

***SOUTH DAKOTA  
OFFICE OF HIGHWAY SAFETY***

***Project Director's Manual FFY2013***



## Introduction

The Office of Highway Safety 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 and state agencies to apply for funding support, state and federal conditions of funding, and the application process.

Applications should provide clear and concise performance measures along with project detail sufficient to describe and defend the investment of scarce taxpayer resources.

The Office of Highway Safety website provides access to forms and other information needed to apply for funding support, [http://dps.sd.gov/enforcement/highway\\_safety/default.aspx](http://dps.sd.gov/enforcement/highway_safety/default.aspx).

These documents are also available upon request by emailing [highwaysafetyinfo@state.sd.us](mailto:highwaysafetyinfo@state.sd.us) or calling 605 773-4949.

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Grant information and electronic forms are available on the Office of Highway Safety website at [http://dps.sd.gov/enforcement/highway\\_safety/default.aspx](http://dps.sd.gov/enforcement/highway_safety/default.aspx) or by calling 605 773-4949.

## Section 1 Office of Highway Safety Overview

### A. History

The national 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 program must meet the following conditions before approval:

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 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 State 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, deaths and injuries resulting therefrom.

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 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 the Department 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 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.

## **B. 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.

## **C. 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. Develop and implement innovative highway safety countermeasures.
3. Provide technical assistance and public education to communities, law enforcement agencies, the judicial system, state agencies, and the general public.
4. Monitor improvements in highway safety through the use of performance measures.

## Section II Guidelines for Highway Safety Projects

### A. General Guidelines

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 must be included with the application.
- Public Schools (and private schools with non-profit status if a copy of tax-exempt status certification is included with the application)

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 through September.

Grants available through the Office of Highway Safety are funded with federal dollars provided by NHTSA (National Highway Traffic Safety Administration), see <http://www.nhtsa.dot.gov/> or the U.S. Department of Justice, see <http://www.ojjdp.ncjrs.gov/>.

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

1. State and Community (NHTSA Section 402): 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 accidents and deaths, injuries, and property damage. Activities supported by 402 funding will improve driver performance; speed management; occupant restraints such as safety belts and child safety seats; impaired driving; law enforcement services; emergency response systems; safe communities; engineering; and the collection and reporting of data on traffic-related deaths and injuries.
2. Traffic Safety Information System Improvement Grants (NHTSA Section 408): States that are approved for 408 funding must identify and improve data systems used to gather or evaluate the effectiveness of highway safety efforts. Support through 408 funding can be used to link the state data systems, including traffic records with other data systems within the state such as systems that contain medical, roadway, and economic data; rural addressing; case data for criminal offenses; reservation crash reporting; the National Emergency Medical Services Information System (NEMSIS); and link the data systems of the state with national data systems and data systems of other states.
3. Alcohol-Impaired Driving Prevention (NHTSA Section 410): States must meet specific criteria to be eligible for programmatic 410 grants which support effective programs to reduce traffic safety problems resulting from individuals driving while under the influence

of alcohol. Programmatic 410 grants can support activities including: high visibility impaired driving enforcement (checkpoints, saturation patrols, and impaired driving campaigns), training for judges and prosecutors who work with impaired driving cases, blood alcohol content testing, and prevention of underage drinking, public education, and training liquor retailers.

4. Repeat Intoxicated Driver Laws (NHTSA 164 funds): Because South Dakota does not have specific laws for repeat intoxicated drivers, funds are diverted from the Highway Fund for certain purposes. Diverted 164 funds can be used for road hazard elimination and for alcohol interventions. The Department of Transportation receives 75% of these funds for road hazard elimination; the balance remains with the Office of Highway Safety for alcohol impaired driving programs.
5. Motorcycle Safety (NHTSA 2010 funds): States approved for funding through a Section 2010 grant must have an effective motorcycle rider training course and a statewide program to enhance motorist awareness of motorcyclists.
6. Enforcing Underage Drinking Laws (Department of Justice, EUDL): Each state receives a EUDL block grant to help states support activities to enforce state laws that prohibit the sale of alcohol to minors, underage alcohol prevention activities, and other innovative programs to reduce underage drinking. Last funding year for these projects.

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

Applicants for a highway safety project are responsible for understanding the content and requirements of the program guidelines as outlined in the South Dakota Highway Safety Project Directors Manual. Project directors are responsible for the fiscal and programmatic conditions and requirements in the project agreement.

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); and for 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.

Law enforcement agencies supported through highway safety project agreements are required to participate in national impaired driving mobilizations by providing high visibility enforcement (checkpoints or saturation patrols) on at least four occasions during the national mobilizations and at least four additional high visibility enforcement events during the remainder of the year.

The following provides the typical lifecycle for highway safety projects.

