

# Grants Management Manual

## Tennessee Highway Safety Office

*Updated: May 14, 2024*

# Table of Contents

Tennessee Highway Safety Office Contact Information.....	3	Final Report .....	25
Important Note on the Grant Management Manual.....	3	Audit Reporting.....	25
Commonly Used Terms & Acronyms .....	4	FFATA Reporting.....	26
Frequently Asked Questions.....	8	Personnel Certification.....	26
Highway Safety Program.....	13	Lobbying Certification .....	26
Development of the State Highway Safety Plan	14	Monitoring.....	27
Grant Contract & Orientation .....	17	On-Site & Desk Monitoring (Programmatic & Financial).....	27
Grant Contract .....	17	Equipment Inventory.....	28
Grant Orientation Workshop.....	17	Purchasing Requirements & Property Management.....	28
Grant Reimbursement Requirements.....	18	Title VI (Non-Discrimination).....	28
Federal & State Regulations Governing THSO Grants .....	18	Equipment.....	28
Audits.....	18	Supplies .....	29
Risk Assessment .....	19	Public Information & Education (PI&E).....	30
Retention of Records.....	19	Materials .....	30
Federal Funding Accountability & Transparency Act.....	19	Advertising & Public Relations.....	30
Grantee Responsibilities & Procedures.....	20	Non-Compliance/Termination .....	31
Grant Requirements .....	20	Disputes/Disagreements .....	32
Financial Management .....	20	Appendix A - Federal Certifications & Assurances.....	33
Financial Reporting.....	21	Appendix B - Allowable Items (Supplies & Equipment) .....	47
Internal Controls .....	21	Child Passenger Safety Items .....	47
Allowable Costs .....	21	Emergency Medical Services Supplies/Equipment.....	47
Indirect Costs.....	22	General Office Supplies.....	48
Grant Modifications and Amendments...	22	Law Enforcement Supplies/Equipment..	49
Claims and Reporting (Monthly/Quarterly).....	23	Appendix C - Travel .....	51
Status Reports .....	24		
Claims Reimbursement .....	24		



## Tennessee Highway Safety Office Contact Information

William R. Snodgrass Tower, 25<sup>th</sup> Floor  
312 Rosa L. Parks Avenue  
Nashville, Tennessee 37243  
Phone: 615.741.2589

## Important Note on the Grant Management Manual

This manual establishes consistent program and project management procedures for the Tennessee Highway Safety Office (THSO) staff and grantees (agencies/organizations receiving grant funds) to guide the administration of the state's highway safety program in compliance with the National Highway Traffic Safety Administration (NHTSA) guidelines. Best practice requires the THSO to have a current manual that documents standard operations procedures and the management of the highway safety program. This manual contains a written record of current approved administrative and financial procedures; however, it does not specifically address all regulations. Periodic changes and additions in the manual may be necessary to meet changing federal and state laws and/or to improve program management and fiscal procedures. When an agency or organization accepts federal traffic safety funds, it also agrees to fully comply with all requirements in this manual and any periodic changes that may be made during the grant period.

Website: <http://tntrafficsafety.org>

Grant Application Website: <http://thsogrants.org>

Office Staff: <http://tntrafficsafety.org/staff>

Law Enforcement Liaison Staff: <http://tntrafficsafety.org/training/lcl-regions>

## Commonly Used Terms & Acronyms

The following commonly used terms and acronyms are provided to assist manual users. Many appear in this manual, while others are used in documents associated with the grant management process.

3HSP	Triennial Highway Safety Plan, a three-year highway safety plan submitted by the THSO to NHTSA to secure federal transportation grant funds with annual updates through the AGA
AGA	Annual Grant Application, the document that the state submits each fiscal year as its application for highway safety grants, which provides any necessary updates to the state's most recent 3HSP, identifies all projects the State will implement during the fiscal year to achieve its highway safety performance targets
Amendment	A formal change to a contract based on a modification request. Amendments are required when money is either added or subtracted from the overall budget or if a specific term of the original contract changes.
AOC	Administrative Office of the Courts
Budget	Broad grouping of expenses such as personnel costs, supplies, equipment, etc.
Buy America Act	Prohibits states from using highway grant funds under 23 U.S.C. Chapter 4 to purchase steel, iron and all manufactured products unless they are produced in the U.S. or a waiver is granted by the Secretary of Transportation. For compliance purposes, American-made covers any product that is manufactured or assembled in the U.S.
CFDA	Catalog of Federal Domestic Assistance, provides a listing of all federal programs available to state and local governments; federally recognized Indian tribal governments; U.S. territories and possessions; domestic public, quasi-public and private profit and non-profit organizations and institutions; specialized groups; and individuals
CFR	Code of Federal Regulations, a listing of general and permanent rules published in the Federal Register by the Executive branch of the federal government and federal agencies
Claim	Expenditures incurred in support of approved grant activities that a grantee may submit for reimbursement
Claim Forms	Tennessee Highway Safety (THS) forms, these are automatically generated in the TN Grants system
Claim for Reimbursement Checklist	Outlines the documentation a grantee must submit and the steps to follow to receive reimbursement for approved grant-related expenses. A completed checklist is encouraged with all reimbursement requests.

Contract Agreement	Binding document between THSO and a local or state agency or organization outlining the terms and conditions of receiving federal highway safety grant funds
CPS	Child Passenger Safety, activities addressing the safety of children riding in motor vehicles
DGA	Delegated Grant Authority, confers delegated authority to the THSO to make award grants as specified without additional, individual, independent approval
DUI	Driving Under the Influence
DUNS	Data Universal Numbering System, a nine-digit number offered by Dun & Bradstreet to identify different divisions of companies and provide easy reference for those seeking information
Edison	The State of Tennessee's Enterprise Resource Planning (ERP) System, used to perform administrative business functions (i.e., financial, procurement, payroll, benefits) and share common data decreasing the need to re-key information
Edison Vendor ID	A unique number assigned to all entities, including grantees, seeking to do business with Tennessee state agencies. It is an individual number that can either be the entity itself, the city, or the county. Registration is required via the Edison portal.
EMS	Emergency Medical Services
Equipment/ Capital Purchases	Non-expendable, tangible property having a useful life of more than one year and an acquisition cost of \$5,000 or more that is used only for traffic safety and/or law enforcement purposes
FFATA	Federal Funding Accountability and Transparency Act, requires grantees to annually report each action that obligates \$25,000 or more in federal funds
FHWA	The Federal Highway Administration
Final Status Report	Report submitted by grantee following completion of the grant period, details the effectiveness of the highway safety project based on the grantee's goals and objectives
Grantee	Local or state agency or organization receiving a highway safety grant from THSO
Grantor	The state agency that awards federal highway safety grant funds
Grant Orientation Workshop (GOW)	Annual mandatory training for all new grantees, if grant leadership has changed from the previous year, or if your program manager requests you to attend as a refresher
HVE Grant	High Visibility Enforcement, up to a \$10,000 grant awarded to a law enforcement agency to target specific traffic safety issues, such as impaired driving; highly visible enforcement is coupled with a publicity strategy designed to educate the public and promote voluntary compliance with the law
IDAC	Impaired Driving Advisory Council
Inventory Control Report	Documentation of status, serial number, grant name, and location required for all equipment purchases made with grant funds

