



## FY2019 Driving Under the Influence Taskforce Enforcement Grant (DUIT)

### Request for Proposals

The Indiana Criminal Justice Institute (ICJI) is now accepting applications for the FY2019 Driving Under the Influence Taskforce (DUIT) Enforcement Grant. The DUIT Enforcement Program is the primary impaired driving enforcement program in Indiana. This program is intended to decrease death and injuries from crashes involving impaired drivers.

Registration is required in [IntelliGrants](#) in order to access the electronic application.

Applications must be submitted via IntelliGrants on or before

**12:00 P.M. EDT (noon) on Friday, November 9, 2018.**

Applicants are strongly encouraged to submit applications 72 hours prior to the deadline.

**Several changes have been made to the solicitation from previous years. Please be sure to review the application in its entirety before completing.**

Late or incomplete applications will not be accepted.

Award Period: October 1, 2018 – September 30, 2019

For technical assistance with submitting an application, contact the IntelliGrants Help Desk at

[CJIHelpdesk@cji.in.gov](mailto:CJIHelpdesk@cji.in.gov).

ICJI is not responsible for technical issues with grant submission within 24 hours of grant deadline.

For assistance with any other requirements of this solicitation, please first contact your regional LEL. You may also contact Program Manager Butch Michaels at [MMichael1@cji.IN.gov](mailto:MMichael1@cji.IN.gov)

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## PURPOSE OF THE GRANT

The DUIT grant is the primary impaired driving countermeasure enforcement project in the state. The program is intended to decrease the number of motorists killed and injured on Indiana roadways by impaired drivers.

### DUIT Purpose Areas

As designated by the federal granting agency and ICJI, DUIT funds may be used for traffic safety initiatives that will:

1. Decrease overall crashes, fatalities, and injuries
2. Decrease impaired driving crashes, fatalities, and injuries
3. Increase compliance with impaired driving laws

The Grantee will use the following NHTSA principles when identifying and enforcing the State's impaired driving laws:

1. Publicized Sobriety Checkpoints
2. Publicized Saturation Patrols
3. Use of Preliminary Breath Test Instruments (Alco-Sensor)

### Priority Areas

The DUIT is a year-long effort that targets impaired drivers using a combination of education, sobriety checkpoints and saturation patrols. Studies show that most impaired driver collisions occur between 6PM and 6AM. Checkpoints and patrols will be conducted between these hours unless special circumstances warrant some deviation for a specified period of time with LEL approval.

Applications for this award should provide a description distinct to impaired driving enforcement in these areas. It is important to examine trends, specify desired outcomes, and consider how to monitor them over time. Outcome-based initiatives have performance results or performance indicators that include short-term and long-term goals. Applicants should observe trends and use this information to establish annual and five-year targets, and provide a rationalization for identified targets.

## ELIGIBILITY REQUIREMENTS

All law enforcement agencies in the State of Indiana with **paid** officers (full-time and part-time) are eligible to apply (See Reimbursement Rate Policy for ICJI effective July 1, 2016). Applicants must demonstrate a

need for increased enforcement in their community and the willingness to commit to traffic safety priorities.

Please note that all applicant agencies currently receiving funding from ICJI must be current on all reports related to such funding. Delinquent reports may disqualify an Applicant Agency from consideration for funding through any grant program through ICJI.

Additionally, all applicants awarded a grant from ICJI must agree to the following:

1. 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended
2. Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
3. 23 CFR part 1300—Uniform Procedures for State Highway Safety Grant Programs
4. 2 CFR part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
5. 2 CFR part 1201—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
6. Agree to abide by all provisions of the grant agreement
7. Agree to abide by all Special Conditions detailed in ICJI Certified Assurances and Special Conditions.
8. Submit all reports in the prescribed format and time frames as determined by ICJI
9. Submit quarterly performance measures as listed in the Special Conditions provided upon approval of the proposal

**Important Notice!!! In Fiscal year 2019 DRE callouts CANNOT be paid from the DUIT grant. They can only be paid through an OPO grant. You may pay a DRE from the DUIT grant for patrol duties or at checkpoints, as long as they have another function at the checkpoint i.e. being a line officer, chase car...**

All agencies are required to read and agree to the *2019 DUI Taskforce Policies and Procedures* manual to be awarded. The manual is included within this document (See Appendix A). By submitting your application in IntelliGrants, you and all participating agencies are agreeing to these policies & procedures.