## Highway Safety Project Lifecycle

|  |   |   |
|--|---|---|
| <p style="text-align: center;"><b>May</b></p> <ul style="list-style-type: none"> <li>Nat'l Enforcement Mobilization- Occupant Protection- May 14-June 3 "Someone Needs You..."</li> <li>Training for grant applications; May 3, 17, 24, 31<sup>st</sup></li> <li>Nat'l Motorcycle Safety Awareness Month</li> <li>100 Days of Heat starts</li> </ul>           | <p style="text-align: center;"><b>June</b></p> <ul style="list-style-type: none"> <li><u>Grant application deadline June 30<sup>th</sup></u></li> <li>Law Enforcement- report for Seatbelt Mobilization due June 18.</li> <li>June 18- Nat'l Motorcycle Ride to Work Day</li> <li>100 Days of Heat Continues</li> </ul> | <p style="text-align: center;"><b>July</b></p> <ul style="list-style-type: none"> <li>3<sup>rd</sup> Quarter Progress Reports Due on July 15<sup>th</sup> (not law enforcement agencies)</li> <li>July 4<sup>th</sup>- Happy Independence Day!</li> <li>100 Days of Heat Continues</li> </ul>  |
| <p style="text-align: center;"><b>August</b></p> <ul style="list-style-type: none"> <li>Notification of grant awards</li> <li>Highway Safety Plan due to NHTSA</li> <li>Impaired Driving National Enforcement Crackdown Aug. 15- Sept. 3 – Report for Seatbelt Mobilization Due on Sept. 17."Drive Sober or..."</li> <li>100 Days of Heat Continues</li> </ul> | <p style="text-align: center;"><b>September</b></p> <ul style="list-style-type: none"> <li>Law Enforcement report for Nat'l Labor Day Impaired Driving Mobilization due on Sept. 17<sup>th</sup>.</li> <li><u>FFY2012 Projects end September 30<sup>th</sup></u></li> <li>100 Days of Heat Ends!</li> </ul>             | <p style="text-align: center;"><b>October</b></p> <ul style="list-style-type: none"> <li>4<sup>th</sup> Quarter Progress Reports due on 15<sup>th</sup> (not Law Enforcement Agencies)</li> <li>FFY2013 Begins- Start your projects!</li> </ul>   |
| <p style="text-align: center;"><b>November</b></p> <ul style="list-style-type: none"> <li><u>Final Day</u> to submit billing for previous fiscal year is November 15<sup>th</sup>!</li> </ul>   | <p style="text-align: center;"><b>December</b></p> <ul style="list-style-type: none"> <li>National Holiday Season Impaired Driving Mobilization Dec.12, 2012-January 1, 2013. "Drive Sober or Get Pulled Over."</li> <li><u>Final fiscal close out for previous fiscal year.</u></li> </ul>                             | <p style="text-align: center;"><b>January</b></p> <ul style="list-style-type: none"> <li>1<sup>st</sup> Quarter Progress report due on 15<sup>th</sup> (not law enforcement agencies)</li> <li>Law Enforcement- Report for Holiday Season Impaired Driving Mobilization due on January 15, 2013.</li> </ul>   |
|  <p style="text-align: center;"><b>February</b></p> <ul style="list-style-type: none"> <li>Feb. 3, 2013- Super Bowl Sunday- Impaired Driving "Fans Don't Let Fans Drive Drunk".</li> <li>Feb. 14- Happy Valentine's Day.</li> </ul>   | <p>Mar. 17, 2013- St. Patrick's Day- Impaired Driving- "Buzzed Driving is Drunk Driving"</p>  <p style="text-align: center;"><b>March</b></p>  |  <p style="text-align: center;"><b>April</b></p> <ul style="list-style-type: none"> <li>2<sup>nd</sup> Quarter Progress Report due on 15<sup>th</sup> (not L.E.)</li> <li>SD Transportation Safety Conference in Pierre</li> </ul>   |

**Mobilizations and Crackdowns are MANDATORY for Law Enforcement grantees. ALL Law Enforcement agencies are encouraged to participate in the mobilizations and crackdowns. \*For other Mobilizations and Crackdowns refer to the NHTSA 2013 Communications Calendar.**

## B. Accounting and Reimbursement

### 1. Accounting Procedures

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 30<sup>th</sup> of each year. Any costs incurred after this date are not allowable. Costs are incurred when goods or services are received.
- b. To be eligible for the agreed upon percentage share of reimbursement, costs shall be identified and approved in the project agreement.
- c. Costs must be permissible under 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. 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/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.
- 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.
- g. All costs incurred in a project must be reduced by any income produced from the activities of the project.
- h. Credits to project costs: applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allowable to grants as 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 personal or incidental services, and adjustment of overpayments or erroneous charges.
- i. Cost supporting documents must be on file to cover all direct and indirect costs charged to the project. The costs must be clearly identified and must be entered in the accounting records prior to submitting a claim for reimbursement.
- j. Advance payments of federal grant funds to 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 final audit is made on the grant.

- I. 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. All requests for reimbursement must be submitted to the Office of Highway Safety by this date.

## **2. Income Producing Projects**

This section defines program income and provides guidance and procedures for reporting project income derived from activities with federal grant assistance.

Program income means gross income earned by sub-grantees 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-grantees may be authorized to retain program income earned during the grant period in accordance with terms of the grant agreement to further program objectives.

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

Grantee and sub-grantee accounting records must reflect the receipt and expenditure of program income and are subject to subsequent audit.

Proceeds from sale of property and equipment shall be handled in accordance with the Common Rule, Sections 18.31 and 18.32 pertaining to property management. Please see the following link for more information, [Common Rule CFR Title 49 Part 18](https://nhtsa.gov/nhtsa/whatsup/tea21/GrantMan/HTML/03_DOTCOM_RUL_49CFR18.html) . Link is: [nhtsa.gov/nhtsa/whatsup/tea21/GrantMan/HTML/03\\_DOTCOM\\_RUL\\_49CFR18.html](https://nhtsa.gov/nhtsa/whatsup/tea21/GrantMan/HTML/03_DOTCOM_RUL_49CFR18.html).

Program income generated by grant supported activities and which is not identified until the project is underway or completed shall be used to reduce the federal agency contribution.

## **3. Cost Supporting Documents**

The cost supporting documents are those documents which will substantiate the expenditures on the project. All cost supporting documents must be retained in the files for audit purposes for a period of at least three years after final payment is received on the project. Cost supporting documents would include purchase orders and invoices for materials, equipment and supplies purchased. Expenditures for personal services should be supported by employment records and time cards or time sheets. Individual employee payroll records and copies of original invoices for materials or services are required to be attached to the Reimbursement Voucher.

## **4. Vouchers**

Following is a listing of the types of vouchers to be used for reimbursement of project costs. All vouchers must have copies of original invoices attached before payment can be made. All vouchers must also be signed by the Project Director or Authorizing Official before payment can be made.

- a. Reimbursement Voucher: This form is to be used by local or state agencies for reimbursement of costs related to the project. Supporting documentation such as original invoices must be attached. Form is available at [http://dps.sd.gov/enforcement/highway\\_safety/default.aspx](http://dps.sd.gov/enforcement/highway_safety/default.aspx).
- b. 410 & 402 Law Enforcement Overtime Reimbursement Form: These forms are to be used by local law enforcement agencies for reimbursement of traffic enforcement overtime. The 402 funds are to be used for 402 fund reimbursement only. Alcohol funds must be used only for alcohol overtime enforcement. If funding for both 402 and 410 funds is approved, both forms will need to be completed. Supporting documentation, i.e., copies of time sheets or time cards and payroll records, must be attached. Forms are available at [http://dps.sd.gov/enforcement/highway\\_safety/default.aspx](http://dps.sd.gov/enforcement/highway_safety/default.aspx).
- c. Non-Cash Voucher: This voucher is to be used by state agencies for reimbursement of costs related to the project. One voucher may be submitted for all objects of expense with an invoice containing an itemized list of expenditures by object of expense.
- d. Travel Payment Detail: This voucher is to be used by individuals for reimbursement of travel expenses. Any applicable receipts must be attached and the claimant portion of the form must be signed by the individual claiming reimbursement. An IRS W-9 form or Substitute W-9 form must be on file with the State before reimbursement can be made. The Travel Payment Detail Form is available at [http://dps.sd.gov/enforcement/highway\\_safety/default.aspx](http://dps.sd.gov/enforcement/highway_safety/default.aspx).
- e. Travel Data Form: for non-state employees, this form provides the information needed for the state program staff to complete the Travel Payment Detail form.