LEL	Law Enforcement Liaison, provides law enforcement expertise to THSO and its grantees for enforcement grant selection, appropriate grant strategies and countermeasures, and grant development as well as conducts networking activities for local, county, and state law enforcement officials, the THSO, and the Regional Office of the National Highway Traffic Safety Administration
Modification	A request to change (or modify) the goals, objectives, tasks, and /or adding or subtracting money to the overall approved budget amount
Network Coordinator	Law enforcement officials who assist the Law Enforcement Liaisons oversee the activities of Tennessee's 18 Law Enforcement Networks
Network Meetings	Meetings convened monthly or quarterly by the LEL and/or Network Coordinators to educate law enforcement officials to implement safety programs in support of mobilizations and other safety activities.
NHTSA	<a href="#">National Highway Traffic Safety Administration</a> , the federal agency responsible for administering the national highway traffic safety grant program funded by federal legislation
NRSS	National Roadway Safety Strategy, a plan that outlines the Department of Transportation's comprehensive approach to significantly reduce serious injuries and deaths on our Nation's highways, roads, and streets
OP	Occupant Protection
OPC	Occupant Protection Coalition
PD	Police Department
PIO	Public Information Officer
PI&E	Public Information and Education
POST	Peace Officer Standards and Training
Program Grant	One year of federal fiscal funding awarded by THSO to a local or state agency or organization to address a specific behavioral highway safety issue
Program Manager	THSO staff member responsible for the effective administration of grants and statewide highway safety programs
Project Director	Individual within a local or state agency or organization responsible for establishing and maintaining procedures to ensure effective administration of the THSO-approved grant
PSA	Public Service Announcement, public interest messages disseminated by the media to raise awareness and change public attitudes and behavior towards a social issue
Status Reports	Monthly or quarterly report describing tasks or activities the grantee has undertaken to accomplish grant objectives and progress made in addressing the problem statement
SD/SO	Sheriff's Department / Sheriff's Office
SFST	Standardized Field Sobriety Test, composed of three field sobriety tests law enforcement officials use to detect impaired drivers
Supply Item	An item costing less than \$5,000 per item
TA	Travel Authorization

TACP	Tennessee Association of Chiefs of Police
TN Grants	THSO's online grant application and reporting system located at <a href="http://www.thsogrants.org">www.thsogrants.org</a>
TDOSHS	<a href="http://www.tn.gov/transportation">Tennessee Department of Safety and Homeland Security</a>
TDOT	Tennessee Department of Transportation
THP	Tennessee Highway Patrol
THSO	The Tennessee Highway Safety Office (THSO) is a division of the TDOSHS advocating for traffic safety. The THSO works in tandem NHTSA to implement statewide programs addressing behavioral traffic safety issues. Programs administered by the THSO are 100 percent federally funded.
THSO Website	Tennessee Highway Safety office website, offers a comprehensive resource service located at <a href="http://www.TNTrafficSafety.org">www.TNTrafficSafety.org</a> . It serves as an information hub for all of THSO's traffic safety initiatives including campaign reporting, training, and educational items.
Time Sheet	Document detailing work hours performed by an employee on behalf of his/her employer during a set time period (i.e., weekly, bi-weekly, overtime)
TITAN	<a href="http://www.tn.gov/transportation">Tennessee Integrated Traffic Analysis Network</a> . The online system allows for the electronic submission of data and reports used by the state to make data-driven decisions about safety
Title VI Assessment	Form completed annually by the grantee to ensure compliance with federal statutes and regulations relating to non-discrimination
TRCC	Traffic Records Coordinating Committee
TSA	Tennessee Sheriff's Association
UEI	Unique Entity Identifier, Entities doing business with the federal government must use the Unique Entity ID created in SAM.gov

## Frequently Asked Questions

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

**A.** Yes. The THSO allows an agency to submit multiple grant applications as well as applications that address more than one program area via [TN Grants](#). To be considered for grant funding, your agency's application must correspond to an [approved program area](#). For example, if your agency is seeking funds to combat impaired driving and strengthen seat belt use, you may submit applications for an Impaired Driving Education Grant and an Occupant Protection Grant. However, only one application per law enforcement agency will be considered and approved for an Impaired Driving Enforcement Grant or a Police Traffic Services (Multiple Violations) Grant. If you need assistance choosing a program area(s) that best supports your community's traffic safety needs, contact the THSO at (615) 741-2589.

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

**A.** If your agency is applying for a grant with the goals of reducing crashes and/or fatalities, your application should include three years of baseline data for your jurisdiction. If you work for a law enforcement agency, start your data search by consulting with your crash records coordinator or clerk. If no data or limited data is available, [crash data is available](#) on public-facing dashboards segmented by county/city in addition to program areas from TITAN. If you still need assistance obtaining and/or analyzing data after consulting these resources, email [stats.safety@tn.gov](mailto:stats.safety@tn.gov).

**Q. Can the project director delegate grant-related responsibilities to another agency employee?**

**A.** The project director is an individual within a local or state agency or organization who is responsible for establishing and maintaining procedures to ensure effective administration of the THSO-approved grant. When applying for a grant via [TN Grants](#), the grantee must designate at least one project director for that application. If your agency applies for additional grants, a different project director may be designated for each application. If the project director changes, the agency must notify its THSO program manager.



**Q. Why does the THSO conduct an on-site or virtual monitoring visit?**

**A.** [Federal and state grant management rules](#) require the THSO to monitor grantees to ensure compliance with applicable requirements and cost principles. While the THSO staff maintain regular contact (i.e., phone calls, emails) with all grantees throughout the course of the grant year, the THSO is required to meet in person or virtually with every grantee that receives a program grant at least once during the grant year (typically between February and September) to conduct a systematic and comprehensive programmatic and financial assessment of their programs. The programmatic aspects, such as the goals, objectives, and performance indicators, are reviewed to determine if the project is having an impact and if the project is being implemented according to schedule as well as outlined in the approved grant. The financial review includes an examination of agency and grant-specific financial documents and issues related to the implementation and performance of the project. The on-site visit is designed to be instructive, not disruptive and to foster information exchange and partnership.

**Q. What's the advantage of submitting claims and status reports for my program grant on a monthly rather than quarterly basis, and once my agency submits a claim, how quickly will we receive payment?**

**A.** The decision to submit claims and status reports on a monthly rather than quarterly basis is up to the grantee; however, all law enforcement agencies must submit on a quarterly basis. The grantees who elect to submit on a monthly basis generally do so based upon personnel and cash-flow. Grantees must submit all paperwork no later than the first of the second month following the end of the covered reporting period. Quarterly reporting is due the first of the month following the close of the first three quarters (deadlines: February 1, May 1, August 1, and November 1). A final status report for the entirety of the grant year is due on November 1 as well. Since the THSO is limited to one request per month for federal reimbursement, late claims can cause processing delays. Submitting timely and complete claims and reports will ensure that your agency receives payment in a timely manner.

**Q. What should be included in my agency's status report?**

**A.** Your agency's status report should describe any tasks or activities undertaken during the month or quarter to accomplish the objectives outlined in your grant along with progress made in addressing the problem statement. Include copies or provide links to press clippings and printed materials (i.e., flyers and press releases) that support these activities. Data can be found on the [THSO Grantee Performance Measures Dashboard](#) to help support the progress of the project. Status reports should be submitted using [TN Grants](#), which allows you to upload attachments. Only electronic submission is required. For law enforcement, a [guide to writing a more effective status report](#) can be found on TN Traffic Safety.

**Q. Must my agency submit a claim to THSO every month or quarter even if we haven't spent any grant funds?**

**A.** Yes. Once the grant year begins, your agency is responsible for submitting claims for reimbursement on a monthly or quarterly basis even if no funds have been spent during that time period (zero-quarter claim). The THSO staff is responsible for the ongoing monitoring of all grant-funded projects. Consistent, on-time reporting reduces confusion and the potential for the THSO to question a grantee's reporting and/or claim status. A helpful guide to complete a claim (both with expenses and a zero quarter claim) can be found on [TN Traffic Safety](#).

