



THE FOLLOWING CONDITIONS SHALL BE IN EFFECT UPON SIGNED APPROVAL OF A GRANT AGREEMENT BETWEEN KENTUCKY OFFICE OF HIGHWAY SAFETY AND THE APPLICANT

1. **Relationship:** The relationship of the applicant/grantee to the grantor shall be that of an independent contractor, not that of a joint enterprise. The applicant/grantee shall have no authority to bind the grantor, for any obligation or expense without the expressed prior written approval of the grantor.
2. **Grant Activity:** Grant activity must begin within thirty (30) days of approved start date and after signed approval of the grant agreement by the Governor's Representative for Highway Safety unless otherwise stated within the contracts strategies and activities.
3. **Costs Incurred:** No costs incurred for this project will be eligible for reimbursement prior to approval/starting date of the grant agreement or after grant period is over. Requests must contain documentation which demonstrates the expenditures were incurred and paid for.
4. **Monthly Reporting:** The applicant/grantee will be required to submit monthly reports to document their activities related to the highway safety grant. Applicant/Grantee shall use the most current reporting forms as provided on the Kentucky Office of Highway Safety website at <https://transportation.ky.gov/HighwaySafety/Pages/HighwaySafetyGrants.aspx>. A final cumulative report addressing achievement of goals, objectives and strategies will be due to the grantor within 30 days after the contract period has ended. The final reimbursement claim shall also be submitted within 30 days after the contract period has ended.
5. **Fiscal and Accounting Responsibilities:** The applicant/grantee must establish fiscal control with generally accepted accounting procedures that assure proper disposition of an account for grant funds and if applicable, required non-federal expenditures. All money spent on this project will be dispersed in accordance with provisions of the grant budget or officially revised budget as approved by the grantor.
6. **Reimbursement Requirements:** All grants administered through the Kentucky Office of Highway Safety are reimbursement based. The Kentucky Office of Highway Safety reimburses for direct costs only. All reimbursement requests must contain documentation which demonstrates the expenditures were incurred and paid for. Grantees must provide copies of documents such as invoices and corresponding copies of cancelled checks. Beginning with fiscal year 2011, the match requirement for local agencies has been eliminated.
Salary and benefits reimbursement requests must contain the following:
 - Copies of the employee's timesheets with the signatures and printed names of the employee and the employee's supervisor
 - The detail activity log, with the signatures and printed names of the officer and supervisor, will be sufficient in lieu of time sheet for law enforcement personnel.
 - Payroll reports which demonstrate the costs associated with that employee, i.e. wages, withholding, insurance, retirement, etc.
 - Cancelled payroll checks are not required.



Travel expense reimbursements requests must contain the following:

- Copy of the employee's travel request form which contains the signatures and printed names of the employee and the employee's supervisor
- Copies of travel receipts for items such as hotels, air fare, etc.
- Travel form must denote destination and purpose of travel.
- Copy of cancelled travel reimbursement check paid to employee
- Mileage rate must be included on the travel request form

Equipment purchases reimbursement requests must contain:

- Copy of the vendor's invoice for the equipment
- Copy of the cancelled check used to pay the vendor

Note: If cancelled checks are not available, a copy of the original check may be submitted along with a copy of the bank statement indicating the check number has been cleared

7. **Cost Principles:** Costs incurred (when goods are received and accepted or services are performed) under the grant agreement shall be determined in accordance with the general principles of allowability and standards for selected cost items as set forth in Office of Management and Budget Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments; A-21, Cost Principles for Institutions of Higher Education; A-122, Cost Principles for Nonprofit Organizations; and all applicable National Highway Traffic Safety Administration/Federal Highway Administration orders.
8. **Maintenance of Records:** The applicant/grantee agrees that the grantor, the National Highway Traffic Safety Administration, (NHTSA), the Federal Highway Administration and/or the Controller General of the United States, the Auditor of the State of Kentucky or any of their duly authorized representatives may have access, for purposes of audit examinations, to any books, documents, papers or records maintained by the applicant/grantee pertaining to the grant agreement. The applicant/grantee further agrees to maintain such books and records for a period of three years after the date of final project disposition.
9. **Purchasing:** The applicant/grantee is required to use their agency's procurement regulations that reflect applicable state and local laws, rules and regulations.
10. **Equipment:** All grantee agencies will use, manage, and dispose of equipment acquired under a federally funded highway safety grant in accordance with state laws and procedures. Such equipment shall be used for the purpose of enhancing the grantee's highway safety program. Grantees in non-compliance of this provision shall be required to return said equipment to the grantor. Grantee agency must begin the process to order all equipment approved within their budget within (30) days of the date authorized to begin a highway safety project. A single piece of equipment with an acquisition cost of \$5,000.00 or more must be pre-approved by the NHTSA Regional Administrator. A grantee shall not purchase a single piece of equipment in excess of \$5,000.00 until receiving authorization from the KOHS that approval has been granted from NHTSA. Grantees will submit a completed Non-Expendable Property Accountability Record with their claim for reimbursement for any equipment item purchased. The grantee is responsible for insuring all equipment items and will be liable to grantor for loss, theft, or damage to equipment.