## 5. Object 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 discussed by object of expense.

### a. Personal Services

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. The cost of such compensation is allowable to the extent that:

- 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.
- It conforms to the compensation plan applicable to the state or local governmental unit.
- It is supported by appropriate payroll records, individual time sheets, personal activity reports, or semi-annual certifications 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.

- Overtime reimbursement is limited to wages and benefits that are paid based on salary.

All payroll records and time sheets or time cards must be retained in the agency's file for a period of at least three years after final payment is made. Agencies must attach a copy of the payroll records and timesheet to the Law Enforcement Overtime Reimbursement Voucher for reimbursement.

b. 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. Travel Payment Detail forms must be prepared for all travel costs when reimbursement is made to the individual traveler.

If out-of-state travel is requested, a Travel Request form must be submitted at least 30 days prior to travel. The Travel Request form should include a justification and have attached an agenda of the workshop, conference, etc. to be attended. If approved by the Office of Highway Safety, the Travel Request form will be forwarded to the traveler and must be attached to the Travel Payment Detail for reimbursement.

All claims for reimbursement of traveling expenses shall be submitted on the Travel Payment Detail form and must be itemized and stated in accordance with these regulations.

Receipts are required for expenditures in excess of \$3.00, including lodging but excluding meals, and in excess of \$5.00 for taxi fares or limousine fares. This includes any charges for the operation of state vehicles, equipment, rentals, and other charges including hotel/motel statements claimed on the Travel Payment Detail. Regulations do not allow claim for taxi fare of \$5.00 or less to be paid where no expense was incurred. Receipted statements for miscellaneous and lodging expenses that are machine prepared on printed billheads (name, address, telephone number, city and state) and 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. All registration receipts must be attached to the Travel Payment Detail. The Travel Payment Detail must be noted indicating which meals are included in the registration. In the event there are no meals included in the registration cost, please place notation on the Travel Payment Detail stating "No meals included in the registration costs."

Travel Payment Detail: Listed below are regulations and requirements made by the Office of Auditor General and State Auditor's Office which need to be followed in preparing Travel Payment Detail forms.

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, approved by the Director of Highway Safety. If the Travel Request has been filed or attached to a previous voucher, proper reference thereto shall be made.
4. Sales tax is payable for lodging if the individual traveler pays 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 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 claims must be neatly prepared and be 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.
13. "Terminal" is defined as airport, railroad station or bus depot when related to common carriers and official or temporary duty station when private, pool, or other state-owned vehicles are used by the traveler. Transportation to 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.

| <b>Maximum Meal Allowable</b> | <b>In State</b> | <b>Out of State</b> | <b>When Leaving Before</b> | <b>When Returning After</b> |
|-------------------------------|-----------------|---------------------|----------------------------|-----------------------------|
| Breakfast                     | \$5.00          | \$8.00              | 5:31 am                    | 7:59 am                     |
| Lunch                         | \$9.00          | \$11.00             | 11:31 am                   | 12:59 pm                    |
| Dinner                        | \$12.00         | \$17.00             | 5:31 pm                    | 7:59 pm                     |
| Total Per Day                 | \$26.00         | \$36.00             |                            |                             |

16. Lodging

Receipts must be submitted with the travel reimbursement request.

a. Out-of-State Travel

- Reimbursement for lodging for out-of-state travel will be computed as follows: Meal allowance is shown above.
- Lodging at actual cost, but not to exceed one hundred-fifty dollars (\$150.00) plus tax per night.
- Written approval needed for additional lodging allowance, not to exceed fifty (\$50.00) 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 allowance is shown above.
- Lodging at actual cost, but not to exceed current state rate (\$46.50 plus tax per night effective July 1, 2007).
- Lodging claims 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 such expenses incidental to travel as baggage transfer, 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 equal distance 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 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 thirty-seven cents (\$.37) per mile for use of privately-owned automobiles and motorcycles 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 desires to drive a personal vehicle, the employee shall be paid at the rate of twenty cents (\$.20) 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 explained.

### 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 traveling 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 attach a copy of the agenda. Additionally, for out-of-state travel, attach a Travel Request.

**c. Contractual Services**

Allowable costs under this object of expense would be contracts for professional services which include services performed by a consultant or other agency retained under contract to carry out specific phases of the project for the local subdivision or state agency.

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.

Positive efforts shall be made to utilize small businesses and minority business enterprises.

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

All contractual services must adhere to the Procurement Procedures section of this manual. 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 certify that the work (or the phase, in the case of a partial payment) has been completed.

No costs can be incurred until final signatures are acquired. The IRS employee identification number or social security number must be included in the contract.

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.

**d. Equipment (Procurement Procedures)**

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. However, procurement procedures as described in this manual must be adhered to. The local agency obtains bids or releases a request for proposals as required. Then the local agency must pay for the equipment and submit a copy of the original invoice for the equipment to the Office of Highway Safety for reimbursement subject to reimbursement allowance and match rate. All equipment must be received by September 30th as this is 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 <http://www.federalregister.gov/articles/2010/03/11/2010-5242/highway-safety-programs-conforming-products-list-of-evidential-breath-alcohol-measurement-devices>.

1. Assets (equipment) with a purchase price of \$5,000 or more, regardless of the reimbursement allowance, must be approved by NHTSA and will be accounted for and depreciated according to useful life expectancy being determined by use. Asset items purchased with Highway Safety funds must be used only for highway safety purposes.
2. Federal regulations require that the Office of Highway Safety maintain property records for all asset items over \$5,000 purchased in whole or in part with Highway Safety funds.

No asset items purchased with Highway Safety funds are to be sold, disposed of, traded, scrapped, or relocated without prior approval of the Director of Highway Safety.

3. All equipment purchased by state or local agencies with federal Highway Safety funds must be placed on city, county or state inventory listings indicating that the item was purchased with federal funds.
4. A control system shall be in effect to insure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft shall be reported promptly to the Office of Highway Safety and shall be investigated and fully documented.
5. Adequate maintenance procedures shall be implemented to keep the asset in good condition; maintenance is the responsibility of the recipient agency.
6. If an asset item is not utilized for the agency's Highway Safety project throughout its useful life, then possession of the asset shall revert to the Office of Highway Safety. A determination of the action to be taken will be determined between the Office of Highway Safety and the Regional NHTSA Office. Funding of any further safety program activity in the local or state agency will be determined, pending resolution of use of asset items.
7. In the event of disposition of unutilized asset items (three year minimum after payment of final voucher), they will be sold with NHTSA receiving the same

percentage of the selling price as the federal share amounted to in the project agreement.