#### Deadlines: Registration and Application

Applications will be submitted through [IntelliGrants](#) by 12:00 P.M. EDT (noon) on Friday, November 9, 2018. **No late or incomplete applications will be considered for funding.**

Everything from the grant application, reporting and fiscal draw downs will occur online within IntelliGrants. The registration process can be started by visiting [IntelliGrants](#) and clicking on the “New user?” link. **Applicants must be registered in IntelliGrants in order to access the online application. Registration may take several days for first time registrants.** Failure to register will prevent applicants from accessing the system. ICJI recommends early registration in order to become familiar with the system. This will prevent delays with application submission. ICJI is not responsible for applicants who fail to submit a timely application due to technical difficulties that occur within 24 hours of the deadline. Late applications or applications submitted through any means other than IntelliGrants will not be considered for funding.

## AWARD PERIOD

The award period for the 2019 DUIT grant shall be October 1, 2018 – September 30, 2019. Projects should begin on October 1, 2018 and must be in operation no later than 45 days after January 1, 2019. Failure to have the funded project operational within the time allotted may result in the cancellation of the grant and de-obligation of awarded funds. Projects must conclude no later than September 30, 2019. Funding obligations must be made prior to September 30, 2019, and the Final Financial Report submitted via IntelliGrants within 45 days from September 30, 2019 (grant end date). **All program activity must be completed by the end of the approved award period.**

### Selection Process and Award Notification

ICJI staff will conduct an initial screening of the proposal to check for completeness of the application. ICJI staff conduct a risk assessment of all applicants; the proposed applications will be scored and eligible applications recommendations for funding will be presented to the Traffic Safety Division Director and ICJI Executive Director for consideration. **Incomplete applications will not be scored or considered for review.**

### Reporting and Monitoring Requirements

DUIT subgrantees are required to submit quarterly programmatic reports. Program reports must include the following items:

- **Pre & post media**
- **Program Totals report from OPO Database**

Additional quarterly performance measures, narrative reports, and financial reports should be submitted as directed in IntelliGrants. To validate requests for reimbursement, supporting documents must be included for the reported expenses, to demonstrate “proof of payment” and the details of the expense. **Details of the expense to include “proof of payment” may consist of but is not limited to the following items:**

- **DUIT Officer Activity Sheets (officer signature and authoritative signature)**
- **Employee paystubs**
- **Sheriff/Chief letter**
- **Personnel Details Report from OPO Database**
- **Admin log (if applicable)**
  - **Note:** Coordinators for admin time can either sign the admin log along with an authoritative signature OR complete a DUIT Officer Activity Sheet.

### Monitoring

All grant awards will be monitored by a program manager and/or Law Enforcement Liaison (LEL) using a combination of desk reviews and site visits. Additionally, the program manager will review all submitted reports for timeliness and accuracy. Delinquencies and report contents will be addressed as needed.

## 2019 DUI Application Outline

As in the past years, applicants will still use the DUIT Application Template. Below you will see directions on how to apply the information you provide on the template to several of the questions in the application. The DUIT Grantee Template contains annually updated data from each county pre-filled in the table. The grantee should analyze the trend data provided, select outcomes that are attainable and supported by trend data, and provide a detailed rationale in the Outcome Narrative box. The grantee should additionally detail the activities the grantee will perform, yearlong enforcement, and how the grantee will use media to educate the community about the funded program activities in the Program Narrative box to achieve the selected outcomes. The template provides the improved ability to make data-driven decisions as well as provide a more efficient grant application process for the grantee.

