakota is contingent upon State funds being appropriated by the Legislature specifically for that purpose. The agency also agrees that any state funds received under the Project Agreement are subject to the same terms and conditions stated in the Project Agreement.

Performance

All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. *Unsatisfactory performance shall be cause for the Office of Highway Safety to reduce or deny future funding.*

Resolution of Disputes

Any dispute concerning a question of fact in connection with the work not disposed of by agreement by and between the sub-recipient agency and the Office of Highway Safety, or otherwise arising between the parties to the Project Agreement, shall be referred to the Secretary of the South Dakota Department of Public Safety and the authorized official of the sub-recipient agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the South Dakota Department of Public Safety, with the concurrence of the federal funding agency, and shall be final and conclusive for all parties.

Hold Harmless

The agency agrees to hold harmless and indemnify the State of South Dakota, its officers, agents, and employees, from and against any and all actions, suits, damages, liability or other proceedings which may arise as the result of performing services hereunder. This section does not require the sub-recipient agency to be responsible for or defend against claims or damages arising solely from errors or omissions of the State, its officers, agents or employees.

Cancellation, Termination, or Suspension of Agreement

- a. **By the Office of Highway Safety.** The Project Agreement may be canceled, terminated, or suspended in whole or in part by the Office of Highway Safety for noncompliance with any of the said rules, regulations, orders or conditions by giving the sub-recipient agency thirty (30) days advanced written notice. The Office of Highway Safety, before issuing notice of cancellation, termination, or suspension of

the Project Agreement, may allow the agency a reasonable opportunity to correct for noncompliance.

- b. **By the agency.** The sub-recipient agency may terminate the Project Agreement by providing thirty (30) days advance written notice to the Office of Highway Safety.

Controlling Law

The Project Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting the Project Agreement shall be vetted in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

Compliance Provision

The sub-recipient will comply with all federal, state and local laws, regulations, ordinances, guidelines, permits and requirements applicable to providing services pursuant to the Project Agreement, and will be solely responsible for obtaining and understanding current information on such requirements.

Completion Date

Unless otherwise authorized in writing by the Office of Highway Safety, the sub-recipient shall commence, carry on, and complete the project outlined in the Project Agreement by September 30 of the federal year for which it was approved.

APPENDIX A

Highway Safety Acronyms and Definitions

ACRONYMS

BAC	Blood Alcohol Concentration The concentration of alcohol in a person determined by a chemical analysis of the defendant's blood, expressed as grams of alcohol per 100 milliliters of blood. A BAC of 0.08 percent or higher constitutes legal impairment in South Dakota.
CAST	Certified Alcohol Seller Training This training is one program that is used to train those who work in liquor retail establishments so they are made aware of the state liquor laws.
DMV	Division of Motor Vehicles This division is in the Department of Revenue and is responsible for motor vehicle registrations. Please see http://www.state.sd.us/drr2/motorvehicle/index.htm .
DOT	Department of Transportation The Department of Transportation oversees all modes of transportation in the state as well as road construction, signage, engineering, safety appraisals of roads, traveler information, and research. Please see http://www.sddot.com/ .
DRE	Drug Recognition Expert Law enforcement personnel, who have received specialized training to recognize, test, cite, and arrest drug-impaired drivers.
DWI	Driving While Impaired (aka DUI or Driving Under the Influence) A person that commits the offense of impaired driving under the influence of drugs or with a BAC of 0.08% or more.
EDGAR	'Electronic Database for Grant Application and Reporting,' an online application developed by the South Dakota Office of Highway Safety to streamline the application and reporting of grant activities. This software was implemented in federal fiscal year 2016 and is the mandatory method through which all highway safety grants are administered in the State of South Dakota.
EMS	Emergency Medical Services Refers to the emergency medical services itself or to the program in the Department of Public Safety that is responsible for organization and training of emergency medical services in the state.
FARS	Fatality Analysis Reporting System A national database that receives fatal motor vehicle crash report information from all states. FARS information is available at http://www.nhtsa.gov/FARS .