8. Straight line method of depreciation will be used in depreciation of asset items with salvage or trade-in value being agreed to by the Office of Highway Safety and state or local agency.
9. Replacement of accountable asset items will be the responsibility of the state or local agency responsible for those items.
10. A physical inventory shall be taken and the results reconciled with the property records at least once every two years. The existence, utilization, condition and need for the property will be verified.

### **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 |
| Traffic Counters/Speed Monitoring Equipment | 5 years |

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

#### **e. Other Direct Costs**

Any other allowable cost 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 Voucher along with supporting documentation; state agencies must submit a Non-Cash Voucher.

#### **f. 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. For example: If a support staff person spends 25% of his/her time processing the paperwork, invoices, etc. related to the grant project, 25% of that person's salary and benefits could be charged to the grant.

**PROJECTS REQUIRING REIMBURSEMENT OF INDIRECT COSTS WILL BE CAREFULLY SCRUTINIZED PRIOR TO GRANT AWARD TO ENSURE THAT THE**

## PROPER DOCUMENTATION IS PROVIDED FOR FEDERAL REQUIREMENTS AND REVIEW

- If your agency is a state, county, or city government agency, you may have an Indirect Cost Rate Agreement which your agency has negotiated with the cognizant federal agency. If so, submit a copy of the Indirect Cost Rate Agreement with the application.

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 highway safety project.
2. The items of expense to be included.
3. The methods to be used in distributing costs.

Indirect costs will be reviewed and approved on an individual project basis by the Office of Highway Safety. It is the policy of the Office of Highway Safety that the maximum paid for indirect/administrative costs is up to 10% of the direct costs in the agreement. If your agency's indirect costs are over 10%, the maximum payable remains at 10%.

### 6. Unallowable Costs

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

- Highway construction, maintenance, or design
- 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 (examples: desk, chair, table, storage cabinet, decorative items, etc.)
- Cost of land
- 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
- 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 large scale computers.
- Purchase of replacement equipment.
- Purchase of police equipment, i.e., guns, ammunition, uniforms, etc.
- Use of 410 funds is limited to alcohol related enforcement/programs. 410 funds may not be used for speed enforcement.

**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/>.

Please refer to the Common Rule governing Office of Highway Safety grants at U.S. Department of Transportation: Common Rule CFR Title 49 Part 18: [http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/03\\_DOTComRul\\_49CFR18.html](http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/03_DOTComRul_49CFR18.html) for more information about allowable costs.

## 7. Audit

According to federal grant regulations, non-federal entities that expend \$500,000 or more in a 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 grant funds shall have an audit performed in accordance with OMB Circular A-128, the Single Audit Act which can be viewed at the following link: [http://www.whitehouse.gov/omb/circulars\\_a133-lead/](http://www.whitehouse.gov/omb/circulars_a133-lead/).

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 present fairly 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.

Copies of audit reports must be provided to the Office of Highway Safety upon completion.

## 8. Transparency Act Information

### Federal Spending Transparency

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 we are properly managing its funds. In response to this, the Deputy Director for Management at OMB is issuing the following memorandum to increase the culture of transparency in federal spending:

#### Monitoring

##### How the Data Will Be Made Available to the Public

- All data will be collected through FSRS and posted on <http://www.usaspending.gov/>.

### Section III State and Federal Conditions

#### A. State Provisions (requirements will be included in project agreements)

1. **All Non Law Enforcement Grantees** are required to submit quarterly progress reports in the format provided by the Office of Highway Safety. Progress reports are due fifteen (15) calendar days after the end of the reporting calendar quarter as follows:

|                 |                         |                       |
|-----------------|-------------------------|-----------------------|
| First Quarter:  | October 1 – 30 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    |

Law Enforcement is required to provide data monthly on their website, with narratives where applicable. No quarterly reports are required.

2. **Law enforcement agencies.** In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:
  - a. Tasks Required.
    - i. A minimum of four high visibility enforcement activities, such as checkpoints or saturation patrols, must be performed during the national mobilizations (May Seatbelt, Labor Day Impaired Driving, and Holiday Season Impaired Driving), and
    - ii. Four additional high visibility enforcement activities during the remainder of the grant year.
  - b. Certifications Required.
    - i. In-car Camera or Video System. For any in-car camera or video system purchased under this agreement, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST).
    - ii. Radar. For any radar equipment purchased under this agreement, it is required that the operator of that equipment has successfully completed Radar Certification Training.
    - iii. Alcohol Screening Devices. For any preliminary alcohol screening devices purchased under this agreement, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training.
    - iv. The State actively encourages 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.
  - c. Reports Required. In addition to monthly progress reports described above.
    - i. Law enforcement agencies are required to submit a monthly Traffic Safety Report online.
    - ii. Mobilization reports. Law enforcement agencies will be required to submit a report for each of the three national mobilizations on a form provided by the Office of Highway Safety during the months of May, August and December.
3. **Department of Justice, Enforcing Underage Drinking Laws (EUDL).** EUDL funding requires reporting of specific data. Projects funded with EUDL dollars will be required to submit a data report on a form provided by the Office of Highway Safety each quarter to fulfill this requirement. Final funding year for these grants.

4. **Work Plan.** The work plan for the project is incorporated by reference and made a part of the Agreement; the work plan will be attached as Appendix A.
5. **Agreement Revisions.** Any proposed changes in the agreement that would result in a change in the nature, scope, character, or amount of funding provided for in the agreement, shall require a written addendum approved by the Office of Highway Safety. Any budget changes must be made in accordance with the Office of Highway Safety Project Director's Manual.
6. **Fiscal and administrative requirements.** The agency will ensure compliance with all financial and administrative requirements set forth in the South Dakota Highway Safety Project Director's Manual.
7. **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.
8. **Procurement of Materials and Equipment.** All solicitations under this agreement require competitive bidding or negotiation. Agencies making purchases or entering into contractual service agreements provided for by this Agreement must adhere to the federal policies and procedures of 49 CFR 18.36 (Common Rule), Executive Order 150 as it pertains to Historically Underutilized Businesses, and South Dakota Procurement Procedures as described below.
  - a. Property and Equipment:
    1. **Maintenance and Inventory.** The agency shall maintain and inventory all property and equipment purchased under this agreement.
    2. **Utilization.** The property and equipment purchased under this 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.** The Office of Highway Safety and NHTSA retain title interest in all property and equipment purchased under this agreement. In the event that the agency fails or refuses to comply with the provisions of this Agreement or terminates this agreement, the Office of Highway Safety, at its discretion, may take either of the following actions:
      - i. Require the agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or
      - ii. 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. Subgrantee will forfeit all interest, consideration and title in such transfer of property or equipment due to its default.