**Directions for template:** To begin, the grantee must click on the following link, right click on the county name, and select download: <https://app.box.com/s/cpax0126eg57bhm19zxpvjbgkhrbvdi>

Save this template, fill it out, and attach it in the section described below.

**Directions for IntelliGrants application:** In your IntelliGrants application you will see “Forms Menu” near the top of the page. There are several sections and you must go into each individual form. For OPO many of the forms are not applicable and therefore, you will not enter any information but simply save and move onto the next page. The form sections are *Application Forms (7)*, *Budget Forms (9)*, *Certification (1)*, and *Required Attachments (1)*.

### Application Forms

- Contact Information: Fill in all required areas (those with a red asterisk)
- Project Information: Write a project summary, funding amount requested
- Programmatic Information: This is what you normally would see on the DUIT Template Application
- Problem Statement & Analysis: Analyze the crash data on the template for your county
- Goals, Objectives, & Outcomes: (feel free to copy & paste from your DUIT template application)
  - Provide the program’s goal: Simply describe your goal and what your traffic safety efforts will basically accomplish.
  - Provide objectives that measure progress toward achieving the goal: This is where you will talk about your 2%, 4%, or 6% improvements and why
  - Provide at least 1 outcome for each state objective: This is where you detail the activities performed to address the problem and achieve the selected outcomes (last paragraph on the template).
- Program Description: Answer all 6 questions thoroughly
- Evidence Based/Best Practices: Traffic safety programs are evidence-based. You may talk about NHTSA’s Countermeasures that work for example (you may see the basic of this on the DUIT Template under “Performance Measures.”)

### Budget Forms

- Personnel: Select Law Enforcement Pool

Do separate line items for each general overtime personnel hours and administrative time (10%)

For example:

<u>Name</u>	<u>Fund Type</u>	<u>Total Expenditure</u>	<u>Percentage</u>
Officers	Grant <input type="text"/>	\$65,000.	81%
Admin	Grant <input type="text"/>	8,000.00	10%

Personnel Total: \$80,000.00

**NOTE:** In any remaining lines, leave them blank. Do NOT put in zeroes, etc.

- Employee Benefits: Do not fill in anything on this page (Do NOT put zeroes anywhere). Just save and go to next page.
- Supplies & Operating Expenses: Do not fill in anything on this page (Do NOT put zeroes anywhere). Just save and go to next page.
- Equipment: Do not fill in anything on this page (Do NOT put zeroes anywhere). Just save and go to next page.
- Travel: Do not fill in anything on this page (Do NOT put zeroes anywhere). Just save and go to next page.
- Consultants & Contractors: Do not fill in anything on this page (Do NOT put zeroes anywhere). Just save and go to next page.
- Program Income: Select "No."
- Budget Summary: Fill out anything required with a red asterisk if applicable. Then go to next page.
- Budget Narrative: Most of these questions will not apply to you. The only ones to answer is the 1<sup>st</sup> question regarding an increase in money from the prior grant year (2<sup>nd</sup> if applicable), and the last involving internal controls. Employee travel, equipment, and supplies & operating expenses just answer with N/A.

**Certification**

- Certified Assurances & Special Provisions: Read and check the box at the bottom.

**Required Attachments**

- Attachments: This is where you will attach your DUIT Template Application. Attach this under the category of "Miscellaneous."

## APPENDIX A. FY2019 DUI TASKFORCE POLICIES & PROCEDURES

The DUITF grant is the primary impaired driving countermeasure enforcement project in the state. The program is intended to decrease the number of motorists killed and injured on Indiana roadways by impaired drivers.

### Funding

DUITF grant funds will cover the costs of the overtime salary of traffic enforcement officers, and minimal administrative costs which will not exceed 10% of the awarded grant funds.