FAST Act	'Fixing America's Surface Transportation' Act of 2015, signed into law on December 4, 2015. This act is a five year authorization that governs the expenditure of federal highway funding.
FFY	Federal Fiscal Year The FFY runs from October 1 to September 30 of the next year. Highway safety projects run on a FFY.
FHWA	Federal Highway Administration Under the U.S. DOT, the FHWA is responsible for the nation's highway system, construction funding, engineering, design standards, and safety.
FMCSA	Federal Motor Carrier Safety Administration An agency of the U.S. DOT whose responsibility is the safe design and operation of commercial motor vehicles.
GDL	Graduated Driver Licensing A system designed to phase in young beginning drivers to full driving privileges as they mature, grow older, and develop their driving skills.
GHSA	Governors Highway Safety Association This non-profit association represents all U.S. 50 states and territories promoting traffic safety with the U.S. Congress and Senate seeking continued funding for states and promoting improvements in traffic safety. Please see http://www.ghsa.org/ .
GR	Governor's Representative for Highway Safety The Governor appoints a representative to administer the state Highway Safety Program. The Secretary of Public Safety is South Dakota's GR.
HSP	Highway Safety Plan Each state submits an annual plan to NHTSA outlining how the state will address top priority highway safety problems. The plan is the state's grant application for federal funding.
HVE	High Visibility Enforcement Traffic Enforcement by law enforcement agencies that is coupled with extensive paid and earned media to increase public awareness and safer driving behaviors.
IACP	International Association of Police Chiefs This association of law enforcement executives has over 20,000 members in 89 countries. The organization has operated since 1893, launching new law enforcement programs, conducting research and providing training to officers, and promoting cooperation between law enforcement agencies. Please see http://www.theiacp.org/About/tabid/57/Default.aspx .

- IPTM** **Institute of Police Technology Management**
This institute specializes in management and training courses for law enforcement officers across the country.
- LEL** **Law Enforcement Liaison**
Former or current law enforcement contractors that assist the Office of Highway Safety to provide support to law enforcement agencies across the state. Locate the [LEL](#) for your region as posted on the Office of Highway Safety website: <https://dps.sd.gov>.
- MADD** **Mothers Against Drunk Driving**
An activist group working to strengthen DWI laws and increasing DWI convictions nationwide.
- MAP 21** **Moving Ahead for Progress in the 21st Century**
The new federal highway authorization. Replaces SAFETEA-LU (Safe and Flexible Efficient Transportation Equity Act- A Legacy for Users). MAP 21 was a 2 year authorization (FFY2014&FFY2015), although Congressional deadlocks extended the authorization utilizing so-called 'continuing resolutions' through the end of calendar 2015.
- NEMESIS** **National Emergency Medical Services Information System**
This national database captures EMS and pre-hospital care to improve patient care and EMS curriculum.
Please see <http://www.nemesis.org/index.html>.
- NHTSA** **National Highway Traffic Safety Administration**
A part of the U.S. DOT, this agency sets safety standards for motor vehicles, investigates possible safety defects, and tracks safety-related recalls. NHTSA works through State highway safety agencies and other partners to encourage the safe behavior of drivers, occupants, cyclists, and pedestrians across the country. See <http://www.nhtsa.gov/>.
- OHS** **The South Dakota Office of Highway Safety (OHS)** is a division of the Department of Public Safety, and is the focal point for highway safety issues in the state, and provides leadership by developing, promoting, and coordinating programs; influencing public and private policy; and increasing public awareness of highway safety issues and best practices.
- PBT** **Preliminary Breath Tester**
A portable, hand-held breath testing instrument that can provide a preliminary reading of a person's alcohol concentration. The PBT is used prior to arrest to help establish probable cause.
- PSA** **Public Service Announcement**
A television, radio, newspaper, or billboard message that is broadcast free of charge by the network or radio station as a public service.
- SADD** **Students Against Destructive Decisions**
An organization of young people that provides peer education on underage drinking alcohol prevention, impaired driving, and other

destructive decisions.

SFST

Standardized Field Sobriety Test

A standardized testing tool used by law enforcement to assess the sobriety level of person. Used to substantiate a probable cause for an impaired driving arrest.