**Q. If my agency doesn't spend all of its grant funds in the current year, what happens to the money?**

**A.** Since grants are approved on an annual basis (October 1-September 30), funds not submitted for reimbursement at the end of the 12-month period may not be carried over to the next fiscal year or to a new grant. Grantees are encouraged to carefully monitor their expenditures throughout the grant period to ensure that no funds remain unspent. All funds, even those remaining in the final month/quarter of the grant, may only be used to purchase items listed in the grant and approved through the grant/contract process. If you believe that your agency is unable to expend the funds as outlined in your approved grant, contact your THSO program manager for assistance as soon as possible.

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

**A.** To receive reimbursement for overtime, your agency must complete the personnel section in [TN Grants](#) and attach, in the same sequential order as listed on the form, an approved employee time sheet along with a copy of each employee's check (the rate of pay listed on both must match). The time sheet must include:

- The number of regular hours worked
- The employee's hourly base and overtime pay rates, and
- The number of overtime hours worked with a detailed explanation (i.e., 8 hours for THSO Impaired Driving Saturation Patrol, 3 hours for THSO sobriety checkpoint) with starting and ending times.

The THSO has an approved activity sheet (THS-17) that may be used by your agency in lieu of an activity sheet to document overtime activity.

**Q. What is the difference between a budget modification and a budget amendment?**

**A.** An agency may request a revision to the original budget outlined in their grant contract with the THSO once a grant is approved. If the revision calls money to change to a previously used budget line item, then it can be approved with just a “modification.” An “amendment” is a formal change to a contract based on a modification request. Amendments are required when money is added or subtracted to the overall budget amount or if a specific term of the original contract changes. All amendments start with a modification request.

**Q. How do I make a modification to my agency’s grant? How long will the approval take? Can I purchase items requested associated with the modification before it’s approved?**

**A.** The length of time varies. Tip sheets can be found on both the [TN Grants](#) homepage and [TN Traffic Safety](#).

To initiate a modification, the project director must complete and save the modification request form (located under Modifications). After the request has been completed, the status must be changed to “Submit Modification Request.” Once these steps are completed, you’ll receive an email confirmation from TN Grants. The program manager will then review your request, and if no additional information is needed, it will be submitted to management for review. Once approved, you will receive an email confirmation from TN Grants, and at that time you may begin utilizing the funds associated with the modification. If your request is denied, you will be notified by email and may continue to utilize the funds as allocated in your original approved grant. A modification can be approved in 3-5 business days.

If the request calls for money to be added or subtracted to the overall amount or a specific change to a term in the contract, the THSO will create an amendment. This amendment will be emailed to you for your review and signature. Once you return the signed amendment to the THSO program manager (preferably in email form), it is then forwarded to the TDOSHS, the THSO’s oversight agency, for review and approval. The modification request will remain pending until the amendment is approved by TDOSHS. Once approved, you will receive an email confirmation via TN Grants and the newly executed amendment from your program manager. At that time you may begin spending funds associated with the amendment. If your request is denied, you’ll be notified by email and may continue to spend funds as allocated in your original approved grant.

The process for a modification with an amendment can take 2-4 weeks (sometimes even longer depending on the extent of the modification or amendment). No costs may be incurred against the budget line that is being amended until your agency receives written (email) notice of approval.

Grant modifications are not permitted in the last month of the grant year (September). Amendments are not permitted in the fourth quarter (July-September).

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

**A.** Grant funds may be used to purchase any equipment, non-expendable, tangible property having a useful life of more than one year and an acquisition cost of \$5,000 or more, that is used only for traffic safety and/or law enforcement. Any item costing less than \$5,000 is considered a supply and may be purchased using “non-personnel” grant funds. Written approval from NHTSA is required prior to any equipment purchase. Once approved, claims for equipment purchases must be submitted using form THS-22 (Capital Purchase Report) and also reported on form THS-04 under “Capital Purchases.” Both the forms can be found within [TN Grants](#).

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

**A.** All equipment purchased with grant funds must be tracked for the year purchased and the following three years. It is then inventoried at the end of the first and second year (this is done automatically by the THSO upon request for reimbursement). If, during that three-year period, the equipment is destroyed or is no longer deemed useful for its intended purpose, you must immediately notify the THSO program manager. With THSO guidance, you’ll be required to determine the fair market value of the equipment and give credit to an active grant or to transfer or dispose of the equipment. After disposing of any grant-purchased equipment (whether destroyed or no longer having a useful life), your agency should maintain all records pertaining to this equipment for an additional three years.

## Highway Safety Program

The mission of the Tennessee Highway Safety Office (THSO) is to develop, execute, and evaluate programs to reduce the number of fatalities, injuries, and related economic losses resulting from traffic crashes on Tennessee's roadways.

The THSO is Tennessee's lead traffic safety organization. Located within the Tennessee Department of Safety and Homeland Security (TDOSHS) in Nashville, the THSO is tasked with developing and implementing a highway safety program that addresses the behavioral factors that impact safety on the road.

The goal of the program is to prevent death and serious injury resulting from motor vehicle crashes so that all roadway users arrive at their destination safely. The THSO partners with law enforcement, government agencies, and non-profits to address Tennessee's highway safety needs at the state and community level through the use of Federal Highway Safety Grant Program funds.

# Development of the State Highway Safety Plan

## Problem Identification & Program Areas

Data analysis is essential to understanding who is crashing, where they are crashing, and why. The THSO reviews local, county, and state crash data to identify roadway users – motorists, pedestrians, bicyclists, teens, for example – with a statistically higher crash rate. These data, combined with citation, licensing, vehicle miles traveled, and demographic information, are analyzed to help the THSO and its partners understand what is prompting crashes and the resulting injuries and fatalities on Tennessee roadways.

This information is used to develop the Triennial Highway Safety Plan (3HSP), which details the extent of Tennessee’s crash problem and how federal highway safety dollars will be distributed into priority behavioral safety programs during the federal fiscal year (October 1 – September 30). The National Highway Traffic Safety Administration (NHTSA) has identified priority program areas, which the agency determines to be effective in reducing motor vehicle crashes, injuries, and fatalities. Tennessee’s 3HSP addresses NHTSA’s [priority program areas](#) and others including the following:

- Impaired Driving Enforcement
- Impaired Driving Education
- Bicycle and Pedestrian Safety
- Child Passenger Safety & Occupant Protection
- Community Traffic Safety Programs
- Distracted Driving
- DUI Prosecution
- Emergency Medical Services
- High Visibility Enforcement
- Motorcycle Safety
- Police Traffic Services (Multiple Violations)
- Older Driver Safety
- Teen Driver Safety
- Traffic Records

The 3HSP not only describes what will be done to address these program areas, but also the goals and performance measures used to gauge progress. Program reduction goals and performance measures are selected based on severity, economic costs, and number of agencies available to implement projects using proven countermeasures.

The table on the following page details the timeline of the grant application and orientation process

Month	Activity
January	Submission of prior year's annual report to NHTSA for approval
March	Acceptance of grant applications online
April-May	THSO reviews all submitted grant applications
June-July	Grant application revisions
July	Submission of 3HSP to NHTSA for approval ( <i>every three years</i> )
August	Submission of AGA to NHTSA for approval with updates to the 3HSP
August-September	THSO receives signed contracts from agencies THSO provides signed contracts to TDOSHS for final approval THSO provides approved contracts to receiving agencies
October	Grant year begins
October-November	Regional grant orientation workshops

## Project Development

The annual project selection process begins by notifying local, state, and other traffic safety organizations about the grant application process. The program area list, along with traffic safety data, is finalized in February. Then, agencies are notified by email and by postcard sent by mail. Agencies are invited to request access to [TN Grants](#) and apply beginning March 1. The deadline to apply is March 31.