4. **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5,000 or more with a life expectancy of more than one year. Non-expendable property purchased under this agreement cannot be sold, traded, or disposed of in any manner without the express written permission of the Office of Highway Safety.

b. Procurement Procedures.

All purchases for printing, goods, or services shall be conducted in a manner which provides maximum open and free competition. All expenditures for printing, goods, and services must follow the State procurement procedures and state law described below. Documentation of quotes must be maintained in the agency's fiscal records for not less than three years; copies may be requested by the Office of Highway Safety.

**Noncompetitive negotiation**, the procurement through solicitation of a proposal from one source, may be allowed if the printing, goods, or services are available from only one source or, if after a number of sources have been solicited, competition is determined inadequate. The Office of Highway Safety must approve noncompetitive negotiation awards.

Any public education or promotional material developed using funds from this 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.

Projects shall not restrict or eliminate competition as defined by state law. For further information concerning purchases and contracts please see <http://legis.state.sd.us/index.aspx> ARSD 10:02.

**5-18A.** No agency of the state may award or renew a contract for professional services exceeding fifty thousand dollars without complying with the procedures set forth. Any agency seeking such professional services shall issue a request for proposals. The agency shall publish any request for proposals issued pursuant to this section on the electronic procurement system maintained by the Bureau of Administration. The request for proposals shall include the procedures for the solicitation and award of the contract. Evaluation criteria. The request for proposals shall state the relative importance of evaluation criteria to be used in the ranking of prospective contractors. The agency shall include the following evaluation criteria in any request for proposals:

- (1) Specialized expertise, capabilities, and technical competence as demonstrated by the proposed approach and methodology to meet the project requirements;
- (2) Resources available to perform the work, including any specialized services, within the specified time limits for the project;
- (3) Record of past performance, including price and cost data from previous projects, quality of work, ability to meet schedules, cost control, and contract administration;
- (4) Availability to the project locale;
- (5) Familiarity with the project locale;
- (6) Proposed project management techniques; and
- (7) Ability and proven history in handling special project constraints.

9. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this agreement must be reviewed and approved by the Office of Highway Safety prior to their release.

10. **Reimbursement:**

- a. **General.** Reimbursement will be based upon actual allowable costs. Requests for reimbursement will be made upon receipt of an itemized invoice from the agency on forms provided by the Office of Highway Safety. The itemized invoice shall be supported by documentation of costs.
- b. **Approval.** The Office of Highway Safety shall approve the itemized invoice prior to payment. Agencies that have required reports missing will not receive reimbursement until the reports are received.
- c. **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the 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 no later than November 15<sup>th</sup>.
- e. **Expending Funds Under This Agreement.** Under no circumstances will reimbursement be made for costs incurred prior to the agreement effective date or after the agreement ending date.
- f. **Travel Expenses** will be reimbursed as described in the Highway Safety Project Director's Manual.

11. **Project Costs.** It is understood and agreed that the work conducted pursuant to this 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.

12. **Program Income.** The agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 49 CFR Part 18. Program income earned during the agreement period shall be retained by the agency and added to the funds committed to the project by the Office of Highway Safety and be used to further eligible program objectives. Program income must be accounted for separately and the records made available for audit purposes.

13. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the agency or the agency's governing body. Any exception to this provision must have the expressed written approval of the Office of Highway Safety.

14. **Continued Funding:**

- a. **Federal Funding.** The 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.
  - b. **State Funding.** The agency 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 this agreement are subject to the same terms and conditions stated in this Agreement.
15. **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.
16. **Resolution of Disputes.** Any dispute concerning a question of fact in connection with the work not disposed of by agreement by and between the agency and the Office of Highway Safety, or otherwise arising between the parties to this agreement, shall be referred to the Secretary of the South Dakota Department of Public Safety and the authorized official of the 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.
17. **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 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.
18. **Cancellation, Termination, or Suspension of Agreement.**
- a. **By the Office of Highway Safety.** This 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 agency thirty (30) days advanced written notice. The Office of Highway Safety, before issuing notice of cancellation, termination, or suspension of this agreement, may allow the agency a reasonable opportunity to correct for noncompliance.
  - b. **By the agency.** The agency may terminate this agreement by providing thirty (30) days advanced written notice to the Office of Highway Safety.
19. **Controlling Law.** This agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this

Agreement shall be vented in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

20. **Compliance Provision.** The Agency will comply with all federal, state and local laws, regulations, ordinances, guidelines, permits and requirements applicable to providing services pursuant to this agreement, and will be solely responsible for obtaining current information on such requirements.
21. **Completion Date.** Unless otherwise authorized in writing by the Office of Highway Safety, the agency shall commence, carry on, and complete the project as described by September 30 of the federal fiscal year for which it was approved.
22. **B. Federal Certifications and Assurances (requirements included in project agreements)**

Funding from NHTSA requires the following (verbatim) State Certifications and Assurances be incorporated in all project agreements.

*State Certifications*

*Revised 8/19/2011*

#### **STATE CERTIFICATIONS AND ASSURANCES**

Failure to comply with applicable Federal statutes, regulations and directives may subject State officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 49 CFR 18.12.

Each fiscal year the State will sign these Certifications and Assurances that the State complies with all applicable Federal statutes, regulations, and directives in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but not limited to, the following:

- 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 Chapter II - (§§ 1200, 1205, 1206, 1250, 1251, & 1252) Regulations governing highway safety programs
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

#### **Certifications and Assurances**

##### **Section 402 Requirements**

The Governor is responsible for the administration of the State highway safety program through a State highway safety agency which 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 USC 402(b) (1) (A));

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 USC 402(b) (1) (B));

At least 40 per cent of all Federal funds apportioned to this State under 23 USC 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 USC 402(b) (1) (C)), unless this requirement is waived in writing;

This 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 USC 402(b) (1) (D));

**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:**

- **National law enforcement mobilizations,**
- **Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits,**
- **An annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative,**
- **Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.**

(23 USC 402 (b)(1)(E));

**The State shall 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 USC 402(I)).**

### **Other Federal Requirements**

Cash drawdowns will be initiated only when actually needed for disbursement. 49 CFR 18.20

Cash disbursements and balances will be reported in a timely manner as required by NHTSA. 49 CFR 18.21.