TAM

Techniques of Alcohol Management

The SD Department of Revenue is responsible for liquor retailer licensing. TAM training is one program that trains people who work in liquor retail establishments so they are aware of the state liquor laws. Please see http://dor.sd.gov/Education/Education_Catalogue/ for retailer training options, alcohol laws, and other liquor licensing information.

TSI

Transportation Safety Institute

A part of the U.S. DOT dedicated to transportation safety training and education.

DEFINITIONS

Agency- Any organization entered in a contractual agreement, which is authorized for funding with OHS. Examples include, but are not limited to police departments, fire departments, hospitals, and non-profit public awareness and educational organizations.

Amendment - A request by the Project Director of an Agency or sub-recipient with a current OHS agreement to modify the terms of the agreement through a reallocation of funding.

Authorizing Official - Agency Head or Administrator (Police/Fire Chief, Sheriff, Director); the authorized signatory and fiduciary official of the agency.

Contract- An agreement between two or more persons or entity to do a particular thing, which is formally set forth in writing and enforceable by law.

Direct Cost - Expenses which can be charged directly as part of the cost of a product or service, or of the grant project. These costs are distinguished from overhead and other indirect costs which must be prorated among several products or services or units.

Employee Related Expenses - Employee related expenses comprise the employer- paid portion of FICA; employer paid life insurance; unemployment and worker's compensation; and retirement costs. Health and dental costs are unallowable expenses as these costs are part of a budgeted position.

Equipment - Tangible, nonexpendable property having a useful life of more than one year. Equipment costing \$5,000 or more per unit requires additional approval from NHTSA as well as sub-recipient property records maintenance requirements.

Final Report - A narrative report completed at the conclusion of the contracted grant period. The final report should include an overview of the previous year's activity and detail how the activities helped the agency meet the objectives identified in the agreement.

Sub-recipient- The government or other legal entity to which a federal grant is awarded and which is accountable for the use of the funds provided. The State of South Dakota OHS is the primary sub-recipient of NHTSA funding.

Indirect Cost - Those expenditures incurred which by their nature cannot be readily associated with a specific project, e.g. building rental and utilities costs. These expenses can be prorated to the project based on benefit received from the expense.

In-Kind Contributions (or match) - Contributions from the sub-recipient that are allowable as match if they are derived from resources already on hand or from donations. In-kind contributions must be necessary and reasonable for carrying out

the grant project activities. In general, the value of in-kind contributions represents what the State would have paid for similar services or property if purchased on the open market. *The sub-recipient agency must ensure that they provide a full audit trail of its in-kind contributions for auditing purposes.*

National Highway Traffic Safety Administration (NHTSA) - established by the Highway Safety Act of 1966, a federal agency specifically responsible for directing the highway safety and consumer programs established by that act. NHTSA provides leadership to the motor vehicle and highway safety community through the providing of technical assistance and grant funds to reduce motor vehicle crashes and injuries.

Office of Highway Safety (OHS) - The South Dakota Office of Highway Safety (OHS) is the focal point for highway safety issues in the state. OHS provides leadership by developing, promoting, and coordinating programs; influencing public and private policy; and increasing public awareness of highway safety issues and best practices.

Project Agreement - The contract between the sub-recipient agency and OHS to perform traffic safety projects under the required federal and state terms found within the contract.

Project Director - Agency representative responsible for assuring completion of the Project Agreement requirements/obligations within the timeline established in the agreement.

Quarterly Report - A narrative report completed and submitted by the project director outlining the agency's activity for a three-month period (quarter) toward achieving the objectives and activities of the grant award.

Reimbursement Voucher - A form the sub-recipient uses in the EDGAR system to document expenditures against the grant and submits to OHS for reimbursement.

Sub-recipient - The agency to which a sub grant is awarded from the primary sub-recipient and which is accountable to the primary sub-recipient (OHS) for the use of the funds provided.

Supplanting - Replacing routine and/or existing State or local expenditures with the use of Federal grant funds. Supplanting includes the use of Federal grant funds to reimburse an agency for items already included in a budgeted position.

Sustained Reporting - Regular statistical reporting of all traffic enforcement activity conducted by a law enforcement agency. Sustained Reporting of traffic enforcement activity includes all of the information found online in the [SD Traffic Safety Report](#) .