An agency or organization may submit multiple grant applications. However, only one application per law enforcement agency will be considered and approved for Impaired Driving Enforcement or Police Traffic Services (PT) Multiple Violations.

The highway safety program area the grantee intends to address must be supported through data that thoroughly documents the crash problem. The application must also detail the countermeasure strategy to be used to address the problem, the logic for that selection, how the project will be evaluated, and the proposed budget.

The THSO requires that all applications focusing on crash reduction include three years of baseline data showing an above average crash problem. To assist agencies in this effort, [state and county crash and program area data are available](#).

Once the grant application period has closed, potential projects are assigned to the THSO staff for review and scoring. While all data-defined projects are considered, highest priority is given to the following (in no hierarchical order):

- Low seat belt and/or child restraint use;
- High impaired driving crash rates;
- High speeding crash rates;
- High young driver (under 20) crash rates;
- High aggressive driving crash rates; and
- High serious injury or fatal crash rates.

The THSO staff also evaluates past agency performance when recommending funding.

Grants will be awarded based on data and funding availability. Law enforcement grants will be awarded based on data provided by the Tennessee Department of Safety and Homeland Security's Tennessee Integrated Traffic Analysis Network (TITAN) business unit. Data is imported into a funding allocation tool provided by the Tennessee State University. This tool takes the THSO's budget for enforcement grants and places a dollar amount per county based on the data provided by the TITAN business unit. All tentatively approved grant awards are made by the TDOSHS Commissioner and the THSO Director. All approved grant-funded projects are included in the annual grant application, which is submitted to NHTSA for review and approval.

Applications submitted for the High Visibility Enforcement (HVE) grant are limited to only awarded those agencies that did not receive a grant award in any other category. Law enforcement agencies must be POST certified. Grants of up to \$10,000 may be awarded on a non-competitive basis and until funds are exhausted.



# Grant Contract & Orientation

## Grant Contract

Following grant approval, THSO notifies the agencies to be awarded funding via email around mid-June. If any aspect of the project changes between award notification and contract preparation, the grantee is asked, as needed, to make revisions via [TN Grants](#) between June and July. Once the grant application is finalized, the THSO emails an award package to the grantee's project director. The package includes a cover letter with detailed instructions, the grant contract, and supplemental forms. A statewide press release announcing all award recipients is also distributed to the media and all legislators who have a grantee(s) within their district.

Following receipt of the award package, the grantee return one electronic copy of the signed grant contract and supplemental contract forms with signatures to the THSO within seven working days. If the contract requires governing body approval, the grantee should notify the THSO of the timetable for that process. If original signatures are required on these documents, they can only be provided if the grantee requests them in advance of contract approval. If multiple copies are required, the authorizing agency representative must sign all copies. Once these documents are returned to the THSO, the contract is signed by the appropriate TDOSHS authorities. Approved contracts are emailed to the project director.

The signature of the authorizing agency official indicates the grantee agrees to comply with the requirements outlined in the grant contract. The grantee may not proceed with any expenditure associated with the grant until the project director receives the fully executed and signed contract from the THSO **and** the grant period commences on October 1.

## Grant Orientation Workshop

The THSO conducts a new grantee orientation workshop (GOW) shortly after the start of the new grant period in the four major regions of the state (West, East, Middle, Cumberland), typically in mid-October through early November. While attendance is mandatory for all new grantees, all agencies receiving grants from the THSO are encouraged to participate, and some may be required to do so. The THSO staff reviews the grantees' responsibilities and procedures including any changes dictated by state and/or federal law that have occurred since the previous orientation. In addition to the orientation, this manual, the online grants system user manual and [step-by-step instructions](#) are available to assist grantees with submitting status reports and claims (detailed later in this manual) in accordance with fiscal and program management requirements.

## Grant Reimbursement Requirements

Reimbursement is contingent upon the grantee complying with all grant requirements and the appropriation of sufficient funds by the federal government and the state highway safety program. The THSO doesn't represent, or guarantee, the availability of federal highway safety funds for initial or subsequent year funding.

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

### Federal & State Regulations Governing THSO Grants

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

The Office of Management and Budget (OMB) 2 CFR Part 200, [Uniform Guidance for Federal Awards](#), is the federal administrative regulation under which the THSO grants operate. It is referred to as Uniform Guidance. A [desk friendly version](#) of this document is available online for review and reference. Agencies receiving highway safety funds must adhere to these requirements. At minimum, the THSO adheres to the requirements of 2 CFR Part 200. In some cases, such as the due date for grantee final reports and claims, the THSO is more restrictive to allow time for submission of reports, which includes grantee information, to NHTSA.

### Audits

Audits are conducted to determine the fiscal integrity of financial transactions and reports, as well as compliance with laws, regulations, and administrative requirements. All grants awarded by the THSO are federally funded by the U.S. Department of Transportation/NHTSA and recorded in the Catalog of Federal Domestic Assistance (CFDA). If a grantee or its parent agency expends over \$750,000 in federal funds from any source, a single audit procedure is required by the Single Audit Act for State and Local Agencies, 1996 Amendments, Public Law 104-156. [2 CFR Part 200, Audit Subpart F](#) describes the audit requirements. Audit reporting information is also provided later in this manual.

## Risk Assessment

The THSO is required to annually assess each applicant's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the grant. The goal of the risk assessment is to determine an organization's capacity to manage and/or receive federal grant funds prior to issuance of a grant award. Information may also be used to plan monitoring activities and/or identify support needed to strengthen an applicant's management of its program.

## Retention of Records

An agency shall keep all THSO grant records on file (electronic or paper) for a minimum of five years or longer if mandated by its own Retention of Records policy. This includes all programmatic and financial documents associated with the grant contract.

## Federal Funding Accountability & Transparency Act

Passed by Congress in 2006, the Federal Funding Accountability and Transparency Act (FFATA) requires grantees to report each action (sub-award and executive compensation) that obligates \$30,000 or more in federal funds. For agencies that are receiving that are FFATA reporting information is provided later in this manual.

# Grantee Responsibilities & Procedures

## Grant Requirements

When an agency or organization accepts federal highway safety funds, it also agrees to fully comply with all requirements in this manual and any periodic changes that may be made during the grant period. The project director will be notified in writing of any changes via mail and/or email.

It's critical that the project director carefully reviews the federal regulations outlined in [2CRF Part 200](#) and the certifications and assurances included in Appendix A of this manual. The Governor of Tennessee is the responsible official for the administration of Tennessee's highway safety program through the THSO (which has adequate powers and is equipped and organized to carry out the program) and must assure compliance with applicable statutes and regulations. By accepting federal highway safety funds, an agency or organization is also bound by these certifications and assurances.

For enforcement grants, the THSO requires that grantees participate in all NHTSA reporting campaigns emphasizing HVE (i.e., *Click It or Ticket, Drive Sober or Get Pulled Over, Booze It or Lose It*) and a THSO Network meeting during each quarter of the 12-month grant period. Additionally, enforcement grantees must also submit statistics within two weeks following the conclusion of each NHTSA HVE reporting campaign via the [TNTrafficSafety website](#).

## Financial Management

The project director is responsible for establishing and maintaining procedures to ensure the effective administration of an agency or organization's grant, including the timely completion of the grant objectives and proper record keeping. A THSO staff member – program manager – is assigned to every grant and works with the project director and agency designated staff throughout the course of the grant period.

The project director must ensure that the agency's accounting system conforms to generally accepted accounting principles. While [TN Grants](#) allows the grantee to maintain and store critical documents, it's strongly recommended that copies of all financial records pertaining to a grant be stored in a grant file (hard copy, electronic, or both) maintained by the project director. This will make it easier to submit claims, complete status reports, respond to questions, and reference documents.