The same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations. 49 CFR 18.41.

Failure to adhere to these provisions may result in the termination of drawdown privileges.

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);

Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes 23 CFR 1200.21

The State will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20;

**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](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-- of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;
  - (i) the entity in the preceding fiscal year received—
    - (I) 80 percent or more of its annual gross revenues in Federal awards; and(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;
    - (II) Other relevant information specified by OMB guidance.

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 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis

of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq.; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse of alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; and, (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

**The Drug-free Workplace Act of 1988(41 U.S.C. 702);:**

The State will provide a drug-free workplace by:

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

- f. 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 -
  - 1. Taking appropriate personnel action against such an employee, up to and including termination.
  - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

### **BUY AMERICA ACT**

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).**

The State will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

### **CERTIFICATION REGARDING FEDERAL LOBBYING**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **RESTRICTION ON STATE LOBBYING**

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

### **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

#### **Instructions for Primary Certification**

1. By signing and submitting this proposal, the prospective primary 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 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 TO BAN 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:

- (1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving—
  - a. Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or
  - b. Privately-owned when on official Government business or when performing any work on or behalf of the Government.
- (2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as –
  - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and 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 will be modified in such a manner that a project would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to

take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

## **Section IV Application and Project Agreement Process**

### **A. Application Guidelines**

#### **1. Eligibility**

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 must be included with the application.
- Public Schools (and private schools with non-profit status if a copy of tax-exempt status certification is included with the application)

#### **2. Public Education**

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. 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).

The South Dakota Department of Public Safety, Public Information Officer, can provide technical assistance for the development of earned media pieces.

- 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 must be pre-approved by the Office of Highway Safety.

Paid media activities should describe:

- Goal: what grantee intends to accomplish with media component of action plan
- Target Audience: who, specifically, grantee is hoping to reach with the media
- Key message: what message grantee is hoping to convey to target audience

- Strategy: how grantee is hoping to reach target audience (example: radio, TV, newspaper, billboard, etc.)
- Timeline: when the activities will be implemented

All paid media should include a citation indicating support of the local grantee and the South Dakota Department of Public Safety.

### 3. Resource Materials

Resource materials available through the Office of Highway Safety include rackcard brochures, posters, and some incentive items for specific campaigns.

If an applicant wants to purchase resource materials such as brochures, posters, or incentives, they must have an appropriate highway safety message and include a “South Dakota Department of Public Safety” citation whenever possible. Resource materials must be described in the Activities and Budget sections of the application. Incentive items must be of nominal value and carry a highway safety message. Resource materials and incentives must be reviewed and approved prior to purchase or they may not be reimbursed. Please note: the Office of Highway Safety may need up to two weeks to review and approve items.

### 4. Law Enforcement Agencies: Participation in National Mobilizations

There are three national mobilizations law enforcement agencies funded through the Office of Highway Safety will be required to participate in. This coordinated effort has a strong impact in South Dakota, dovetails with efforts in other states, and is required by our federal funding. Each Office of Highway Safety funded law enforcement agency is required to report their mobilization activities to the Office of Highway Safety.

#### Impaired Driving Mobilizations (2):

There are two impaired driving mobilizations: one around the Labor Day holiday and one during the Holiday Season; dates vary slightly each year and are approximately two weeks in length.

#### Seatbelt Mobilization (1):

The third mobilization is the National Seatbelt Mobilization scheduled around the Memorial Day holiday. Law enforcement agencies are encouraged to support this mobilization by enforcing seatbelt use according to state law and provide public education activities as appropriate.

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) on at least four occasions during the national mobilizations and at least four additional high visibility enforcement events during the remainder of the year (minimum total of eight events per year).

Law Enforcement Liaisons (LEL) assist the Office of Highway Safety by providing support for law enforcement agencies across the state. If you have questions about these mobilizations, please contact the LEL for your region as posted on the Office of Highway Safety website.

## **B. Application Instructions**

The application form to apply for funding through the Office of Highway Safety is available on the Office of Highway Safety website, by calling Highway Safety at 605 773-4949, or emailing [highwaysafetyinfo@state.sd.us](mailto:highwaysafetyinfo@state.sd.us). The following guidelines are presented to assist with completion of the application.

### **Application Part I Applicant Contact Information**

1. Agency/Organization – the agency with fiscal and programmatic responsibility for the Project and address.
2. Duns Number.
3. Project Title – include a short title descriptive of the project.
4. Project Director – the individual with overall responsibility for the operation and management of the Project; this is the primary agency contact person for the project.
5. Street Address, City, State, Zip; Phone, Fax and email.
6. Authorizing Official – the individual in the agency/organization who is authorized to commit the agency to proceed with the project; a signature is required at the end of the application.
7. Federal Financial Accountability and Transparency Act Information Form (to be completed only if grant request is \$25,000 or more).

### **Application Part 2 Description of Project**

1. Problem Identification:

Organizations that apply for grants through the Office of Highway Safety must identify and quantify a traffic safety problem that they can address.

Describe the highway safety problem using local data to document the problem. Include a citation for the source of the data. Include an analysis of crash and/or citation data for the prior three years.

You may use charts, tables, maps, or graphs to describe the existing conditions. Use data relevant to your jurisdiction or service area. The 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](http://dps.sd.gov/enforcement/accident_records/default.aspx) or you can use data collected by your agency.

2. Objectives

Objectives are specific and measurable outcomes of your project. If your project will impact traffic crashes, fatalities, and injuries, describe the improvements your project will make in terms of numbers, percentages, or rates. If the project concerns training, how many people will be trained and what knowledge they will gain that will impact highway safety.

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. (Sample Objectives are included in the appendix of this manual)

### 3. Activities

In logical sequence, describe the activities you will undertake to accomplish your objectives above. Activities are actions necessary to help resolve the problem you've identified above and link to your objectives. Sample activities are included in the appendix of this manual.

The following link will provide access to NHTSA's most recent issue of, *Countermeasures That Work*. This manual describes highway safety strategies and summarizes their effectiveness, cost, and implementation time in an easy to read format.

[Countermeasures That Work, 2011](#)

As described above, one activity law enforcement agencies are required to participate in are the three national mobilizations by providing high visibility enforcement (checkpoints or saturation patrols) on at least four occasions during the national mobilizations and at least four additional high visibility enforcement events during the remainder of the year (minimum total of eight events per year). Please contact your Law Enforcement Liaison or the Office of Highway Safety if you have questions.