APPENDIX B

Sample Targets, Objectives and Activities

Sample Performance Targets and Objectives

- A. **Target:** Reduce crashes involving impaired drivers
Objectives:
1. Reduce the number of people killed or injured in alcohol involved traffic crashes in Rapid City by X (#, %, rate) from X (#, %, rate) in base year 200X by December, 2017.
 2. Reduce the number of underage driver (<21) alcohol-involved traffic crashes resulting in a fatality in Brookings County from 1.25 per 100,000 population in base year 2012, to 1.00 by December, 2017.
- B. **Target:** Increase seat belt and child restraint use
Objectives:
1. Increase seat belt usage in Jackson and Bennett Counties by X (#, %, rate) from X in base year 200X by December, 2017.
 2. Reduce the percent of unrestrained persons killed in Codington County crashes from 48% in base year 2013 to 45% by the 4th quarter of state fiscal year 2017.
- C. **Target:** Reduce traffic crashes caused by aggressive driving and speeding
Objectives:
1. Reduce the total number of people killed or injured in aggressive driving traffic crashes in Rapid City by X (#, %, rate) from X in base year 200X by Winter 2016.
 2. Reduce the number of people killed in speed-related traffic crashes in Minnehaha County by 10% from 22 reported in base year 2013 to 19 by December 2017.
- D. **Target:** Reduce fatalities and serious injuries involving young drivers
Objectives:
1. Provide a program of safe driving instruction to a minimum of XX% of students in your community.
 2. Increase involvement of youth in City of Vermillion traffic safety activities from 25% (as self-reported in the city's Youth Behavioral Survey 2014) to 33% for the YBS 2016-17.
- E. **Target:** Reduce motorcycle crashes
Objectives:
1. Reduce motorcycle fatalities in your community by X from X in base year 200X by July 1, 2017.
 2. Increase the number of people provided motorcycle safety instruction from X in base year 200X to X by December 2016.
 3. Conduct a motorcycle safety media campaign that reaches at least 75% of all passenger motor vehicle drivers licensed in South Dakota during calendar year 2017 ("Watch Out for Motorcycles. They Can Come Out of the Blue.")
- F. **Target:** Reduce crashes involving pedestrians and bicyclists
Objectives:
1. Reduce the number of killed or seriously injured pedestrians or bicyclists from X in base year 200X to X by September 30, 2017.
 2. Increase the number of kids that use bike helmets from 20% of the school's population aged 4-8 in base year 2009 to 30% in 2016.

G. **Target:** Improve quality or quantity of data received in TraCS (traffic records systems)

Objectives:

1. Increase the number of crashes recorded electronically from X in base year 200X to X in 200X.
2. Decrease the number of days from crash occurrence to receipt in the state's central repository from an average of 45 days in 2011 to 25 days by end of year 2016.

H. **Target:** Reduce serious injuries by improving emergency response services

Objectives:

1. Increase response time to crashes in your community by X% from X minutes in base year 200X to X by January 2017.
2. Reduce the amount of time needed to extricate a crash victim from a vehicle and crash scene by 20% from the average of 32 minutes in 2013 to 25 minutes or less by December 2017.
3. Purchase equipment attachments/tools that can be utilized with the agency's existing extrication equipment for cutting steel alloys that car manufacturers started using in 2011 model vehicles.

Sample Activities

For more activity ideas and levels of effectiveness, *search online for the most current edition of NHTSA's [Countermeasures That Work](#)*

A. **Target:** Reduce crashes involving impaired drivers

Objective: Reduce the number of people seriously injured in alcohol involved traffic crashes in Rapid City by 10% from the 51 injured in base year 2010 to 45 or less by December, 2017.