All law enforcement agencies and Traffic Safety Partnerships (TSPs) who conduct traffic safety initiatives supported by funding provided by the National Highway Traffic Safety Administration (NHTSA) and passed through the Indiana Criminal Justice Institute (ICJI) shall pay all law enforcement officers or personnel for work performed beyond their regular work period at an overtime reimbursement rate that is congruent to the FLSA overtime rate for law enforcement personnel, and shall be time and one-half of their regular individual rate of pay. This time and one-half reimbursement rate policy is to be based on the regular individual's rate of pay. ICJI will not provide reimbursement to law enforcement agencies for any fringe benefit costs added to the officer's regular rate of pay. Fringe benefit costs can include but are not limited to employer costs related to FICA, health insurance, and pension contributions.

All departments/TSPs will cover the costs of benefits, gasoline, mileage, equipment, etc. *All funding will be provided on a REIMBURSEMENT BASIS ONLY.*

Costs charged to the grant must meet the following requirements:

- Funds are to be supplemental and do not substitute for on-going activities. Personnel expenses will be for traffic safety activities only, and will not include any activity (enforcement, reporting, or otherwise) conducted during regular duty hours.
- Funds must conform to federal, state, and local policies, regulations and procedures that apply uniformly to other activities.
- The costs charged to this grant cannot be included as a cost of any other federally funded program.
- The funds should not result in a profit to the state or local unit of government.
- Costs must be incurred within the grant period.
- Costs must be adequately supported by documentation.
- Salaries and wages chargeable to this highway safety project must be supported by appropriate time distribution records, and must follow department/agency pay policies.
- No more than 10% of the total grant funds expended at any point in time during the grant period may be used for the costs of administrative duties relating to the grant (e.g. dispatch, clerk, and coordinator duties associated with reporting under the requirements of this grant). Agencies utilizing administrative hours must document the type of activity using a log sheet which will be provided so that administrative expenditures can be monitored. ***Any administrative pay must be placed in the category of "Other" in the Budget area line item not "Personnel."***

### Activities and Procedures

All departments/Traffic Safety Partnerships (TSPs) agree to follow the DUITF schedule and activities as outlined in this Policy and Procedures document. Activities included in this program should align with a specified program(s) within the attached NHTSA document (Countermeasures that Work) Countermeasures that Work 8th Edition.pdf

Projects must include the following elements:

- Enforcement data collection.
- High Visibility Traffic Enforcement, including media event, news releases, and public education.
- Media event announcements including news conferences, radio, and news releases. There must be a media event prior to the enforcement period and following the enforcement period.
- Agencies will conduct sobriety checkpoints including pre and post checkpoint media releases
- Impaired driving patrols will be conducted between the hours of 6PM and 6AM. Limited exceptions to this time may be approved for special events with the permission of your LEL.
- Report all activity and enforcement (both in the OPO Database and IntelliGrants).
- Awarded agencies must work during the enforcement period and not outside of these dates.
- Agencies awarded funding under DUITF must conduct all enforcement during the designated grant period.

## **Enforcement**

This grant will provide funding to the department/TSP to conduct impaired driving enforcement during the grant period of October 1, 2018 - September 30, 2019.

Grantee efforts, with both enforcement and public awareness campaigns, will focus on the following:

- Decreasing impaired driving crashes, fatalities, and injuries
- Increasing compliance with impaired driving laws.
- Department/TSP agrees to meet the following minimum grant requirements:
  - Grantees must participate in yearlong impaired driving enforcement.
  - Grantees must participate in some enforcement at least once each quarter.
  - Grantees must adhere to the plan described in the application submitted for this program.
- Applicable Grantees understand any DRE callouts are to be paid through the Operation Pull Over grant in a subcategory under the Personnel line item and are NOT to be paid in the DUI Taskforce grant. **This is a change from the 2017 DUITF program**

## **Public Information/Media Campaigns**

A public information and education campaign (PI&E) will be conducted by departments/TSPs in accordance with the campaign schedule dates. The public information and education campaign will be accomplished by using press releases, as well as disseminating materials and information from ICJI. Additional efforts will be made through presentations and locally planned events to civic groups, schools, businesses, and others groups.