The file should also include a copy of the grantee's internal purchasing policies and procedures. At a minimum, the policies must meet state standards; they may not be less stringent. If no written policies exist, the grantee is subject to the state's purchasing guidelines for cities and towns (TCA 6-56-301 through 307), counties (TCA 05-14-201 through 207) and states (TCA 4-56-101 through 108). To access this information online, click on "I Agree" under Terms and Conditions prior to entering the Lexis Nexis site. (*Note:* The THSO maintains an electronic grant file for a minimum of three years following conclusion of the grant year.)

In addition, the grantee must meet the following grant management standards:

## Financial Reporting

To receive reimbursement of authorized federal grant fund expenditures, a grantee must submit accurate, current, and complete financial information via [TN Grants](#) on a monthly or quarterly basis, which is determined by the grantee at time of application. All grantees must submit claims even if no funds are being requested (a zero claim). All authorized federal funds must be incurred, and work performed on or before September 30, the last day of the federal fiscal and grant year (October 1-September 30). Only hours worked, or items purchased, during the current fiscal year may be claimed for reimbursement.

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

## Internal Controls

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

## Allowable Costs

The THSO uses the cost principles outlined in [2 CFR Part 200](#) along with NHTSA policy and guidance to determine necessary, reasonable, allocable, and allowable costs consistent with policies, rules, and regulations conforming to limitations or exclusion of costs.

The use of federal grant funds to purchase equipment and cover personnel and non-personnel costs (including **overtime**) are allowable within federal and state rules and regulations and are detailed later in this manual. Costs associated with **training** personnel for highway safety purposes are allowable if the training supports the objectives outlined in the highway safety program (not applicable to federal, civilian, or military personnel). Funds may not be used to cover salary costs associated with employee attendance at a training or that employee's replacement while in training, unless that employee's salary is THSO grant funded. Allowable supplies and equipment purchases are detailed in Appendix B.

Federal grant funds may also be used for **travel** costs associated with attendance at in- and out-of-state highway safety-related meetings, conferences, seminars, workshops, and trainings. For travel that is included in the approved grant budget, the grantee must follow state travel regulations. For travel not included in the grant budget, a written, detailed request for financial support must be submitted to the THSO in advance of the grantee's travel dates. Once approved, state travel regulations apply. Travel and per diem reimbursement are detailed in Appendix C.

The cost of **attendance at highway safety-related meetings and conferences**, where participants receive technical information, is allowed. Federal grant funds may be used to cover meals, transportation, facility rental, and other incidental costs associated with hosting and/or attending a meeting at the per diem rate. The grantee should retain records documenting the purpose of the meeting and all associated costs.

Costs are allowable, at THSO's discretion, for highway safety **consultant services** provided by universities, public agencies, non-government organizations, and individuals for state or local highway safety support services or products consistent with 2 CFR Part 200. Prior written approval by the program manager and adherence to state procurement procedures are required.

Federal grant funds may also be used for **educational items** that offer incentives or encourage the public to adopt highway safety practices. Guidance on educational and promotional materials is provided in the Public Information & Education section of this manual.

Funds may also be expended in support of **police-directed, underage drinking operations** that include the purchase of alcoholic beverages in sting operations (not for consumption). These activities must be conducted in compliance with federal, state, or local laws.

If a grantee has a question about whether an item or activity meets the provisions outlined in the grant contract, the project director should contact the THSO program manager for clarification prior to purchasing the item or engaging in the activity.

## Indirect Costs

Only non-profits, colleges, universities, and hospitals may use grant funds for indirect costs (government and state agencies are not eligible). These are costs incurred for common or joint purposes (i.e., phone, supplies, administrative salaries) and not assigned to a highway safety grant as a direct cost. Indirect costs benefit more than one cost objective and should be prorated equitably among all applicable functional areas. When including indirect costs in a grant application, the grantee must include the total estimated indirect costs, along with a detailed explanation, and a completed copy of a Certificate of Indirect Costs. Indirect costs are subject to review by federal and state auditors as included in a cognizant federal agency's report or audit.

## Grant Modifications and Amendments

A grantee may request, or a program manager may recommend, a revision to the original budget and/or goals/objectives/tasks or other section outlined in its grant contract with the THSO once the grant is approved. All revision requests must be fully detailed and justified.

Tip sheets to complete a modification can be found on both the [TN Grants](#) homepage and [TN Traffic Safety](#).

To initiate a modification, the project director must complete and save the modification request form (located under Modifications). After the request has been completed, the status must be changed to "Submit Modification Request." Once these steps are completed, you'll receive an email confirmation from TN Grants. The program manager will then review your request, and if no additional information is needed, it will be submitted to management for review. Once approved, you will receive an email confirmation from TN Grants, and at that time you may begin utilizing the funds associated

with the modification. If your request is denied, you will be notified by email and may continue to utilize the funds as allocated in your original approved grant. A modification generally can be approved in 3-5 business days but is **not** allowed in the month of September.

If the request calls for any money to be subtracted or added to the overall budget amount or a change in a contractual term, the THSO will create an amendment and send it to the project director via email for their review and signature. Once the project director returns the signed amendment (preferably via email) to the THSO program manager, it is then forwarded to the TDOSHS, the THSO's oversight agency, for review and approval. The modification request will remain pending until the amendment is approved by TDOSHS. Once approved, the project director will receive an email confirmation from TN Grants in addition to the fully executed amendment via email from the THSO Program Manager. At that time the grantee may begin spending funds associated with the amendment. If the request is denied, the project director will be notified by email and the grantee may continue to spend funds as allocated in its original approved grant.

The process for a modification with an amendment can take from 2-4 weeks (sometimes even longer depending on the extent of the modification or amendment). No costs may be incurred against the budget line that is being amended until the grantee receives written (email) notice of approval.

A grant modification that requires an amendment is **not** allowed in the fourth quarter (July, August, and September).

## Claims and Reporting (Monthly/Quarterly)

Grantees have the option of submitting claims for reimbursement of approved grant expenditures and project status reports on a monthly or quarterly basis. This is determined by the grantee at the time of application and typically driven by manpower and cash-flow. However, in the case of law enforcement, the only option is for quarterly submissions. All submissions must be made through the THSO's [online grants management system](#). The grantees who elect to submit on a monthly basis generally do so based upon manpower and cash-flow. Grantees must submit all paperwork no later than the first of the second month following the end of the covered reporting period. Quarterly reporting is due the first of the month following the close of the first three quarters (deadlines: February 1, May 1, August 1, and November 1). A final status report for the entirety of the grant year is due on November 1 as well. Since the THSO is limited to one request per month for federal reimbursement, late claims can cause processing delays. Submitting timely and complete claims and reports will ensure that your agency receives payment in a timely manner. Once a grantee has selected a reporting time frame, it may not be changed without prior discussion and approval of the program manager. No changes may be made after the first quarter.

Regardless of the reporting time frame, all grantees must submit a claim and status report monthly or quarterly even if no costs were incurred (zero claim) or no activities took place during that time period. Additionally, the THSO cannot process a claim until the corresponding status report is received and approved. Consistent, on-time reporting reduces confusion and the potential for the THSO to question a grantee's reporting and/or claim status (i.e., Did the grantee forget? Did the grantee opt not to submit?). If an extension of a monthly or quarterly deadline is needed, grantees must provide a written request and receive approval from their THSO program manager in advance of the deadline. The requests will be reviewed on a case by case basis. Not all requests will be approved and should not be a common practice. Regular reporting is also critical since the THSO is responsible for the ongoing monitoring of all grant-funded projects.