11. **Travel (In-State and Out-of-State):** All travel reimbursements will be made in accordance with the provisions of 200 Kentucky Administrative Regulations, Chapter 2. The mileage reimbursement shall be determined by the current rate published quarterly by the Finance Cabinet.

Overnight travel must be an item within the detailed budget portion of the grant agreement. Applicant/Grantee must submit a completed request for overnight travel authorization for approval to the grantor at least fifteen (15) days prior to the anticipated date of departure.

12. **Payroll Procedures and Records Required:** Compensation for personnel services are allowable if:
- a. They are for services rendered during the grant period;
 - b. They are reasonable and normal for the services rendered;
 - c. Paid personnel are appointed in accordance with state and local government laws and rules;
 - d. They are based on payrolls documented and approved in accordance with generally accepted accounting principles; and
 - e. They are supported by time and attendance records signed by both employee and supervisor.

Employee Benefits are allowable if:

- a. They are approved pursuant to a leave system;
- b. Employer's contribution or expense includes:
 - 1) Social Security
 - 2) Employee's health insurance plans, (excludes overtime)
 - 3) Unemployment insurance coverage
 - 4) Workmen's compensation insurance,
 - 5) Pension plans, and;
- c. The cost thereof is equitably allocated to all activities.
- d. Overtime pay is calculated in accordance with existing labor laws and is paid at the rate of one and one-half (1.5) times the person's hourly rate of pay for actual hours worked in excess of forty (40) hours in any week. Overtime will be strictly for traffic enforcement activities which includes patrol and or traffic safety checkpoints.



13. **Special Instructions for law enforcement agencies:**

- a. Officers are required to complete a detailed activity log after each assignment.
- b. Enforcement officers assigned to this project will not answer calls for service, except in emergency situations. Emergency situations and breaks do not qualify for federal overtime funding.
- c. Officers are limited to 6 hours of federally funded overtime within a 24-hour period from the time they begin their initial overtime shift.
- d. Activities which will be credited as comprehensive enforcement contacts will include: 1) DUI arrests, 2) speeding citations, 3) seat belt citations, 4) child restraint citations, 5) written warnings (no warnings are permitted during federal overtime for seat belt or child restraint violations), 6) other arrests related to traffic stops, and 7) other activities as approved by the grantor.
- e. Due to the number of fatal crashes occurring during nighttime hours and specifically lower nighttime seat belt usage, each law enforcement agency shall dedicate a minimum of 50% of their overtime to nighttime enforcement regardless of the assigned program area, i.e.: impaired driving, speeding or occupant protection. Nighttime refers to hours between 6:00 p.m. and 5:59 a.m.
- f. Officers who have been trained in DUI apprehension and speed detection (radar usage) are eligible to be assigned to the enforcement effort.
- g. Only one officer per unit vehicle is eligible for reimbursement.
- h. The applicant/grantee should be involved in public relations (earned media) and educational activities that support national and state highway safety efforts.
- i. Participation in all mobilizations/traffic safety enforcement events sponsored by the National Highway Traffic Safety Administration (NHTSA) and/or the grantor is required.

14. **Project Income:** No income may be earned by the applicant/grantee with respect to federal funds received through the grantor.

15. **Right to Ownership:** The applicant/grantee understands that the grantor, the National Highway Traffic Safety Administration, and the Federal Highway Administration reserve the royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use and authorize others to use, any educational or instructional material developed with the Highway Safety Act of 1966 funding. "Educational or instructional materials" means written material, drawings, slides, photographs, filmstrips, motion pictures, television and radio public service announcements, and any other material whose primary purpose is to educate either the public at large or a specific subgroup of the public concerning highway safety or related subject. All educational materials/promotional items must have an approved (by the Grantor) highway safety message that corresponds to their program area.