## **Media**

ICJI will provide each agency with a boilerplate media release. Each agency is required to customize the release for their area. Agencies can create and issue their own releases as long as they are approved in advance by ICJI. In addition, ICJI may require agencies to participate in multi-jurisdictional press conferences to reinforce the message for a particular mobilization.

Grantees are required to report on these media events. A media event is defined as one message presented in the form of a press release, a radio/TV spot or website/social media post. For example, a press release sent to ten media outlets is considered one media event. Grantees will be required to provide ICJI with copies of all media events in the quarterly program reports.

## Training

The ICJI requires all officers be properly trained. Officers being paid from grant will be trained in the areas of Traffic Occupant Protection Strategies (TOPS) and Standardized Field Sobriety Testing (SFST). TOPS may be completed online at <https://tops.cji.in.gov>

## Reporting

Reporting for DUITF will be completed by entering information into the OPO Database as well as the IntelliGrants system. Fiscal reports may be submitted quarterly or more frequently (interim), but program reports will be submitted quarterly. Reports are due to the OPO Database and IntelliGrants within 20 days for quarterly and within 30 days for the final report as the schedule indicated below:

**1st Quarter: December 31, 2018** (*Due January 20, 2019*)

**2nd Quarter: March 31, 2019** (*Due April 20, 2019*)

**3rd Quarter: June 30, 2019** (*Due July 20, 2019*)

**Final Reports: September 30, 2019** (*Due October 30, 2019*)

**ATTENTION: NO FINAL FISCAL CLAIMS WILL BE ACCEPTED FOR PAYMENT AFTER OCTOBER 30TH. NO EXCEPTIONS.**

The following documentation must be included with each **fiscal report** submitted into the IntelliGrants system:

- Chief/Sheriff Letter (signed)
- Personnel Details report from the OPO Database
- Administrative Log (if applicable)
- Paystubs
- DUIT Officer Activity Sheets

It is the responsibility of each grantee to ensure all officers working on grant funded time will complete an activity sheet for the enforcement period. The department/TSP will maintain all DUIT Officer Activity Sheets on file for a minimum of five years. All reports and activity sheets will be routinely monitored by the Law Enforcement Liaison and/or Traffic Safety Division Program Staff.

The following documentation must be included with each **program report** submitted into the IntelliGrants system:

- Program Report
- Program Totals report from the OPO Database
- Copies of any media conducted during the quarter

## **Additional Grant Management Criteria**

The grantee must maintain a proper grant file with all grant documentation included in the file for monitoring by the Local Law Enforcement Liaison or the Traffic Safety Program Staff.

- The Department must maintain on file Standard Operating Procedures for officers to work the program.
- The Department must maintain on file Standard Operating Procedures of enforcement of impaired driving laws.
- The Department must have on file current departmental salary ordinance.
- **Only paid Indiana law enforcement officers with full arrest powers shall be funded to work this program.**

## **Program Evaluation**

Each department/TSP receiving grant funds will be administratively evaluated utilizing the ICJI Traffic Safety Division reporting forms as well as on-site monitoring. Programs will also be evaluated on the goals submitted by each department. Additionally, the overall success of the statewide program will be measured through crash statistics and the seat belt usage survey for Indiana. The ICJI Traffic Safety Division will maintain communication with the grantees to guide and encourage positive results.

## **Supplanting and Cost Assumption**

Federal grant dollars are intended to complement enforcement efforts already established by the department/TSP. These grant funds will not supplant enforcement efforts or equipment already owned in the jurisdiction.