## Status Reports

Program grantees must submit monthly or quarterly status reports to receive reimbursement for claims. (As noted above, the grantee selects the reporting time frame at the time of application.) The THSO processes claims after the accompanying status report has been received, reviewed, and approved. Law enforcement program grantees must submit status reports, but also must submit campaign data into [TN Traffic Safety](#) within two weeks following conclusion of a NHTSA campaign. All law enforcement grantees (program and HVE) must submit their quarterly enforcement data with each status report.

A status report should describe any tasks or activities undertaken during the month or quarter to accomplish the objectives outlined in the grant (i.e., conducted five saturation patrols lasting four hours each over the quarter resulting in 500 DUI arrests, 200 speeding citations, etc.) along with progress made in addressing the problem statement (i.e., Fatal crashes during the 1<sup>st</sup> quarter of the current fiscal year is down by 5 compared to 1<sup>st</sup> quarter of the previous fiscal year as described in tasks). The grantee is encouraged to include copies or provide links to press clippings and printed materials such as flyers or press releases that support the activities described in the status report. Grantees must submit status reports using [TN Grants](#), which allows for document uploads; only electronic submission is required.

The THSO program managers carefully review status reports, paying particular attention to whether a grantee is making satisfactory progress in achieving the grant objectives as outlined and on schedule based on the schedule of tasks. If deficiencies are identified, the program manager will notify the grantee's project director. The notification will describe the deficiency and request that the project director provide changes and/or updates. Changes/updates must be made, submitted, and approved before the claim will be processed.

## Claims Reimbursement

Grantees may submit claims for reimbursement up to the itemized amount listed in the approved grant budget. Only items listed in the approved grant are eligible for reimbursement. All claims (monthly, quarterly) must be submitted via [TN Grants](#). Following completion of the online claim, the project director should print and sign the claim forms. These forms should be scanned/emailed with supporting documentation to the attention of the appropriate THSO program manager. **The claim packet should be organized in sequential order as listed in the [Claim for Reimbursement Checklist](#).**

Personnel expenses for overtime are allowable for hourly and non-exempt salaried employees for activities such as checkpoints, saturation patrols, and compliance checks for beer sales; overtime activities must be within the scope of the grant. Agencies receiving reimbursement for overtime will be required to submit their departmental overtime policy.

Overtime cannot be claimed for attending training, conducting educational events (such as school assemblies), being in court, or for exempt salaried positions except with the written approval of the THSO Director.

If the claim includes **reimbursement for overtime**, the grantee must also complete the personnel section online and attach, in the same sequential order as listed on the claim form, an activity sheet (i.e., [THS-17](#)) and a copy of each employee's check (the rate of pay listed on both must match). A timesheet is not required pending the check shows the total number of regular and overtime hours worked during the pay period. If the check does not show this information, a time sheet must be included to show the number of regular hours worked and the number of overtime hours worked with starting and ending times noted. The THSO has an approved activity sheet (THS-17) that may be used by any agency to



document overtime activity. The THS-17 form may be used in lieu of an activity/timesheet.

Further, the THSO may request the timesheets of grant personnel for regular hours to verify that the overtime hours were not incurred during the regular hours of duty. Benefits are reimbursable for enforcement overtime.

Law enforcement agencies receiving **Impaired Driving Enforcement grant funds** may submit for reimbursement of personnel costs for officers working outside the “Happy Hour” times of 2 p.m. to 4 a.m. The THSO prefers that these hours be used to work impaired driving enforcement, but if your local data supports other hours, this is allowable. No documentation is required to be submitted to the THSO to work outside the preferred hours.

Grantees requesting reimbursement for non-personnel (travel, supplies under \$5,000), other non-personnel (advertising, organizational permits, subscription fees), capital purchases (equipment costing \$5,000 or more), and/or professional fees (contractual costs) must complete each section online. Claims with travel expenses for mileage must include a print-out from MapQuest, Google Maps or another mapping database with the total number of miles being claimed.

Grantees submitting claims for equipment purchases (items costing \$5,000 or more) must also complete the THS-22, Capital Purchase Report, section on [TN Grants](#). If more than one piece of equipment is purchased during the claim period (month or quarter), each item must be recorded on the form.

## Final Report

Program grantees must submit a final report using [TN Grants](#) no later than November 1. THSO will not process a final claim for reimbursement until the final report is received, reviewed, and approved.

The THSO reviews final reports to determine the effectiveness of a grantee’s highway safety project and takes past performance into consideration when recommending grant requests in future years. The THSO may also share this information with NHTSA via the state’s annual report; therefore, it is critical that grantees pay particular attention to reporting when designing their intervention.

Following approval of the final report by the program manager, the grantee receives an email notice from [TN Grants](#).

## Audit Reporting

If a grantee or its parent agency expends over \$750,000 in federal funds during their fiscal year from any federal source, a single or program-specific audit must be conducted for that year in accordance with the provisions of 2 CFR Part 200, Audit Subpart F. The audit report must cover the entire grant period and be provided to the THSO within 30 days after publication.

## FFATA Reporting

If a grantee (state, non-profit, local, etc.) obligates \$30,000 or more in Federal Funds during the grant year, will be reported to the federal government by the THSO. This reporting is required by the Federal Funding Accountability and Transparency Act and addresses grant expenditures and executive compensation. If you would like more information on FFATA reporting, please contact the THSO office.

## Personnel Certification

NHTSA regulations require any full or part-time position funded through a highway safety grant to be certified on a monthly/quarterly basis. This certification must indicate what percentage of the employee's time was spent working on grant-related duties and be signed by the employee or supervisor having first-hand knowledge of the work the employee performed. To fulfill this requirement, the grantee should complete the Grant Funded Personnel Certification (THS-16) located on [TN Grants](#) and include the signed form with the claim. This is an automatically generated form from TN Grants.

## Lobbying Certification

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

- a. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this contract, grant, loan, or cooperative agreement, the grantee shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- c. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352.

## Monitoring

Federal and state grant management rules require that the THSO staff maintains regular contact via telephone, email/written correspondence, and on-site visits with grantees throughout the course of the grant year to ensure compliance with applicable requirements and cost principles. This monitoring includes not only the review and approval of claims and status/final reports, but also the ongoing oversight of grantees through desk monitoring and/or on-site visits. The intent of this outreach is to develop a relationship with the grantee, address grant management-related questions, provide technical assistance, and identify and help address problems and/or concerns. This oversight helps the program manager answer grant management-related questions, provide technical assistance, identify and help address problems and/or concerns, and adjust the plan of action. These adjustments may include employee allocation, hours worked versus time of day, productivity, or methods of deploying enforcement activity. Any documentation generated as a result of this contact is placed in the grantee's file. This will ensure all protocols are in place as the THSO reviews the agency's plan of action.

### On-Site & Desk Monitoring (Programmatic & Financial)

A THSO Program Manager visits every grantee (either in person or virtually) that has been awarded a program grant once during the grant year (typically between February and mid-September) to conduct a systematic and comprehensive programmatic and financial assessment. The visit will be scheduled at least two weeks in advance, and a preparation sheet that details how to prepare for the on-site visit is provided electronically. Also, a link to the Title VI Compliance Audit Questionnaire is emailed; this is completed before the Program Manager arrives for the monitoring visit. An unscheduled monitoring visit will occur if the agency receives a letter, which issues a finding after the annual on-site visit or if there is concern that the agency's project is showing signs of significant weakness. The follow-up visit results in an adjustment to the agency's plan.

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

While monitoring, virtually or on-site, the program manager completes the monitoring form found on the THSO's online grants management system. Once completed, the form is reviewed and approved by the THSO management. Following final approval of the monitoring form, the program manager drafts a follow-up letter that highlights exemplary activities/actions on the part of the grantee and recommendations for improvement within 30 days following completion of the assessment. If the letter includes findings, an additional on-site visit(s) may be scheduled. The THSO maintains an electronic copy of the letter.