### 4. Evaluation

Describe how you will measure the success of your project. If an objective is to decrease traffic crashes, describe how you will identify a baseline number of traffic crashes and how the decrease will be measured.

### 5. Equipment/Cost Items

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

### 6. Agency Qualifications

The following agencies are eligible for Office of Highway Safety grant funding. Describe how your agency qualifies as well as any experience with highway safety projects.

- South Dakota State Agencies
- Federally recognized tribal governments
- City and County Agencies
- Non-profit entities with existing IRS 501 c (3) or (4) status
- Public Schools (and private schools with non-profit status)

## **Application Part 3 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.

Please review the section above, Accounting Procedures, in conjunction with budget preparation. 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. You do have a degree of latitude in actually spending the funds (transfers between objects of expense) are allowable, not to exceed 10% of the original amount of the object, as long as you do not exceed the total amount of the grant. Request only the dollar amount that you know you can reasonably expect to spend. All line item changes must be approved by the Office of Highway Safety in writing; the response will become a formal, written approval. 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.

**1. 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.

**2. Local Match**

Match contributions must have the same supporting documentation as the costs for which you request reimbursement.

Law enforcement equipment that may be reimbursed is listed below:

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

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

Other equipment purchases may be made, i.e. speed board, speed trailers, but will be handled on a case by case basis. Go through your LEL to seek approval.

| <b>FY 2013 Maximum Federal Reimbursement<br/>Law Enforcement Equipment FFY2013</b> |                       |                          |
|--|-----------------------|--------------------------|
|  | <b>TOTAL<br/>COST</b> | <b>FEDERAL<br/>SHARE</b> |
| Radar – Both Standard and Laser<br>80% Federal / 20% Local                         | \$2,500               | \$2,000                  |
| Digital Video Camera<br>50% Federal / 50% Local                                    | \$3,000               | \$1,500                  |

|  |       |       |
|--|-------|-------|
| Breath Testing Device PBT/FST<br>50% Federal / 50% Local | \$400 | \$200 |
| Other equipment may be approved on a case by case basis  |       |       |

Agency's applying for \$50,000 or more must provide documentation of 20% match (see definition of match below). In some cases, match may be waved depending on the funds drawn upon; please contact the Office of Highway Safety for more information.

Definitions of match: 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 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 subject to the federal Office of Management and Budget Circular A-133 which can be viewed at the following link: [Circular A-133](#).
- Project income - income earned by the agency from grant supported activities such as income from service fees, sale of commodities, usage or rental fees, and tuition and registration fees charged must be applied toward the project or deducted from the federal award. For more information on project income, please refer to the Code of Federal Regulations, Title 49: Transportation, Part 18.25 which can be viewed through the following link, [Electronic Code of Federal Regulations](#) .

#### **Application Part 4 Certifications and Assurances**

Federal certifications and assurances are required elements of project agreements. By signing the application, the Authorizing Official for the agency applying for funding agrees to these certifications and assurances.

#### **Application Part 5 Reporting Requirements**

By signing the application, the Authorizing Official for the agency applying for funding agrees to provide quarterly progress reports and special reports relevant to their agency which will be specified in a successful project agreement.

#### **Application Part 6 Authorizing Official Signature**

The person with contracting authority for the agency applying for funding must sign the application.

#### Application Review - Decision Making Process

Applications will be reviewed by a Department of Public Safety review team for elements including:

1. Has a highway safety problem been identified using verifiable data?
2. Does the project use proven strategies to address identified problems?
3. Are the project goals measurable?
4. Is the budget reasonable and has local match been shown in the budget narrative and summary table?
5. If applicant has received funding previously, has performance been satisfactory?

### **C. Project Agreement (including Contracts)**

When an application is approved for funding, a project agreement will be sent to the applicant for review and appropriate signatures; the agreement must be returned to the Office of Highway Safety. Each project agreement describes the conditions of the agreement; by signing the agreement, you are agreeing to adhere to the conditions within the document.

One copy of the completed, signed agreement will be returned to the applicant in either electronic or hard copy format. No expenditure should be made under an agreement until the applicant has received a final, signed agreement.

All costs must be incurred within the grant period as indicated on the project agreement. Therefore, any costs incurred before or after the effective date will not be reimbursed.

Any revisions must be approved in writing by the Director of the Office of Highway Safety.

### **D. Monitoring**

Federal grant management rules require the Office of Highway Safety to monitor project agreements to assure compliance with applicable federal requirements and cost principles. Project monitoring includes tracking the progress of projects in meeting objectives and performance measures, as well as compliance with procedures, laws, and regulations and sound operational practices.

Frequency and method of monitoring by the Office of Highway Safety will be based on dollar amount, capabilities and experience of the project personnel, indications of problems, lack of performance, or change in project direction. Monitoring may be performed through any of the following methods: on-site visits, telephone, or desktop review.

Equipment that cost \$5,000 and over is required to be monitored to verify equipment existence, usage, and maintenance. Equipment may be monitored by Department of Public Safety staff as part of a regional monitoring activity.

### **E. Required Reports**

#### **a. Quarterly Progress Reports (Not L.E.)**

Projects are required to submit a quarterly progress report 15 days after the end of each calendar quarter for the October-September fiscal year. The format provided by the Office of Highway Safety must be used for all reports.

If there is no activity for several months, progress reports are due describing why there is no activity and when activity will begin.

**b. Traffic Safety Reporting System**

Law enforcement agencies receiving funding from the Office of Highway Safety are required to input citation, warning, and related data into the online Traffic Safety Reporting system monthly. This data report is due each month on the 15<sup>th</sup> for the previous month.

**c. Mobilization Reports**

Law enforcement agencies receiving funding from the Office of Highway Safety are required to complete a mobilization report after each of the three national mobilizations. Due dates will be provided with the report forms and will be approximately 15 days after the end of the mobilization.

**d. Enforcing Underage Drinking Laws (EUDL) Data Report**

Projects that receive EUDL funding are required to complete a data report each quarter on the 15<sup>th</sup> of the month following the end of each quarter. The form will be provided to agencies whose projects receive this funding.

**Note:** If required reports are not submitted to the Office of Highway Safety by required deadlines, no vouchers will be processed for reimbursement.