## APPENDIX B. APPLICABLE LAW AND MANDATORY REQUIREMENTS

### GENERAL

This award is governed by 2 C.F.R. Part 200 and the 2015 DOJ Grants Financial Guide. All applicants must adhere to all provisions set forth in federal and state statute, regulation, or rule. Failure to abide by the federal and state mandates may, at the discretion of the State, be considered to be a material breach. The consequences of a material breach include, but are not limited, to:

- The Applicant becoming ineligible for this grant funding opportunity;
- Requiring repayment of any grant funds already received;
- The de-obligation of grant funds; and
- The material breach becoming a factor in the scoring process for future grant applications.

Furthermore, the Applicant may not obligate, expend or draw down grant funds until the Federal Office of the Chief Financial Officer notifies the State that the grant has been awarded to Indiana. The State shall not reimburse an Applicant for expenditures outside the grant period of performance.

Pursuant to 2 C.F.R. Part 200, all applicants are required to establish and maintain grant accounting systems and financial records to accurately account for funds awarded to them.

The Applicant understands and agrees that it cannot use federal funds from different funding sources for one or more of the identical cost items, in whole or in part. If this scenario presents itself, the Applicant must contact the ICJI program manager in writing and refrain from the expenditure, obligation, or drawn down of any federal funds awarded from ICJI concerning the identical cost items.

### NONDISCRIMINATION

The Contractor will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d et seq. 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324, *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686)(prohibits discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), (prohibits discrimination on the basis of disability);
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or

activities” to include all of the programs or activities of the Federal aid Contractors, sub-Contractors and contractors, whether such programs or activities are Federally-funded or not);

- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, an certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding Contractors take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR at 74087 to 74100).

During the performance of this contract/funding agreement, the Grantee agrees to comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time; b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein; c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA; d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

#### **THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)**

The Grantee 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:
  - The dangers of drug abuse in the workplace.
  - The grantee’s policy of maintaining a drug-free workplace.
  - Any available drug counseling, rehabilitation, and employee assistance programs.
  - The penalties that may be imposed upon employees for drug violations occurring in the workplace.

- Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
  - Abide by the terms of the statement.
  - Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- d. Notifying the State within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction.
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted—
  - Taking appropriate personnel action against such an employee, up to and including termination.
  - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency.
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all the paragraphs above.

**POLITICAL ACTIVITY (HATCH ACT)**

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

**CERTIFICATION REGARDING FEDERAL LOBBYING**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The Grantee certifies, to the best of their knowledge and belief, that:

1. No Federal appointed funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence and 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-awards at all tiers(including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subgrantees 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 communication 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**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
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 or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

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

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

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

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 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 participating in covered transactions 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.

**BUY AMERICA ACT**

The Grantee will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subgrantee, to purchase only steel, iron, and manufactured

products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactorily quality or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

### **PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE**

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

### **POLICY ON SEATBELT USE**

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Contractor is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in Washington D.C. metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1(800) 221-0045 or visit its website at [www.trafficsafety.org](http://www.trafficsafety.org).

### **POLICY ON BANNING TEXT MESSAGING WHILE DRIVING**

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

Recipients of grant funds from the State are required to adhere to all state laws concerning the receipt and use of grant funds from federal and state funding sources. Those laws include, but are not limited to, the laws set forth below.

### **STATE ETHICAL REQUIREMENTS**

The Applicant and its agents shall abide by all ethical requirements that apply to persons who have a business relationship with the State as set forth in IC §4-2-6, *et seq.*, IC §4-2-7, *et seq.* and the regulations promulgated thereunder. If the Applicant has knowledge, or would have acquired knowledge with reasonable inquiry, that a state officer, employee, or special state appointee, as those terms are defined in IC § 4-2-6-1, has a financial interest in the grant, the Applicant shall ensure compliance with the disclosure requirements in IC § 4-2-6-10.5 prior to the execution of this grant. If the Applicant is not familiar with these ethical requirements, the Applicant should refer any questions to the Indiana State Ethics Commission or visit the Inspector General's website at <http://www.in.gov/ig/>. If the Applicant or its agents violate any applicable ethical standards, the State may, in its sole discretion, terminate this grant immediately upon notice to the Applicant. In addition, the Applicant may be subject to penalties under IC §4-2-6, 4-2-7, 35-44.1-1-4, and under any other applicable laws.