Agencies receiving a HVE Grant will receive a desk monitoring or audit, which uses an abbreviated form. This monitoring/audit will come from their THSO program manager or an auditor from the TDOSHS. Failure to respond to a desk monitoring or audit may result in a loss of grant funding. In rare instances, an on-site visit may be required if the agency's project shows significant weakness or non-compliance.

## Equipment Inventory

Equipment, any one item costing \$5,000 or more, purchased with federal highway safety grant funds must be inventoried annually by the THSO for a period of three years following the initial year of purchase. Once a grantee enters a claim for reimbursement of equipment purchased using grant funds into [TN Grants](#), it is automatically tracked for the required time period. Additionally, the THSO conducts a random check of a minimum of one piece of equipment during each on-site monitoring visit to ensure that it is being used for highway safety purposes. Prior to the on-site visit, the program manager reviews a copy of the form from [TN Grants](#).

## Purchasing Requirements & Property Management

Rules and definitions for the purchase of equipment, supplies, and other materials and their management are governed by the [Rules of the Tennessee Department of General Services Central Procurement Office](#). A grantee must follow these rules unless its governing agency or organization has its own policies and procedures and can make them readily available for inspection by the THSO. An agency's policies and procedures must, at a minimum, be as stringent as the state regulations. This policy must be provided to the THSO.

## Title VI (Non-Discrimination)

Through its financial assistance programs, the U.S. government seeks to improve the status of disadvantaged and minority businesses and citizens and provide fairness in the areas of employment and contracting. [Title VI of the Civil Rights Act of 1964](#) and [Section 504 of the Rehabilitation Act of 1973](#), as amended, prohibit discrimination on the grounds of race, color, national origin, handicap, or gender in the provision of services, programs, or personnel transactions. Agencies receiving federal grant funds, including grantees of the THSO, must fully comply with the provisions of Title VI and 49 CFR Parts 21 and 27, and make reference to these mandates in all contracts or subcontracts.

In advance of the annual on-site monitoring visit, the THSO program manager emails a link to the Title VI Assessment to the grantee. It is the responsibility of the grantee to complete the assessment in advance of the monitoring visit.

All grantees must display the Title VI posters (in English and Spanish) in an area that is accessible to the general public and posters must also be displayed in employee common areas not accessible by the general public. A grantee may request the Nondiscrimination poster from their THSO program manager (both English and Spanish versions are available). In addition, the grantee may also request the [English](#) and [Spanish](#) versions of the Title VI brochures, which are not required but recommended, from the THSO program.

## Equipment

Equipment is any non-expendable, tangible, personal property having a useful life of more than **one** year and an acquisition cost of \$5,000 more. All equipment purchased using federal highway safety funds requires prior written approval from the National Highway Traffic Safety Administration, which is handled by the THSO during the application process. The agency follows the provisions of the [Uniform](#)

[Guidance for Federal Awards](#), 2 CFR Part 200. Equipment purchased with grant funds must be used for traffic safety purposes only. Non-authorized use of equipment is grounds for refunding a portion of the equipment value to the THSO. All equipment purchased with grant funds must comply with the Buy America Act. Allowable equipment purchases are detailed in Appendix B. Additional guidance is available from the grantee's THSO program manager.

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

## Supplies

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

## Public Information & Education (PI&E)

### Materials

PI&E materials fall into two categories:

Educational – material that educates and informs an audience such as activity books, coloring books, brochures, posters, flyers, and envelope stuffers.

Promotional – **Promotional items are no longer allowable for purchase using THSO grant funds. Grantees can contact their Program Manager with questions or [refer to the memo issued by NHTSA on May 18, 2016](#) for more information.**

Grantees that use federal highway safety funds to produce PI&E materials must receive written approval from the THSO Program Manager and Public Information Officer prior to production. Grantees should allow 2-4 weeks for the approval. Grantees should also advise vendors that all materials used in the production of public outreach materials paid for by grant funds are the property of the grantee and the THSO (i.e., data, plates, negatives, camera-ready artwork, designs, concepts, photographs, video and audio). All PI&E material purchases (costing more than \$5,000 per unit) must comply with the Buy America Act.

All educational materials produced using grant funds must include the THSO logo or the logo from another program as determined by the THSO (i.e., *Click It or Ticket*), and the following message:

*This material was developed through a project funded by the Tennessee Highway Safety Office.*

Grantees that use non-federal highway safety funds to produce PI&E materials must receive written approval from the THSO Public Information Officer in order to use any THSO logo.

All published research and reports developed as a result of a grant must include the following disclosure statement:

*This report was prepared in cooperation with the Tennessee Highway Safety Office. The opinions, findings, and conclusion expressed in this publication are those of the author(s) and not necessarily those of the THSO.*

### Advertising & Public Relations

The limited purchase of media creation, time, or space (television and radio time, billboard space, paid social media initiatives, etc.) for traffic safety grant funded campaigns is permitted in extraordinary circumstances and must be specifically approved by the THSO Director. As with all PI&E materials, the Program Manager and PIO must approve all creative prior to development or purchase.

All press releases discussing a grant and/or grant-funded activities must be reviewed by the THSO program manager and Public Information Officer prior to dissemination to allow for the inclusion of a quote from the THSO Director, TDOSHS Commissioner, or other individual as identified by the THSO. The final release must state that the grant is funded through the Tennessee Highway Safety Office.

Federally-funded public service announcements or video materials intended for television or cable television must be closed-captioned.

## Non-Compliance/Termination

The THSO will impose sanctions in the event of noncompliance or violation of any grant provision by the grantee agency. Appropriate sanctions may include, but are not limited to, withholding payments, suspension, or termination of a portion or the entire grant. The THSO will provide 30 days' notice to the grantee if the grant is terminated for "convenience." Grants terminated for "cause" will take effect immediately. Both options are included below and located in Section D of the contract under "Standard Terms and Conditions." If the grant is terminated, the grantee will be paid only for activities/services allowable under the grant contract that were completed prior to the effective termination date.

Termination for Convenience. The State may terminate this Grant Contract without cause for any reason. A termination for convenience shall not be a breach of this Grant Contract by the State. The State shall give the Grantee at least thirty (30) days written notice before the effective termination date. The Grantee shall be entitled to compensation for authorized expenditures and satisfactory services completed as of the termination date, but in no event shall the State be liable to the Grantee for compensation for any service that has not been rendered. The final decision as to the amount for which the State is liable shall be determined by the State. The Grantee shall not have any right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount for the State's exercise of its right to terminate for convenience.

Termination for Cause. If the Grantee fails to properly perform its obligations under this Grant Contract, or if the Grantee violates any terms of this Grant Contract, the State shall have the right to immediately terminate this Grant Contract and withhold payments in excess of fair compensation for completed services. Notwithstanding the exercise of the State's right to terminate this Grant Contract for cause, the Grantee shall not be relieved of liability to the State for damages sustained by virtue of any breach of this Grant Contract by the Grantee.

## **Disputes/Disagreements**

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

If a grantee disagrees with a decision made by the program manager, an appeal may be made to the THSO Director. The appeal must be in made in writing within 30 days of the program manager's decision and sent to the THSO by certified mail. No legal action may be taken by the grantee without following these steps.



## Appendix A - Federal Certifications & Assurances

### INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

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

### FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, ([https://www.fsrs.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](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;
- Unique entity identifier (generated by SAM.gov);
- The names and total compensation of the five most highly compensated officers of the entity if:
  - the entity in the preceding fiscal year received—
    - 80 percent or more of its annual gross revenues in Federal awards;
    - \$25,000,000 or more in annual gross revenues from Federal awards; and
  - the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
  - Other relevant information specified by OMB guidance.