**Highway Safety Acronyms**

|            |  |
|------------|--|
| <b>BAC</b> | <b>Blood Alcohol Concentration</b><br>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.                                 |
| <b>DMV</b> | <b>Division of Motor Vehicles</b><br>This division is in the Department of Revenue and is responsible for motor vehicle registrations. Please see <a href="http://www.state.sd.us/drr2/motorvehicle/index.htm">http://www.state.sd.us/drr2/motorvehicle/index.htm</a> .  |
| <b>DOT</b> | <b>Department of Transportation</b><br>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 <a href="http://www.sddot.com/">http://www.sddot.com/</a> . |
| <b>DRE</b> | <b>Drug Recognition Expert</b><br>Law enforcement personnel, who have received specialized training to recognize, test, cite, and arrest drug-impaired drivers.  |
| <b>DWI</b> | <b>Driving While Impaired (aka DUI or Driving Under the Influence)</b><br>A person that commits the offense of impaired driving under the influence of   |

drugs or with a BAC of 0.08% or more.

- 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.
- EUDL**                    **Enforcing Underage Drinking Laws**  
The Department of Justice provides each state with a block grant to address underage drinking through enforcement of underage drinking laws, public education, or other innovative programs. In South Dakota, EUDL is administered by the Office of Highway Safety. EUDL information is available on the Department of Justice website at <http://www.ojdp.gov/Programs/ProgSummary.asp?pi=17>.
- FARS**                    **Fatal Analysis Reporting System**  
A national database that receives fatal crash report information from all states. FARS information is available at <http://www.nhtsa.gov/people/ncsa/fars.html>.
- 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.
- FFY**                        **Federal Fiscal Year**  
The FFY runs from October 1 to September 30 of the next year. Highway safety projects run on a FFY.
- GHSA**                    **Governors Highway Safety Association**  
This non-profit association represents all 50 states 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.naghsr.org/>.
- 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.
- GR**                        **Governor's Representative for Highway Safety**  
The Governor appoints someone to administer the state Highway Safety Program.
- 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 a grant application for federal funding.
- 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.
- MADD**            **Mothers Against Drunk Driving**  
An activist group working to strengthen DWI laws and increasing DWI convictions nationwide.
- 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/>.
- 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 alcohol prevention, impaired driving, and other destructive decisions.
- 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://www.state.sd.us/drr2/prospectax/alcohol/alcoholtraining.htm> 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.

## Sample Objectives

- A. Reduce crashes involving impaired drivers
  - 1. Reduce the number of people killed or injured in alcohol involved traffic crashes in your community by X from X in base year 200X.
  - 2. Reduce the number of underage (<21) alcohol involved traffic crashes in your community by X from X in base year 200X.
- B. Increase seatbelt and child restraint use
  - 1. Increase seatbelt usage in your community by X from X in base year 200X.
  - 2. Reduce the number of unrestrained persons killed or injured in your community by X from X in base year 200X.
- C. Reduce traffic crashes caused by aggressive driving and speeding
  - 1. Reduce the total number of people killed or injured in aggressive driving traffic crashes in your community by X from X in base year 200X.
  - 2. Reduce the number of people killed or injured in speed related traffic crashes in your community by X from X in base year 200X.
- D. Reduce fatalities and injuries involving young drivers
  - 1. Provide a program of instruction to a minimum of XX% of students in your community.
  - 2. Increase involvement of youth in highway safety activities from XX to XX.
- E. Reduce motorcycle crashes
  - 1. Reduce motorcycle fatalities in your community by X from X in base year 200X.
  - 2. Increase the number of people provided motorcycle safety instruction from X from X in base year 200X.
  - 3. Conduct a motorcycle safety media campaign that reaches XX% of motor vehicle drivers during 200X.
- F. Reduce crashes involving pedestrians and bicyclists
  - 1. Reduce the number of killed or injured pedestrians or bicyclists from X in base year 200X to X in 200X.
  - 2. Increase the number of kids that use bike helmets from X in base year 200X to X in 200X.
- G. Improve traffic information systems
  - 1. Increase the number of crashes recorded electronically from X in base year 200X to X in 200X.
- H. Improve traffic safety through engineering
  - 1. Improve signage in your community or county from X in base year 200X to X in 200X.
- I. Improve emergency response services
  - 1. Increase response time to crashes in your community by X% from X minutes in base year 200X.
  - 2. Train X% of emergency responders in a specific area in 200X.

## Sample Activities

For more activity ideas and information on effectiveness,  
Click on [Countermeasures That Work, 2010](#)

- A. Reduce crashes involving impaired drivers
  - Conduct a minimum of XX checkpoints in your community during the grant period.
  - Establish and implement a Designated Driver Program in your community during the grant period.
  - Provide training in prosecuting DUI cases to at least XX prosecutors/judges by 200X.
- B. Increase safety belt and child restraint use
  - Coordinate seatbelt usage events at XX local schools by 200X.
  - Host a NHTSA child safety seat technician training for XX individuals.
  - Increase total seatbelt/child seat citations.
  - Train XX local hospital medical staff on the proper use, installation, and instructions for child safety seats and booster seats in your community during the grant period.
  - Conduct at least XX traffic safety presentations.
- C. Reduce traffic crashes caused by aggressive driving and speeding
  - Conduct XX highly publicized speed enforcement campaigns in your community.
  - Set-up a speed board/trailer each week at a selected high crash location.
  - Conduct XX speed enforcement campaigns by 200X.
- D. Reduce fatalities and injuries involving young drivers
  - Develop and present traffic safety presentations for XX youth in 200X.
  - Present a program on parental management of young drivers for XX parents in 200X.
  - Develop a traffic safety library for youth and community members.
- E. Reduce motorcycle crashes
  - Conduct XX special enforcement events focusing on impaired motorcycle riders in your community in 200X.
  - Disseminate information to XX riders on the procedures for obtaining motorcycle riding safety training and endorsements.
- F. Reduce crashes involving pedestrians and bicyclists
  - Educate motor vehicle drivers and pedestrians about pedestrian laws.
  - Educate children and their caregivers in safe walking habits, routes, and best practices.
  - Form a partnership with local public transportation organizations to develop and implement a program to increase awareness of pedestrian safety issues by 200X.
  - Conduct a bicycle helmet use survey in your community during the grant period.
  - Conduct a bike rodeo to train kids to ride safety and wear helmets.
- G. Improve traffic information systems
  - Purchase hardware to use TraCS.
  - Purchase software and installation services to implement TraCS.
- H. Improve traffic safety through engineering
  - Using traffic counts, accident statistics, speed data, and roadway conditions, a traffic safety engineer will investigate and make recommendations for high crash locations.
  - Purchase and install improved signage recommended by a traffic safety engineer, compliant with national standards.
- I. Improve emergency response services
  - Conduct training for XX EMS/First Responders during the grant period.
  - Purchase equipment that will provide better access for volunteer emergency responders.