Activities:

- Conduct a minimum of six sobriety checkpoints in high incidence locations in Rapid City during the grant period
 - Analyze Rapid City crash data to determine where problem is occurring and the demographics of the problem (gender, age, etc.)
 - Schedule sobriety checkpoint dates and locations for every other month during the grant year; finalize logistics, recruit participants, verify officers are current in SFST certification, co-op with partner agencies, etc.
 - Submit press releases before and after each checkpoint event with results from the campaign; lives saved, reduction or increase from the previous quarter, etc.
- Establish and implement a Designated Driver Program in Rapid City during the grant period.
 - Conduct public meeting(s) to garner partner agencies to determine need for and development and implementation of a community-wide designated driver program
 - Determine high incidence locations of where impaired drivers are most likely to be before making that wrong decision to drive; provide public awareness to those locations or businesses about the DD program, and how they can help; what's in it for them
 - Build the DD program's plan of logistics: number of drivers needed, how often, where, drivers' requirements, etc., based on the local data collected
 - Advertise the program through partner agencies, public service announcements, and other avenues as applicable
 - Develop and maintain an evaluation and tracking system to determine effectiveness of the program

B. **Target:** Reduce the number of unrestrained passenger vehicle occupant fatalities for all seating positions

Objective: Increase correct safety belt and child restraint usage by teen drivers & their occupants

Activities:

- Coordinate seat belt education events at five local high schools by September 2016
 - Collect data on teen driver crashes, citations, safety issues locally
 - Analyze data for irregularities or spikes in traffic problems
 - Develop or adopt an established public education component to present to high school students on how and why to be safer in motor vehicles; that focuses on the specific identified problem (non-use or irregular use of seat belts); will utilize focus groups and education expert input when developing a new program
 - Train staff and volunteers on how to successfully present the program at high schools
 - Determine which high schools to approach, based on population, location, regional crash data, testimonials, or other significant criteria; conduct an observational survey of seat belt usage at the high school to determine pre- and post-education improvement.

- Present program idea to school administrators, gain buy-in, schedule events to be held at their school
- Conduct presentations before school year end in May 2016, in first month of September 2016, and during summer school if applicable
- Host a NHTSA child safety seat technician training for new teen parents
 - Partner with local community service and other non-profit teen help organizations to identify new teen parents needing occupant protection education for themselves and their child
 - Schedule teen parent demonstrations on state law and how to successfully select, install and use different child safety seats as their child grows
 - Give teen parents local resource information that can assist them with economical and safety issues

C. **Target:** Reduce fatalities from traffic crashes caused by aggressive driving and speeding violations

Objective: Conduct more high visibility speed enforcement events in high violation locations within the community than were conducted last year.

Activities:

- Conduct six (6) highly publicized speed enforcement campaigns in Aberdeen.
- Set-up a speed board/trailer each month of the grant year at selected speed crash locations.
- Observe and determine number of pre- and post-campaign speed violations to determine effectiveness of activity on the identified problem

D. **Target:** Reduce the number of motorcycle crash fatalities

Objective: Increase the number of people provided motorcycle safety instruction that successfully complete the course from 1,100 statewide in base year 2013 to 1,500 by December 2016.

Activities:

- Determine what additional number of classes (Basic Rider Courses) are needed to pass an additional 400 participants (or 36%) than in the prior year; class sizes, etc.
- Analyze current training program to ensure its resources are adequate to provide additional training courses needed during the grant year
- Schedule and disseminate upcoming year training schedule to all partner agencies and instructors for confirmation before finalizing and posting
- Provide motorcycle riders with specific information about the motorcycle training programs available and the procedures for obtaining safety training and licensing endorsements (via public safety announcements; public education efforts (i.e., rally booth event); advertising in target market locations/publications; social media, or other venues).

E. **Target:** Reduce the number of pedestrian fatalities

Objective: Reduce crashes involving young (age 5-11) pedestrians and bicyclists

Activities:

- Educate children and their caregivers in safe walking habits, routes, and best practices
 - Establish a monthly 'Walk Your Child to School Day' program at five local elementary schools during the grant year
- Conduct a bicycle helmet use survey for the routes of the selected schools during the grant period: pre- and post-implementation
- Conduct a bike rodeo at each school to train kids to ride safely and always wear bike helmets.

F. **Target:** Improve amount of crash data collected in shared traffic information systems

Objective: Increase number of law enforcement agencies submitting crash and citation data to the state electronically (100%) from 25 in December 2014 to 32 by December 2016.