### NONDISCRIMINATION (APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

The State highway safety agency [and its subrecipients] 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);
- 49 CFR part 21 (entitled Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);

- 28 CFR 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- 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) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- 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 recipients, subrecipients 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, and 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 (preventing 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);
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (requiring that recipients of Federal financial assistance provide meaningful access for applicants and beneficiaries who have limited English proficiency (LEP));
- Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government (advancing equity across the Federal Government); and
- Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

## GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

## SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in § 21.23(b) and (e) of 49 CFR part 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source: “The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d–4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A)[1] in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. The period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

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

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;
  - 5. 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—
  - 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;
- d. Notifying the agency 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—
  - 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;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

#### **POLITICAL ACTIVITY (HATCH ACT) (APPLIES TO SUBRECIPIENTS AS WELL AS STATES)**

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

## CERTIFICATION REGARDING FEDERAL LOBBYING (APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards 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 (APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

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

## CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

### Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier 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 or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. 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 department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary 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 entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion— Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective

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

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

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

## CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—PRIMARY TIER COVERED TRANSACTIONS

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions 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 records, 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 tier 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 PARTICIPANT CERTIFICATION

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 (APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

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

## CERTIFICATION ON CONFLICT OF INTEREST (APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

### GENERAL REQUIREMENTS

No employee, officer or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept or approve, or to take part in negotiating, making, accepting or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.

- a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
  - b. The code or standards shall establish penalties, sanctions or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

## DISCLOSURE REQUIREMENTS

No State or its subrecipient, including its officers, employees or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may
  - (a) terminate the award, or
  - (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present or currently planned organizational, financial, contractual or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

## PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE (APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

The State and each subrecipient 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 SEAT BELT USE

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

## POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

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

## SECTION 402 REQUIREMENTS

1. To the best of my personal knowledge, the information submitted in the annual grant application in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
3. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or on behalf of political subdivisions of the State in

carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and on behalf of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)

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

5. As part of a comprehensive program, the State will support a data-based traffic safety enforcement program that fosters effective community collaboration to increase public safety, and data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities. (23 U.S.C. 402(b)(1)(E))

6. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:

- Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to—
  - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
  - Increase use of seat belts by occupants of motor vehicles;
- Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;
- An annual statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
- Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
- Coordination of triennial Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a); and
- Participation in the Fatality Analysis Reporting System (FARS), except for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands.

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

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

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

## Appendix B - Allowable Items (Supplies & Equipment)

Included below is a list of allowable items. An item costing less than \$5,000 is considered a supply. An item costing \$5,000 or more is considered equipment (capital purchase). Some items are **not** allowed based on a grant's funding source. All items \$5,000 or more must comply with the Buy America Act, 23 U.S.C. § 313. Please direct any questions regarding allowable items to your THSO program manager.

In accordance with the [memo issued by NHTSA on May 18, 2016](#), supply items are not to be used as incentive items. With the exception of child safety seats, supplies are to be kept by the grant recipient for use by the program, not distributed for retention by individuals.

### Child Passenger Safety Items

These items are generally used for child safety seat checkup events or daily car seat installation and could include the following: child safety seats, locking and belt shortening clips, clipboards, pens and pencils, foam swim noodles, shelf liner, latex gloves, first aid kits, anti-bacterial soap/hand sanitizer, waste receptacles, training dolls, folding table, tape, scissors, staples, storage bins, traffic cones, barricades, chalk, awnings/tents, event signs, folding chairs, dollies, bottled water/cooler, scales, measuring tape and/or height chart, screw drivers, copier paper, post-it notes, highlighters, etc.

### Emergency Medical Services Supplies/Equipment

These items are generally used to conduct first responder or extrication training courses or equipment for first responder personnel and could include the following: first responder books and workbooks, training kits and supplies, first responder kits, Automated External Defibrillator trainer, CPR/training mannequins, multi-cuff blood pressure kits, extrication rams, extrication hydraulic pumps, extrication spreading tools, extrication hoses, extrication hydraulic cutters, ram support units, cribbing equipment, backboards, cadaver bags, cervical collars, disposable blankets, disposable linen sheets, disposable splints, head blocks, immobilizers, oral/nasal airway sets, pedilite boards, pocket masks, resuscitators, stretchers, stocked trauma bags, suction devices, traction splints, universal arm slings, automated external defibrillator, etc.

## General Office Supplies

Items typically utilized to conduct normal business activities that are relevant to the primary function of the grant and outside of the agency's regular budgetary allowances. Otherwise, the purchase is considered supplanting and not allowed under federal grant regulations. Typically enforcement grants are not allowed to purchase general office supplies. A good reference of office supplies may be what is available through Staples, Office Max, or Office Depot, and other similar type businesses. Allowable office supplies could include the following:

- Writing instruments – pens, pencils, markers, highlighters, chalk, crayons, correction fluid, erasers
- Organizers – bags, cases, binders, accessories, calendars, planners, desk accessories, organizers, file folders and accessories, labels and label makers, laminating and binding, post-it notes and flags, storage and archive accessories
- Presentation – boards, easels, easel pads, presentation equipment
- Fasteners – clips, fasteners, rubber bands, staplers and staples, hole punchers, tape, glue, and adhesives
- Measurement and Cutting – scissors, trimmers, rulers, drafting supplies
- Mailroom & Shipping – labels, boxes, envelopes
- Paper – computer/copier, colored, fax, inkjet/laser, photo, preprinted certificates, machine rolls, notebooks, bound pads, message pads, post-it notes
- Audio/Visual – cables, batteries, computer accessories, hard drives, CDs/DVDs/data storage, keyboards, mouse pads, battery back-up, monitors, networking supplies, PC memory, software, copiers, fax machines, printers, scanners, USB drives, flash/stick/thumb drives, computers, landline phones, headsets, GPS units, camcorders, voice recorders, calculators, shredders, projectors
- Printer and copier ink/ink drums, toner



## Law Enforcement Supplies/Equipment

These items are generally used to conduct sobriety checkpoints or traffic saturations. All items purchased with highway safety grant funds must be used to address the problem identified in your agency's grant application. The following list of commonly purchased items are allowable based on your grant's funding source. This list is not an all-inclusive list and may be revised as needed by the THSO. If you have questions about these or other items not listed, contact your THSO program manager.

### 154 and 405d (Impaired Driving Enforcement/Education) approved equipment:

- In-car video cameras/systems
- Computers and mounts for vehicles
- Fatal vision products
- DUI checkpoint supplies (flashlights, cones, PBT/alcohol sensor, checkpoint signs, and reflective gloves/vests)
- Generator for lighting used at a sobriety checkpoint
- Vehicle lighting/scene lighting for sobriety checkpoints
- Cargo trailer (only for sobriety checkpoint supplies / equipment)
- DRE supply items

### 402 (Police Traffic Services – PT) approved equipment:

- All items listed under 154 and 405d, plus the following:
- Radar
- LiDAR
- Radar trailer
- Pole mounted speed signs
- Speed spy data collection (or similar)
- Simulators
- E-Citation items (scanners/printers)

Items not allowable under any funding source:

- All weapons including firearms, tasers, or ammunition
- Consoles, cages, or push bumpers
- Uniforms, jackets, shirts, duty belts, shoes, etc.
- Desks, chairs, cabinets, or any type of furniture
- Traffic signal devices including school zone lighting
- Guardrails, barricades
- Spike strips
- Sirens
- Radio equipment
- Total Station or related software
- Tint meters
- Golf carts / UTV / ATV
- License plate readers (LPR)
- Body-worn cameras

## Appendix C - Travel

The THSO follows the state of Tennessee travel policy which follows what is provided on [GSA.gov](https://www.gsa.gov).