### **TELEPHONE SOLICITATION OF CONSUMERS; AUTOMATIC DIALING SOLICITATIONS**

As required by Indiana Code §5-22-3-7,

(1) the Applicant and any principals of the Applicant certify that

(A) except for de minimis and nonsystematic violations, it has not violated the terms of:

(i) IC §24-4.7 [Telephone Solicitation Of Consumers];

(ii) IC §24-5-12 [Telephone Solicitations]; or

(iii) IC §24-5-14 [Regulation of Automatic Dialing Machines];

in the previous three hundred sixty-five (365) days, even if IC § 24-4.7 is preempted by federal law; and

(B) the Applicant will not violate the terms of IC §24-4.7 for the duration of this Grant Agreement, even if IC §24-4.7 is preempted by federal law.

(2)The Applicant and any principals of the Applicant certify that an affiliate or principal of the Applicant and any agent acting on behalf of the Applicant or on behalf of an affiliate or principal of the Applicant, except for de minimis and nonsystematic violations,

(A) has not violated the terms of IC §24-4.7 in the previous three hundred sixty-five (365) days, even if IC §24-4.7 is preempted by federal law; and

(B) will not violate the terms of IC §24-4.7 for the duration of the grant agreement even if IC §24-4.7 is preempted by federal law.

### **EMPLOYMENT ELIGIBILITY VERIFICATION**

As required by IC §22-5-1.7, the Applicant hereby swears or affirms under the penalties of perjury that:

A. The Applicant has enrolled and is participating in the E-Verify program;

B. The Applicant has provided documentation to the State that it has enrolled and is participating in the E-Verify program;

C. The Applicant does not knowingly employ an unauthorized alien; and

D. The Applicant shall require its contractors who perform work under this Grant Agreement to certify to Applicant that the contractor does not knowingly employ or contract with an unauthorized alien and that the contractor has enrolled and is participating in the E-Verify program. The Applicant shall maintain this certification throughout the duration of the term of a contract with a contractor.

The State may terminate for default if the Applicant fails to cure a breach of this provision no later than thirty (30) days after being notified by the State.

## **APPLICATION REVIEW**

Pursuant to 2 C.F.R. Part 200, the State will review and score all grant applications as part of the competitive bid process. The State will assess:

- The completeness of the grant application;
- The Applicant's eligibility
- The Project's eligibility;
- Whether the grant application, the Applicant, and the Project are in compliance with all federal and state laws, regulations, and rules;
- Whether the proposed expenditures set forth in the Project Budget are allowable and allocable;
- Any potential conflicts of interest;
- Whether the Applicant has any federal and/or state debt delinquency;
- The Applicant's ability to successfully pass clearance checks from the Indiana Department of Workforce Development, Indiana Department of Revenue, and Indiana Secretary of State;
- Any and all risk associated with granting funds to the Applicant;
- Whether the Applicant is debarred or suspended by any federal or state department or agency; and
- Whether the Applicant maintains a current registration in the SAM (System for Award Management) and has an active DUNS (DATA Universal Number Systems) number.

Any item, factor, or circumstance that would adversely affect or contribute to the adverse effect of the Applicant's fitness to successfully complete the Project must be reported to the State prior to or contemporaneous with the grant application. Those items would include, but are not limited to, federal or state debt; conflicts of interest; federal or state debarments or suspensions; current, pending or outstanding criminal, civil, or enforcement actions initiated by the State; and whether the Applicant has been designated as high risk by any federal or state department or agency. If the Applicant has been designated as high risk, it must specifically disclose to the State:

- The federal or state agency that currently designated the Applicant as high risk.
- Date the Applicant was designed high risk.
- The high risk point of contact name, phone number, and email address, from the federal or state agency.

- Reason(s) for the high risk status.