Activities:

- Purchase hardware to enable 100% of agency's law enforcement officers to collect crash and citation data electronically, using the TraCS system
- Purchase software and installation services to implement TraCS for an agency
- Schedule and conduct equipment/software training as well as regular updates

G. **Target:** Reduce the number of fatalities resulting from passenger motor vehicle crashes

Objective: Improve emergency response times to motor vehicle crashes in rural communities

Activities:

- Purchase EMS equipment that will provide easier and better access to crash victims for volunteer emergency responders
- Conduct training for at least 33% of the region's EMS/First Responders during the grant period

APPENDIX C

Federal Certifications and Assurances

Funding from NHTSA requires the following (verbatim) State Certifications and Assurances be incorporated into all OHS Project Agreements; these are also applicable to sub recipients.

STATE CERTIFICATIONS AND ASSURANCES **(Federal Requirements)**

APPENDIX A TO PART 1200 - CERTIFICATION AND ASSURANCES FOR HIGHWAY SAFETY GRANTS (23 U.S.C. CHAPTER 4)

State: South Dakota

Fiscal Year: 20XX

Each fiscal year the State must sign these Certifications and Assurances that it complies with all requirements including applicable Federal statutes and regulations that are in effect during the grant period. (Requirements that also apply to sub recipients are noted under the applicable caption.)

In my capacity as the Governor's Representative for Highway Safety, I hereby provide the following certifications and assurances:

GENERAL REQUIREMENTS

To the best of my personal knowledge, the information submitted in the Highway Safety Plan in support of the State's application for Section 402 and Section 405 grants is accurate and complete. (Incomplete or incorrect information may result in the disapproval of the Highway Safety Plan.)

The Governor is the responsible official for the administration of the State highway safety program through a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))

The State 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
- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Part 1200 - Uniform Procedures for State Highway Safety Grant Programs

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

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

NONDISCRIMINATION

(applies to sub recipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing 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 (201681-1683 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 sub recipients 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) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

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

The State will provide a drug-free workplace by:

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

- Taking appropriate personnel action against such an employee, up to and including termination.
- Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, State, or local health, law enforcement, or other appropriate agency.
- Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

**BUY AMERICA ACT
(applies to sub recipients as well as states)**

The State will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)), 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 domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

**POLITICAL ACTIVITY (HATCH ACT)
(applies to sub recipients as well as States)**

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

**CERTIFICATION REGARDING FEDERAL LOBBYING
(applies to sub recipients as well as States)**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative

agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub grants, and contracts under grant, loans, and cooperative agreements) and that all 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. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**RESTRICTION ON STATE LOBBYING
(applies to sub recipients as well as States)**

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

**CERTIFICATION REGARDING DEBARMENT AND SUSPENSION
(applies to sub recipients as well as States)**

Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
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.

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 49 CFR Part 29. 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 "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.

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

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

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, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. 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 "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. (See below)

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 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, 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 to any of the statements in this certification, such prospective participant 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 Sub-recipient is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.nhtsa.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, D.C. metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at www.trafficsafety.org.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or -rented vehicles, Government-owned, leased or rented vehicles, or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to

conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

ENVIRONMENTAL IMPACT

The Governor's Representative for Highway Safety has reviewed the State's Fiscal Year highway safety planning document and hereby declares that no significant environmental impact will result from implementing this Highway Safety Plan. If, under a future revision, this Plan is modified in a manner that could result in a significant environmental impact and trigger the need for an environmental review, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

SECTION 402 REQUIREMENTS

The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation. (23 U.S.C. 402(b)(1)(B))

At least 40 percent (or 95 percent, as applicable) of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C), 402(h)(2)), unless this requirement is waived in writing.

The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1) (D))

The State 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. (23 U.S.C. 402(b)(1)(E))

The State 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 State highway safety planning process, including:

- Participation in the National high-visibility law enforcement mobilizations;
- Sustained enforcement of statutes addressing impaired driving, occupant

- protection, and driving in excess of posted speed limits;
- An annual statewide seat belt use survey in accordance with 23 CFR Part 1340 for the measurement of State seat belt use rates;
- Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
- Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a).

(23 U.S.C. 402(b)(1)(F))

The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))

The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4))