

PROJECT AGREEMENT
6601 Ritchie Highway
Glen Burnie, MD 210621000
PHONE 410-787-4050 FAX 410-787-4020

The formal approval of this Project Agreement and the obligation of funds to it are contingent upon the availability of anticipated federal funds, as determined by Congress, Maryland statute, or other federal or state action.

PROJECT TITLE: Impaired Driving	FOR MHSO USE ONLY
	PROJECT NUMBER: LE-City of Hyattsville PD-2022-223
PROJECT AGENCY: City of Hyattsville Police Department	
PROJECT AGENCY ADDRESS: 4310 Gallatin Street, Hyattsville, MD-20781	
FUND RECIPIENT: City of Hyattsville Police Department	
FUND RECIPIENT ADDRESS: 4310 Gallatin Street, Hyattsville, MD-20781	
FEDERAL IDENTIFICATION NUMBER: 52-6000797	

The undersigned agree that the Project Agency will carry out the Project within the dates of the Project Period, in accord with the general programmatic and financial requirements set forth in the agreement, and in compliance with the Project Conditions. Reimbursement is limited to actual eligible expenditures, the total of which is not to exceed the amount of Funds Obligated from MHSO. Furthermore, the Project Agency certifies that it is eligible under grant guidelines to receive grant funds; can accept a reimbursable grant; can successfully implement the project at the indicated funding level; and accepts the provisions of the entire Agreement including its Project Conditions. Costs cannot be incurred prior to the Project Start Date listed below.

BUDGET CATEGORIES	MHSO FUNDS
Salary and Benefits	\$0.00
Law Enforcement Overtime	\$5,000.00
Training / Conference and Accommodations	\$0.00
Mileage	\$0.00
Contractual Services	\$0.00
Equipment	\$0.00
Other Direct Costs	\$0.00
Indirect Costs	\$0.00
Total	\$5,000.00

The Project Director and Authorizing Official signing below cannot be the same person, nor can they be the Financial Official listed in the grant.

PROJECT DIRECTOR & AUTHORIZING OFFICIAL SIGNATURES			
PROJECT DIRECTOR		AUTHORIZING OFFICIAL	
NAME: Scott Dunklee		NAME: Kevin Ward	
TITLE: Deputy Chief		TITLE: Mayor	
AGENCY: City of Hyattsville Police Department		AGENCY: City of Hyattsville Police Department	
ADDRESS:		ADDRESS:	
PHONE: (301) 985-5071	FAX:	PHONE: (301) 789-3448	FAX:
E-MAIL: sdunklee@hyattsville.org		E-MAIL: KWard@hyattsville.org	
SIGNATURE & DATE:		SIGNATURE & DATE:	

FOR MHSO USE ONLY

PROJECT PERIOD START DATE: 10/01/2021	FUNDS OBLIGATED FROM MHSO: \$5,000.00
PROJECT PERIOD END DATE: 09/30/2022	
MHSO DIRECTOR APPROVAL (SIGNATURE & DATE)	

MARYLAND HIGHWAY SAFETY OFFICE
FFY 2022 PROJECT TERMS AND CONDITIONS

I. Project Administration

It is understood and agreed by the Project Agency and Fund Recipient (Grantee) that grant funds received in support of this grant are subject to applicable federal and state laws and regulations and to the following applicable controls, terms and conditions:

1. Availability of Funds

- a. It is mutually understood between the Grantee and the Maryland Highway Safety Office (MHSO) that this grant may have been executed (the Terms and Conditions signed by the Grantee and the Project Agreement signed by both parties) for the mutual benefit of both parties before ascertaining the availability of anticipated federal funds, as determined by Congress, Maryland statute, or other federal or state action to avoid program and fiscal delays that would occur if the grant were executed after that determination was made.

The grant is valid and enforceable only if sufficient funds are made available to the state by the United States Government for the purpose of this program. In addition, this grant is subject to any additional restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress or MHSO that may affect the provisions, terms, or funding of this grant in any manner.

Reimbursement extends only to those costs incurred during the period of the project, and for which quarterly reports are submitted no later than thirty (30) days after the end of the reporting period, and in the case of the fourth quarter report, thirty (30) days after the project period end date September 30th for Federal grants. State funds are an exception to the 30 days after the reporting period for the fourth quarter reports. **State funded grants fourth quarter reports are due July 15th.**

The parties mutually agree that if the Congress does not appropriate sufficient funds for the program, this grant shall be amended to reflect any reduction in funds. If at any time during the term of this grant award, federal funds become reduced or eliminated, the MHSO may immediately terminate or reduce the grant award upon a thirty (30) day written notice to the Grantee.

The MHSO has the option to void the grant under the thirty (30) day cancellation clause or to amend the grant to reflect any reduction in funds.

Funds are awarded under Catalog of Federal Domestic Assistance (CFDA). The MHSO will provide quarterly CFDA funding reports to the Grantee.

- b. This grant will be conducted and administered in accordance with applicable federal, state and local laws, rules and other requirements, using acceptable financial management, record-keeping, procurement and property control systems as outlined in 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments or 49 CFR Part 19 - Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations (as applicable) and in accordance with the MHSO grant management guidelines.

2. Unallowable Costs

- a. Expenses related to the general costs of government. The Grantee shall not use grant funds to cover the general costs of government.
- b. In addition to the general costs of government, the following program administration costs are also prohibited:
- Entertainment costs including amusement and social activities and any costs directly associated with such costs (such as tickets to shows or sporting events, meals, lodging, rentals, transportation and gratuities)
 - Promotional items such as gifts, models, and souvenirs for public relations and advertising costs.
 - Alcoholic beverages for any consumption purposes including training settings for law enforcement

FFY 2022 PROJECT TERMS AND CONDITIONS (Cont'd)

- Contributions and donations, including cash, property and services to others
 - Cost of fundraising, including financial campaigns and solution of capital contributions
 - Fines, penalties, damages and other settlements resulting from violations or non-compliance
 - Contingency provision for contributions to a contingency reserve or similar provision for unforeseen events excluding self-insurance reserves
 - Costs not recovered under one MHSO grant are unallowable under another MHSO grant
 - Highway construction, maintenance or design-related projects
 - Office furniture and fixtures
 - Automated traffic enforcement systems
 - Truck scales and traffic signal preemption systems
 - Cost of training for employees of federal and military agencies
- c. 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.

3. Procurement

The Maryland Highway Safety Office (MHSO) and its grantees are required to follow the Maryland state purchasing requirements for any purchases made with state and federal funding. These requirements apply to all types of purchases – equipment, supplies, printed materials, services, and any other items purchased for the use of the grant programs.

- a. All purchases shall have at least three prices/quotes, offer, or bids to ensure we are paying an acceptable price and performing as a good steward of State and Federal funds. This stewardship must be documented to show that good faith efforts have been made to make the best use of funds. This could include a simple step of researching on the internet and capturing screen shots of the item and pricing, as well as any shipping and handling costs. This assures that the item is purchased for the most reasonable price/value. These quotes/bids are valid for one year or in the case of grant funded items, for the life of the grant.

For MHSO purposes, for Category I items (under \$5,000) this includes soliciting information on vendor pricing through company websites, as long as the information shown on the pricing clearly indicates the product and the costs of any needed accessories and additional costs such as shipping and handling. Price comparisons must be "apples to apples" in terms of the same specifications for the products from each potential vendor.

- b. Preferred Providers: The State of Maryland maintains a policy of giving "preferred provider" status to agencies which benefit disadvantaged populations within the state where reasonable. These include Maryland Correctional Enterprises, Blind Industries and Services of Maryland, and Community Service Providers (including "individuals-with-disability-owned businesses"). See Procurement policy for more information.

It is a requirement of Maryland State Procurement Regulations to at least verify if the product or services being purchased are available through these agencies, and to get a competitive quote from them if they offer the product or service. These Preferred Providers are called "selling entity" within the regulations.

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- c. For items over \$5,000, contact your MHSO Program Manager as these must be approved by NHTSA prior to purchase.

For all purchases, refer to the MHSO Small Procurement Process policy for more information prior to making a purchase. Failure to follow this process may result in denial of reimbursement.

4. Nondiscrimination (applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 16851686) (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. 1213112189) (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** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the

FFY 2022 PROJECT TERMS AND CONDITIONS (Cont'd)

contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and

- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

5. Buy America Act (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 only steel, iron and manufactured products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a 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 to and approved by the Secretary of Transportation. The MHSO must assist Grantees with the waiver process. Any manufactured product with the exception of all motor vehicles, with a purchase price of \$5,000 or less per unit cost is waived from the Buy America Act requirement (23 U.S.C. 313: Pub. L. 110-161.)

6. Privacy Protection

All agencies and organizations with access to or use of any personal information whatsoever from the Maryland Motor Vehicle Administration records shall comply with MVA's Privacy Protection Policy as a condition precedent to receiving access or use and payment under this grant.

7. Debarment and Suspension

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (applies to subrecipients as well as States)

Instructions for Lower Tier (subrecipient) 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.

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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.

8. Drug-Free Workplace

The signatories for the grant certify that the Grantee will provide a drug-free workplace in accordance with the Federal Drug-free Workplace Act of 1988 (49 CFR Part 29 Subpart F).

9. Lobbying

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

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contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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

RESTRICTION ON STATE LOBBYING (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.

10. 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.

11. Document Retention and Access

Pursuant to the requirements of 49 CFR Part 18, Sect. 18.42 - Retention and Access Requirements for Records, all records shall be retained for three years from the date the final quarterly report is submitted to the MHSO. If there is an action resulting from an audit or other action started before the expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues, or the end of the three-year period, whichever is later. The MHSO, other state agencies and appropriate federal authorities have the right of access to any books, documents, papers, or other records in order to perform audits and examinations or make excerpts and transcripts for as long as the records are retained.

12. Program Income

Some highway safety projects conduct activities that generate income to cover present and future costs. When Grantees earn money for their services or products, they may be earning what is defined in the federal regulations as "program income."

As defined in **UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS, Part 1201.80:**

1201.80 Program income.

Notwithstanding 2 CFR 200.80, *program income* means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance. (See 2

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CFR 200.77 Period of performance.) Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, taxes, special assessments, levies, and fines raised by a grantee and subgrantee, and interest earned on any of them.

Use of Program Income:

2 CFR 200.307 - Program income.

- (a) *General.* Non-Federal entities are encouraged to earn income to defray program costs where appropriate.
- (b) *Cost of generating program income.* If authorized by Federal regulations or the Federal award, costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the Federal award.
- (c) *Governmental revenues.* Taxes, special assessments, levies, fines, and other such revenues raised by a non-Federal entity are not program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income.
- (d) *Property.* Proceeds from the sale of real property, equipment, or supplies are not program income; such proceeds will be handled in accordance with the requirements of Subpart D - Post Federal Award Requirements of this part, Property Standards §§ 200.311 Real property, 200.313 Equipment, and 200.314 Supplies, or as specifically identified in Federal statutes, regulations, or the terms and conditions of the Federal award.
- (e) *Use of program income.* If the Federal awarding agency does not specify in its regulations or the terms and conditions of the Federal award, or give prior approval for how program income is to be used, paragraph (e)(1) of this section must apply. For Federal awards made to IHEs and nonprofit research institutions, if the Federal awarding agency does not specify in its regulations or the terms and conditions of the Federal award how program income is to be used, paragraph (e)(2) of this section must apply. In specifying alternatives to paragraphs (e)(1) and (2) of this section, the Federal awarding agency may distinguish between income earned by the recipient and income earned by subrecipients and between the sources, kinds, or amounts of income. When the Federal awarding agency authorizes the approaches in paragraphs (e)(2) and (3) of this section, program income in excess of any amounts specified must also be deducted from expenditures.
 - (1) *Deduction.* Ordinarily program income must be deducted from total allowable costs to determine the net allowable costs. Program income must be used for current costs unless the Federal awarding agency authorizes otherwise. Program income that the non-Federal entity did not anticipate at the time of the Federal award must be used to reduce the Federal award and non-Federal entity contributions rather than to increase the funds committed to the project.
 - (2) *Addition.* With prior approval of the Federal awarding agency (except for IHEs and nonprofit research institutions, as described in paragraph (e) of this section) program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must be used for the purposes and under the conditions of the Federal award.
 - (3) *Cost sharing or matching.* With prior approval of the Federal awarding agency, program income may be used to meet the cost sharing or matching requirement of the Federal award. The amount of the Federal award remains the same.
- (f) *Income after the period of performance.* There are no Federal requirements governing the disposition of income earned after the end of the period of performance for the Federal award, unless the Federal awarding agency regulations or the terms and conditions of the Federal award provide otherwise. The Federal awarding agency may negotiate agreements with recipients regarding appropriate uses of income earned after the period of performance as part of the grant closeout process. See also § 200.343 Closeout.

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(g) Unless the Federal statute, regulations, or terms and conditions for the Federal award provide otherwise, the non-Federal entity has no obligation to the Federal awarding agency with respect to program income earned from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under a Federal award to which 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements" is applicable. [78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75884, Dec. 19, 2014]

13. Local Benefit Requirement

In order to support a high visibility enforcement campaign, coupled with a corresponding education model necessary to change driver behavior, the MHSO will coordinate paid and earned media statewide and in local jurisdictions to complement enforcement efforts. The outreach may include the following: TV and/or radio spots, digital ads, billboards, print ads, press releases, social media, posters and/or flyers. These outreach efforts will be coordinated statewide so as to ensure effective distribution of media spots for the local benefit. The project director signifies his/her understanding of the media component of the mobilization and approves the use of these public outreach techniques within his/her jurisdiction.

14. Audit

Provisions of the Single Audit Act of 1996 (P.L. 104-156) and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations, require an agency/organization which expends more than \$750,000 in federal funds in a year to provide a single or program-specific audit for each year. Any Grantee meeting this criterion shall ensure the submittal of one copy of each required audit report directly to the Federal Audit Clearinghouse within thirty (30) days of the report's issuance. The audit shall study and evaluate the internal accounting and administrative controls to the extent considered necessary to assess the integrity of the systems as required by generally accepted auditing standards, the standards for financial and compliance audits contained in the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the U.S. General Accounting Office, the Single Audit Act of 1996, and the provisions of OMB Circular 2 CFR 200.501 and .516. Grantees which are not subject to the provisions of OMB Circular A-133 shall provide an annual audit report of their organization's financial statements if requested.

15. Indirect Costs

If indirect costs were approved in the grant, the Grantee must furnish required documentation per MHSO's Indirect Cost Policy before indirect costs shall be reimbursed.

II. Project Management

1. Equipment Approvals, Management & Monitoring

- a. For all major equipment purchases and replacement purchases with a useful life of more than one year and an acquisition cost of \$5,000 or more in value, MHSO shall receive prior written approval from the NHTSA Regional Administrator. This procedure is required by 2 CFR Part 200.313 and NHTSA's Highway Safety Grant Funding Policy for NHTSA/FHWA Field-Administered Grants. The regulations look to the cost of the equipment regardless of the portion of funding supported by Federal or other funds if the total cost was \$5,000 or more. The unit cost for equipment is the unit's purchase price plus any accessories necessary to make the equipment operational for its intended purpose. The Grantee shall ensure that the purchase has received the appropriate approvals prior to the funds being expended. The Buy America Act must be adhered to at all times when purchasing approved equipment.
- b. All equipment, regardless of the description in the grant proposal requires a pre-approval in the e-grant system.
- c. Grantees are required to complete an Equipment Accountability Form when claiming reimbursement for the approved item(s). The Equipment Accountability Form is to be completed in MHSO's electronic grant system.

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- d. It is the responsibility of the Grantee to institute and maintain required inventory records consistent with 2 CFR Part 200.313 Equipment
- e. The MHSO, as part of its oversight responsibility, shall systematically monitor Grantees with grant-funded equipment to ensure that grantees are in compliance with all federal requirements for property management and inventory. MHSO shall monitor Grantee compliance with applicable federal requirements during on-site monitoring visits. Equipment and other property acquired under a grant for use in highway safety projects shall be used and kept in operation for highway safety purposes. The Grantee agrees to comply with all requirements and accompany the MHSO to the on-site physical inventory inspection.
- f. *All equipment approved for purchase by MHSO for the purpose of improving highway safety shall become temporary property of the Grantee. Thus, all maintenance and care of the equipment shall rest with the receiving agency. MHSO recommends that the grantee agency maintain an inventory control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. MHSO recommends that the inventory control system include a record and tagging system. MHSO reserves the right to collect the equipment at any time and may elect to allow the Grantee to keep the equipment at the end of the grant period as long as it will continue to be used for highway safety purposes.*
- g. Equipment shall be used by the Grantee for the purpose for which it was acquired as long as needed, whether or not the program continues to be supported by MHSO funds. When no longer needed for the original program, the equipment may be used in other traffic safety activities. Permission to dispose of the equipment must be obtained from MHSO before any action can be taken regarding the equipment. The Grantee must complete the bottom portion of MHSO's Equipment Accountability Form for disposal approval. If the equipment is no longer needed for the purpose for which it was acquired and will not be used for another highway safety project, the equipment may, at the option of the MHSO, become the property of the MHSO.

2. Other Direct Costs

All Materials under Other Direct Costs need to go through the MHSO approval process. Any items where the MVA/MHSO logo or highway safety messaging is warranted must go through the electronic grants pre-approval process. If the Grantee bypasses the pre-approval processes, the MHSO reserves the right to deny the reimbursement expenses. The Grantee should work with their MHSO Program Manager to ensure all pre-approvals are worked through the approval processes correctly.

3. Media & Advertising for Highway Safety Messages

Any funds obligated by this grant for the purchase of paid media are subject to the NHTSA-issued Guidelines for States Using Funds for Purchasing Advertising Space for Highway Safety Messages. The guidelines suggest a strategic communications approach that advocates the use of a sustained high visibility enforcement model coupled with communication resources to be implemented at targeted times and locations based on problem identification. The objective is to influence and sustain year-round behavioral change while getting return on investment and future improvements in highway safety.

4. Travel / Conference and Accommodations

- a. Grantee travel specifically detailed in the grant proposal may require a pre-approval in the electronic grant system. However, if a Grantee only provided minimal or generic travel information, the Grantee is required to submit a pre-approval request for the specific travel. The MHSO reserves the right to deny any travel or training expenses if the Grantee bypasses the MHSO's pre-approval process.
- b. Reimbursement for travel costs shall be subject to the requirements and limitations set forth in the State Travel Regulations established by the Maryland Department of Budget and Management.
- c. Meals that are not provided during a training and or conference are the responsibility of the agency or the individual attending training or the conference and will not be a reimbursable expense for the grantee except

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for very limited exceptions that must be pre-approved by the MHSO Director or Deputy Director.

5. Contractual Services

The Grantee may not enter into a contract with a contractor for any work specified in the grant without prior written consent from the MHSO. The Grantee shall furnish to the MHSO the contract for review and approval prior to contracting the work with the contractor. The MHSO reserves the right to deny reimbursement expenses if the Grantee bypasses MHSO's pre-approval process.

The Grantee, however, shall remain fully responsible for the work to be done by its contractor(s) and shall assure compliance with all the requirements of the grant and Project Terms and Conditions.

6. Project Modifications

If the costs reflected in the cost categories of the grant need to be adjusted, written approval shall be obtained from the MHSO prior to making any expenditure through a project modification. Budget modifications shall be obtained by submitting a Project Modification Request in the electronic grant system, detailing a clear justification to support the request. At no time shall salary and benefits be moved from one position to another without an approved project modification from the MHSO. For all State funded grant the last date to do a Project Modification is April 30th and for Federal funded grant the last date for Project Modification is June 30th.

7. Other Conditions, as Directed

If the Grantee is a law enforcement agency, the following conditions apply:

- a. Any law enforcement agency receiving funds for overtime enforcement is strongly encouraged to follow the guidelines established for vehicular pursuits currently issued by the International Association of Chiefs of Police.
- b. Law enforcement agencies using overtime funds are required to use the best available data to plan and implement enforcement operations (for example: location(s), day of week, time of day should be based on crash and/or citation data).
- c. Scheduled federally funded overtime should not exceed six (6) hours in a 24 hour time period.
- d. The high visibility enforcement model should be used with overtime enforcement operations funded by this grant. This means that when overtime is worked it should be supported by media outreach (for example: press releases, social media, radio and/or television). The MHSO can assist the law enforcement agency with outreach if requested. Participation in all mobilizations/traffic safety enforcement events sponsored by the NHTSA and/or the MHSO is required. An HVE detail consists of two or more officers.
- e. In the event an officer working an MHSO overtime funded assignment is called away from the overtime detail to handle another matter or agency work (calls for service, investigations, lengthy back-ups for incidents other than traffic stops, etc.), the time spent for the non-MHSO work may not be charged to MHSO. Only actual hours worked for the MHSO overtime assignment may be claimed on the law enforcement log for reimbursement. Officer and public safety should always remain a top priority, and responsible discretion should be exercised as to when an officer should be pulled from the MHSO funded effort.
- f. The Certification for the law enforcement overtime portion of any quarterly claim must be certified (signed) by a sworn command officer within that Agency.

III. Project Reporting

1. Quarterly Reports & Reimbursement Claims

- a. A quarterly reimbursement claim must be submitted by the Grantee to the MHSO by January 30th, April 30th, July 30th, and October 30th for **Federal funded grants** and October 30th, January 30th, April 30th and July 15th for **State funded grants** (or monthly as agreed upon by the Grantee and the MHSO). Failure to submit timely, complete and accurate progress reports and claims by the due date may constitute Grantee's irrevocable waiver of any right to thereafter recover from MHSO any part of those waived grant sums which may thereafter be reallocated or reverted by MHSO.
- b. A completed quarterly report shall be submitted by the Grantee whether or not reimbursable expenditures have been made since submittal of the prior period report.
- c. All quarterly reports shall be accompanied by approved supporting documentation (refer to the MHSO supporting document checklist for a full listing of approved documentation). The approved documentation must be uploaded in the electronic grant system.
- d. Requests for reimbursement shall be limited to those expenditures made consistent with the provisions of this Project Agreement and the cost principles set forth in 2 CFR PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS and Title 23 UNIFORM PROCEDURES FOR STATE HIGHWAY SAFETY GRANT PROGRAMS, as applicable, and the Highway Safety Grant Funding Policy for NHTSA/FHWA Field-Administered Grants.
- e. All grants include a maximum amount eligible for reimbursement (reimbursement limitation). Reimbursement costs are the actual costs not to exceed the originally estimated costs. At no time can salary and benefits be moved from one position to another without an approved project modification from the MHSO.
- f. MHSO will withhold or disallow grant payments, reduce or terminate grant funds, and/or deny future grant funding anytime a Grantee fails to comply with any applicable term or condition of this grant.
- g. Claims received after the cutoff date may not be reimbursed. Grantees are responsible for informing their accounting office of the reimbursement claim submission deadlines.
- h. Expenditures incurred prior to the grant execution date, or for costs not outlined in the approved grant will be denied for reimbursement.

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We, the officials named below, hereby certify that we have read and understand the above described Project Terms and Conditions and are duly authorized to legally bind the Grantee to abide by them.

Scott Dunklee
Project Director's Name

Date Signed

Project Director's Signature

Kevin Ward
Authorizing Official's Name

Date Signed

Authorizing Official's Signature