16. **Non-discrimination:** The applicant/grantee agrees to comply with all federal statutes and implementing regulations relating to nondiscrimination concerning race, color, national origin, sex, handicaps, and age. These include but are not limited to:
- a. Titles VI and VII of the Civil Rights Act of 1964;
 - b. Title IX of the Education Amendments of 1972, as amended;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended;
 - d. The Age Discrimination Act of 1975, as amended
17. **Minority Business Enterprises Policy:** It is the policy of the U.S. Department of Transportation that minority business enterprises as defined in 49 CFR Part 23, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under the grant agreement. Consequently, the MBE requirements of 49 CFR Part 23 applies to the grant agreement.
18. **Audit:** OMB Circular A-133, known as The Single Audit Act, requires the following:
1. State or local governments that expend \$500,000 or more a year in federal financial assistance shall have an audit conducted in accordance with this circular; two copies of the audit shall be sent to the Office of Highway Safety.
 2. Non-state agency applicant/grantees are required to provide two copies of the most recent OMB A-133 Audit or a certification that total expenditures of federal funds did not exceed \$500,000.00.
 3. Nothing in this section exempts state or local governments from maintaining records of federal financial assistance or from providing access to such records to federal agencies, as provided for in federal law or in 49 CFR 18, Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments (revised A-102).
19. **High Risk Grantees:**
- a. An applicant/grantee may be considered a "high risk" if the grantor determines that they:
 - 1) Have a history of unsatisfactory performance. Unsatisfactory performance includes, but is not limited to: lack of substantial progress on all goals and objectives as included in the signed grant agreement; inability to properly expend the federal highway safety grant funds allocated to meet the goals and objectives as included in the signed grant agreement; lack of participation in NHTSA and KOHS activities, or
 - 2) Are not financially stable, or
 - 3) Have a management system which does not meet the management standards set forth in this part, or
 - 4) Have not conformed to terms and conditions of previous awards, or
 - 5) Are otherwise not responsible, and if the grantor determines that an award will be made, special conditions and/or restrictions shall correspond to the high-risk condition and shall be included in the award.
 - b. Special conditions and restrictions may include:
 - 1) Payment on a reimbursement basis;
 - 2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given funding period;
 - 3) Requiring additional, more detailed, financial reports;
 - 4) Additional project monitoring;
 - 5) Requiring the grantee or subgrantee to obtain technical or management assistance, or
 - 6) Establishing additional prior approvals.



- c. If the Grantor decides to impose such conditions, the awarding official will notify the applicant/grantee as early as possible, in writing, of:
- 1) The nature of the special conditions/restrictions;
 - 2) The reasons for imposing them;
 - 3) The corrective actions which must be taken before they will be removed and the time allowed for completing the corrective actions, and
 - 4) The method of requesting reconsideration of the conditions and/or restrictions imposed.

Source: Uniform Administrative Requirements for Grants and Cooperative Agreements to state and Local Governments ("The Common Rule") 49 CFR-Part 18-Subpart B-18.12.

20. **Drug-free Workplace:** The applicant/grantee certifies that they will maintain a drug-free workplace in accordance with the Federal Drug-free Workplace Act of 1988. This regulation requires the employer to provide employees with a statement notifying them that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the agency's workplace and specifying penalties for violation of such prohibition. The applicant/grantee must also abide by all other provisions of this regulation, detailed in 49 CFR, Subpart F.
21. **Buy America Act:** The applicant/grantee certifies that they will comply with the Buy America Act (23 USC 101 Note) 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.
22. **Political Activity (Hatch Act):** The applicant/grantee and all their employees working under the grant agreement will comply with the provisions of the Hatch Act, which prohibit them from active participation in political management and political campaigns while receiving federal funds. For further detail, see U.S.C. §§ 1501-1508 and implementing regulations of 5 CFR Part 151 concerning "Political Activity of State or Local Offices, or Employees."
23. **Certification Regarding Federal Lobbying:** The applicant/grantee certifies, to the best of his or her knowledge and belief, that: No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement. 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.



24. **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.
25. **Certification Regarding Debarment And Suspension – Lower Tier Covered Transactions:**
By signing the grant agreement, the grantee is providing certification that:
- a. Neither the agency 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.
 - b. Where unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal. 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.
26. **Copyrights:** The federal government has authority to publish or use any copyrighted material developed under a grant.