The grant application shall include accurate and descriptive information detailing the Project thereby allowing the State to adequately assess and score the grant application. This documentation shall include, but is not limited to:

- The total budget for the Applicant's organization (including all sources of funds);
- Detailed information concerning Applicant's employees and/or contractors including, but not limited to, information regarding compensation, benefits, overtime, and travel.
- A sustainability plan detailing the Applicant's plan to succeed once the grant fund period expires;
- A timeline for the completion of the Project and/or expenditure of the grant funds; and
- Letters of endorsement evidencing community support for the (1) Applicant's program and mission and (1) value and need in its community.

## **MONITORING**

2 C.F.R. Part 200 sets forth monitoring requirements whereby the State must establish and carry out a process of assessing the progress of projects and programs that are funded, in whole or in part, by federal funds. This monitoring function measures both financial and programmatic progress. It also provides an opportunity for technical assistance to the Applicant, measures compliance, builds partnerships for success, and provides results based feedback to the Applicant. The State will monitor all grant awards via an ICJI Program Manager and/or ICJI Compliance Monitoring Team. As part of the monitoring process, the ICJI Program Manager will review all reports submitted by the Grantee for accuracy, timeliness, completeness, etc. The State will conduct on-site or off-site monitoring reviews of the Project during the term of the grant agreement and for up to three (3) years after it expires or is otherwise terminated. At the request of the State, any and all documentation related to the grant shall be provided at no cost. If the Applicant fails to cooperate with the State's monitoring process, the State may consider such non-cooperation as a material breach.

Delinquent, inaccurate, incomplete, or fraudulent reports will be addressed by ICJI. ICJI's remedies include, but are not limited to, identifying the Grantee as high risk, de-obligated funding, disqualification from future funding, and referral to the federal Office of Inspector General. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the State determines that the recipient is a high-risk Applicant or Grantee pursuant to 28 C.F.R. parts 66, 70.

## **REPORTING**

Reporting requirements are included in both 2 C.F.R and 28 C.F.R. Reporting to the State shall be completed on a quarterly basis via Intelligrants. In addition, Applicant is required to submit quarterly reports via the Bureau of Justice Assistance's Performance Measurement Tool (PMT). Failure to submit any report in a timely fashion may be considered a material breach, at the discretion on the State.

## **AUDIT REQUIREMENTS**

Pursuant to 2 C.F.R. Part 200, specifically, § 200.500 *et.seq*, recipients of federal funds are subject to annual audit requirements.

- A. *Audit required.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.
- B. *Single audit.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.
- C. *Program-specific audit election.* When an entity expends Federal awards under only one Federal program (excluding research and development) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the entity, the entity may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for research and development unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.
- D. *Exemption when Federal awards expended are less than \$750,000.* A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

## **GRANT AMENDMENTS, MODIFICATIONS & EXEMPTIONS**

An amendment would include any modification to the grant agreement or any of its terms or conditions. Any amendment to the grant agreement must be submitted in writing and approved by the State prior to the implementation of the amendment. Amendments include, but are not limited to, changes to the Project Budget or scope of the Project, extensions to the period of performance, changes concerning an authorized official. Amendments require strong justification and supporting documentation. Furthermore, the amendment must comply with all federal and state laws, rules, and regulations.

If the Applicant wishes to seek an exemption to a federal or state law, regulation, or rule, such request must be submitted in writing and approved by the State prior to the Applicant obligating or expending any grant funds related to the desired exemption.

## **UNALLOWABLE COSTS FOR ALL FEDERAL GRANTS**

Federal law prohibits the use of federal funds from certain activities irrespective of the federal funding source or the specifics of the grant program. These prohibitions include:

- Lobbying, including attempts to influence legislation or the outcome of any federal, state, or local elections. Recent changes to the law have expanded the prohibition to any federally appropriated funding used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. Violations of this prohibition are now subject to civil fines of up to \$100,000 per violation.
- Fundraising (including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions).