

GUIDELINES FOR STATE HIGHWAY SAFETY GRANT PROGRAMS



The North Dakota Department of Transportation (NDDOT) administers the North Dakota Vision Zero initiative to reduce motor vehicle crash fatalities and serious injuries to zero.

Vision Zero is implemented through the NDDOT's Strategic Highway Safety Plan (SHSP), known as the North Dakota Vision Zero Plan, which identifies North Dakota's priority emphasis areas and evidence-based solutions including education and outreach, law enforcement, policy advancement, roadway safety improvements, and others.

A. STATE HIGHWAY SAFETY GRANT PROGRAMS

The NDDOT Highway Safety Division serves as the State Highway Safety Office (SHSO) for the State of North Dakota. SHSOs receive funds through the National Highway Traffic Highway Safety Administration (NHTSA) to administer behavioral safety programs to reduce fatalities and injuries from motor vehicle crashes nationwide.

In accordance with NHTSA guidelines, the NDDOT Highway Safety Division provides NHTSA funding to entities that apply to administer behavioral highway safety projects. that can achieve measurable safety impacts.

Proposals are evaluated and those deemed to achieve measurable safety impacts are selected for funding and included in the NDDOT's Annual Grant Application to NHTSA which is submitted by July 1 annually. When the application is approved by NHTSA, the Highway Safety Division initiates a subrecipient contract consistent with the federal fiscal year beginning on October 1 and ending September 30.

Federal Grant Requirements

Subrecipients must comply with all applicable state and federal statutes, regulations, and directives in effect with respect to the periods for which the sub-recipient receives grant funding. Applicable provisions include, but are not limited to:

- 23 USC Chapter 4 – *Highway Safety Act of 1966*, as amended
- 2 CFR 200 – *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*
- 23 CFR 1300 – *Uniform Procedures for State Highway Safety Grant Programs*

1. Allowable Costs

Costs are unique to each contract. Costs must be allowable, reasonable, and necessary to complete the scope of work.

Direct Costs

Direct costs include salary and fringe benefits for program staff, supplies, equipment, travel, subcontracts, and other direct costs.

In-State Travel

- **Mileage.** Mileage is reimbursed at the state rate.
- **Meals and Lodging.** Meal and lodging reimbursement is capped at the state per diem rate. However, lodging costs may be approved at a higher rate. A lodging receipt from a commercial place of lodging must be provided in order to receive reimbursement for lodging expenses. Meal receipts are not necessary.
- **Other Travel Expenses.** These expenses may include items such as taxi fares, parking fees, and other miscellaneous expenses. Receipts must be submitted for all miscellaneous expenses.

Out-of-State Travel

- **Meals and Lodging.** Meal and lodging reimbursement is capped at the domestic per diem rate established by the U.S. General Services Administration in accordance with location of travel. A lodging receipt from a commercial place of lodging must be provided in order to receive reimbursement for lodging expenses. Meal receipts are not necessary.
- **Other Travel Expenses.** These expenses may include items such as taxi fares, parking fees, and other miscellaneous expenses. Receipts must be submitted for all miscellaneous expenses.

2. Unallowable Costs

The following costs are not allowable. This list is NOT all-inclusive. See 2 CFR 200.420 through 200.475 related to *General Provisions for Selected Items of Cost*. Federal and state regulations apply.

- Office furnishings and fixtures (desk, chairs, filing cabinet, fixed lighting/lamp, etc.)
- Mainframe computers
- Bad debts
- Contingencies
- Contributions and donations
- Costs incurred by advisory councils or committees
- Entertainment (this includes gift certificates or tickets for any entertainment venue)

- including sporting or musical events)
- Fines and penalties
- Food
- Interest and other financial costs
- Legislative expenses
- Fund raising and investment management costs
- Lobbying
- Planning and administrative costs of application, bid, or proposal preparation
- Costs incurred after the last date covered by the contract
- Vehicles (including ambulances)
- Vehicle and equipment maintenance
- Police officer uniforms and firearms
- Alcoholic beverages
- Alcohol/drug treatment costs
- Other activities or items that are not related to traffic Highway Safety

3. Equipment Management

Any purchase of equipment using contract funds must receive prior approval through the Highway Safety Division.

For equipment approved for purchase with a useful life of more than one year and an acquisition cost of \$5,000 or more, the following applies.

Sub-Recipient Property Management Systems

Sub-recipients must establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of property furnished to them by the Highway Safety Division or purchased through a grant, sub-grant, or other agreement in accordance with their own property management procedures, provided that the procedures are not in conflict with the standards contained in this section or federal property management standards procedures specified in 2 CFR 200.313, *Equipment*, as appropriate.

Equipment and other property acquired under a grant agreement for use in Highway Safety projects shall be used and kept in operation for Highway Safety purposes.

State Agencies: See Highway Safety Division Inventory below.

Local Agencies and Other Non-State Sub-Recipients: Standards for property management described in 2 CFR 200.313 will be used in documenting equipment purchased under a grant agreement.

The contractor shall seek disposition instructions from the Highway Safety Division prior to

disposing of any item of equipment purchased. (Disposition is addressed in detail on the next page.) The sub-recipient may follow their own existing property management standards if they exceed the requirements set out in 2 CFR 200.313.

Sub-Recipient Property Records Requirements

The sub-recipient property management requirements include, but are not limited to, the maintenance of accurate property records. Such records will include:

- A description of the property
- Manufacturer's serial number, model number, federal stock number, national stock number, or other identification number
- Inventory number
- Source of the property (including grant or agreement number)
- Indication of with whom title is vested (generally vests with the sub-recipient)
- Acquisition date
- Percentage (at the end of the budget year) of federal participation in the cost
- Location, use, and condition of the property and the date the information was reported
- Unit acquisition cost
- Ultimate disposition date in accordance with 2 CFR 200.313(e) (including date of disposal and sales price or the method used to determine current fair market value)

Sub-Recipient Inventory

Sub-recipients will maintain an inventory control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. Sub-recipients will provide a copy of their inventory policies and procedures to the Program Manager upon request. Sub-recipients will institute adequate maintenance procedures to keep the property in good condition.

Highway Safety Division Inventory

North Dakota Century Code 54-27-21, Fixed asset minimum reporting value, establishes the requirements that all state agencies must follow regarding asset reporting, and reads:

“All state departments, agencies, boards, bureaus, commissions, industries, and institutions shall include all fixed assets under their control in their financial statements, except those having a value of five thousand dollars or less. The state auditor is authorized to provide for the written exemption of specific fixed assets having a value of more than five thousand dollars when an exemption is justified upon generally accepted accounting principles.”

When a grant-funded item that exceeds the \$5,000 threshold is in the control of the Highway Safety Division, the Highway Safety Division must include the item in the NDDOT's fixed asset reporting.

To track grant-funded equipment purchases, the Highway Safety Division uses a Microsoft Excel spreadsheet which includes the purchasing agency, make and model, serial number, purchase date, and cost. The Highway Safety Division verifies the status of the equipment with the grant-funded entity every two to three years. The results of the verification process are also tracked on the spreadsheet.

To verify equipment status, an email form letter is sent to each agency having possession of Highway Safety Division-funded equipment. The letter requires a response from the agency to certify via electronic response the status of the equipment (i.e., in use or not in use). A response also confirms the equipment is still in the agency's possession.

The Office Manager is responsible to track equipment through disposition or estimated useful life has been exceeded, whichever occurs first.

While there is no requirement that the state physically inventory grant-funded activity, the Highway Safety Division does complete this to some degree through on-site monitoring processes. The Highway Safety Division's *On-Site Monitoring Report* has an area for Program Managers to document responses to the following equipment-related questions and issues:

Was equipment purchased during this contract agreement period?

- Was written approval from the state office obtained prior to equipment purchase?
- Does the sub-recipient have a system in place to tag, control, protect, preserve, use, maintain, and inventory (annually) the property?
- Is equipment still accounted for and being used for designated Highway Safety purposes?
- Verify the source documentation for all expenditures over \$5,000.
- Is equipment certification current?

Disposition

Equipment shall be used by the sub-recipient in the program or project for which it was acquired as long as needed, including after the project or program is no longer supported by federal funds. Upon completion or termination of a traffic Highway Safety grant or sub-grant, or if it is determined by the Highway Safety Division that equipment is no longer needed for the purpose for which it was acquired, the equipment may, at the option of the Highway Safety Division, become the property of the Highway Safety Division.

Permission for any other disposition must be obtained from the Highway Safety Division before any action can be taken regarding the equipment. However, equipment which is no longer tracked by the Highway Safety Division does not require approval of the Highway Safety Division for disposal.

The Highway Division may determine that a unit of equipment is no longer appropriate for tracking by using the following criteria:

- The equipment is no longer used or needed for the original purpose;
- The equipment is damaged beyond repair or salvage; or
- The equipment has passed its expected useful life.

A Depreciation Guide for the estimated useful life of typical traffic Highway Safety equipment has been developed for use by the Highway Safety Division to determine useful life.

B. GRANT APPLICATION INFORMATION

1. Eligible Entities

Grants are awarded to governmental agencies (city, county, state), tribal governments, and for-profit and non-profit organizations.

2. Funding Period

Grants run congruent to the federal fiscal year which is October 1 through September 30 each year.

3. Grant Application Process and Format

Grant documents, including the application, the application cover page, and grant guidelines can be located here: [Grant Applications | NDDOT - Traffic Safety: Vision Zero](#)

A *Grant Application Cover Page* should be completed and signed by the proposed Project Director and the Authorizing Official of the agency making the application. If the agency is subsequently awarded a grant, the Authorizing Official listed on the cover page is the authority who should sign the contract issued by the NDDOT.

The *Grant Application Cover Page* allows sub-recipients to acknowledge that they've reviewed and understand the terms of the grant as outlined in the grant guidance.

Applicants are encouraged to read all grant application instructions carefully and to follow them closely.

4. Required Policies

To support the state and national priorities of increased seat belt use and decreased impaired and distracted driving, the Highway Safety Division requires all contracted entities to have a seat belt use, drug and alcohol driving, and distracted driving/texting policies for agency

personnel. In addition, to these policies please see the attached Program and Financial Monitoring Report for the list of policies required.

Highway Safety Division program managers will locate and review the policies during scheduled on-site and/or virtual monitoring visits. Absence of any policy may result in the Highway Safety Division withholding payment until said policy is put into place.

5. Submittal

Applications should be submitted by May 30 for consideration for funding in the following fiscal year (October 1 – September 30). Applications can also be submitted during a fiscal year. Consideration will be provided for funding in the year of application or the following fiscal year as funding allows.

Applications should include appropriate signatures and can be submitted via email to dottrafficgrp@nd.gov.

6. Risk Management

Agencies receiving a notice of grant award from the Highway Safety Division may need to provide the following risk management assurances: (1) a general liability insurance policy, (2) workers compensation, and (3) proof of automobile liability insurance.

A government agency covered through the North Dakota Insurance Reserve Fund will meet the risk management provisions of the NDDOT.

7. Certifications and Assurances

As part of the contract execution process, recipients must comply with the Certifications and Assurances provided as Attachment 1, which will be Appendix B of the Contract.

C. Subrecipient Contracts and Monitoring

Contracts are fully executed when signed by the sub-recipient and the NDDOT Director, typically in the months of September and October, but will have an October 1 start date unless otherwise specified in the contract terms. Contracts delayed for signature in the month of October (for example, a political subdivision's inability to appear before the city/county commission for contract approval) are signed as soon as practicable but are still retroactive to the October 1 start date.

Highway Safety Division program managers monitor sub-recipients throughout the contract year via the following activities:

- Conduct risk assessment to determine the level of monitoring prior to issuing contract (See attached, Risk Assessment form)
- Ongoing contact through emails, phone calls, meetings, and correspondence
- On-site monitoring reviews of project operations, management, and financial systems (See attached Program and Financial Monitoring Report)
- Ongoing review of progress reports
- Ongoing review and approval of claims
- Conduct closeout of contract which includes ensuring that all administrative actions and objectives and goals have been completed by contract end date.

Each agency funded through the Highway Safety Division must report on contract activities and submit a monthly or quarterly report and request for reimbursement as specified in the contract.

Generally, the following rules are established for reporting and reimbursement.

- Expenses are paid on a reimbursement basis only. No advances are permitted.
- If a written narrative is required, it must be submitted within 30 days of the end of the month/quarter worked.
- The voucher must be submitted within 30-45 days of the end of the activities for the month/quarter (as specified in the contract scope).
- With few exceptions, contracts require a final report. An equipment purchase, such as radar, may only require a copy of the invoice.
- The final report is due no later than November 14 (45 days after the end of the federal fiscal year). **A reimbursement request made after this date will not be reimbursed.**

D. Questions

Grant questions can be directed to the Highway Safety Division by calling 701-328-2402 or emailing dottrafficgrp@nd.gov.

ATTACHMENT 1

NHTSA CERTIFICATIONS AND ASSURANCES

Appendix A to Part 1300—Certifications and Assurances for Highway Safety Grants

[Each fiscal year, the Governor's Representative for Highway Safety must sign these Certifications and Assurances affirming that the State complies with all requirements, including applicable Federal statutes and regulations, that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption.]

State: North Dakota

Fiscal Year: 2025

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, Public Law 109-59, as amended by Section 25024, Public Law 117-58, the State Highway Safety Office acknowledges and agrees to the following conditions and requirements. In my capacity as the Governor's Representative for Highway Safety, I hereby provide the following Certifications and Assurances:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended;
- Sec. 1906, Public Law 109-59, as amended by Sec. 25024, Public Law 117-58;
- 23 CFR part 1300—Uniform Procedures for State Highway Safety Grant Programs;
- 2 CFR part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- 2 CFR part 1201—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

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) 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:
 - (i) the entity in the preceding fiscal year received—
 - (I) 80 percent or more of its annual gross revenues in Federal awards;
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- 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. The NHTSA website (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
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))

I understand that my statements in support of the State's application for Federal grant funds are statements upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.

Click here to validate form fields and permit signature

8/1/24

Signature Governor's Representative for Highway Safety

Date

Ronald J. Henke

Printed name of Governor's Representative for Highway Safety

ATTACHMENT 2

PROGRAM AND FINANCIAL MONITORING REPORT

PROGRAM AND FINANCIAL MONITORING REPORT

North Dakota Department of Transportation, Safety

SFN 18039 (2-2025)

Date of Review	Project Number	Fiscal Year
Agency Name		
Project Name		
Brief Description		
Contract Start Date	Contract End Date	
Program Coordinator Name		
Name of Person(s) Contacted to Arrange Monitoring Review	Title of Person(s) Contacted to Arrange Monitoring Review	
Month Selected to Complete Monitoring Review (Obtain all supporting financial documents for claims filed during this month & attach them.)		
Date Monitoring Review Notice Sent to Agency	Date the Safety Program Manager Completed the Monitoring Report	
Review completed by: (choose one) <input type="checkbox"/> Telephone <input type="checkbox"/> On-site <input type="checkbox"/> Video Conference		
Agency Signature (acknowledging review of the monitoring report)		

CONTRACT ADMINISTRATION

	Yes	No	N/A	Comments, if any
1. Are the project goals/objectives and milestones on schedule?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Are monthly or quarterly report forms current and complete?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Are there any special accomplishments identified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Are there any problems identified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Is there a need for budget or activity revisions to facilitate the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Were budget revision requests submitted timely?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Are there any special contract terms or constitutions that require monitoring?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Is the contract consistent with the approved Highway Safety Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. If Single Audit or Financial audit issues were found that have a bearing on this contract, have those been resolved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Are there new personnel or new or substantially changed systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Does the agency receive funding directly from a federal agency, if yes, provide the text and results of the federal agency monitoring results.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Does your agency have a Limited English Proficiency Plan (LEP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Is your staff trained on the LEP plan and how to provide service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Contract Administration Review (if not addressed above)

Agency Policies

	Yes	No	N/A	Explanation, if needed.
1. Is a written drug and alcohol driving policy in place as required per contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is a written seat belt use policy in place as required per contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Is a written distracted driving/texting policy in place as required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Does the agency have a written payroll and compensation policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Agency Policy Review (if not addressed above)

FINANCIAL

	Federal	Match	Local	Program Income
Contract amount				
Costs reimbursed to date				
Difference				
Match claimed to date				
	Yes	No	N/A	Explanation, if needed.
1. Were claimed costs eligible for reimbursement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Were vouchers submitted on a regular and timely basis?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Is program match documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Are funds being expended appropriately for approved activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Are adequate records being maintained regarding all project costs and activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Do fiscal documents agree with reimbursement claims?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Are grant funds identified separately in the grantee's official accounting records?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Is program income generated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Is program income identified separately in the grantee's official accounting records?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Is program income spent for the benefit of the program?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Are supporting documents for grants and/or sub-grants filed in such a manner to be readily located?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Yes	No	N/A	Explanation, if needed.
12. Is there documentation on file to support the local match claims?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
a. Fair market wages for volunteers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. Costs and contributions counting toward satisfying a cost sharing or matching requirement must be verifiable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Has pre-approval been obtained as required (for out-of-state travel, equipment purchases, promotional items, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Financial Review (if not addressed above)

PERSONNEL/TIMEKEEPING

	Yes	No	N/A	Explanation, if needed.
1. Are methods in place to account for the time of sub-grantee employees who work on other activities in addition to this grant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Describe the timekeeping system used. (Obtain a copy of the form used.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Are timesheets completed for all personnel working on the grant and signed by a supervisor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Do the fringe benefits being paid match current fringe benefit calculations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Personnel/Timekeeping Review (if not addressed above)

EQUIPMENT

	Yes	No	N/A	Explanation, if needed.
1. Was equipment purchased during this contract agreement period? (if no, skip questions 2--6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Was written approval from the state office obtained prior to equipment purchase?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Does the sub-grantee have a system in place to tag, control, protect, preserve, use, maintain, and inventory(annually) the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Is equipment still accounted for and being used for designated highway safety purposes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Verify the source documentation for all expenditures over \$5,000.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Is equipment certification current?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Equipment Review (if not addressed above)

EVALUATION

	Yes	No	N/A	Explanation, if needed.
1. Is the sub-grantee evaluating the effectiveness of grant activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Yes	No	N/A	Explanation, if needed.
2. What process evaluation data exists? (For example, citations and warnings for enforcement projects, newspaper, clippings for public information projects, attendance rosters for training events, survey or questionnaire results, data analysis reports, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Has any other form of evaluation been completed (outcomes-based)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Can we determine, at this point, the programmatic effectiveness of this project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Evaluation Review (if not addressed above)				
Corrective Action Review (if not addressed above)				
Other Comments				

ATTACHMENT 3

RISK ASSESSMENT

North Dakota Department of Transportation

Highway Safety Division

Risk Assessment

Subrecipient:		Subrecipient UEI#:	
Sub-Award Description:			
Sub-Award Period:		Review Date:	
Monitor Period:		Reviewer:	
Funding Amount(s) Requested:			

Determine if the subrecipient is suspended or debarred

- a. Was the Federal Debarment and Suspension List checked for this entity? Yes ☐ No ☐
- b. Was the entity's name missing from the list (not suspended and not debarred)? Yes ☐ No ☐

Note: If the subrecipient is suspended or debarred do not issue a contract and/or terminate the existing contract.

1. Determine if the subrecipient had prior experience with same or similar sub-awards

- a. Has the entity had federal or state grants similar to this award? Yes ☐ No ☐
- b. Has the entity had at least 3 years of experience with federal grants? Yes ☐ No ☐

2. Determine the results of previous audits

- a. Did the subrecipient receive a single audit in accordance with 2 CFR Part 200 Subpart F?
Yes ☐ No ☐ NA ☐
- b. Was the same or similar sub-award audited last year? Yes ☐ No ☐ NA ☐
- c. Was the audit opinion unqualified (i.e. clean, no audit exceptions)? Yes ☐ No ☐ NA ☐
(*No to this question may signify medium or high risk.)
- d. Did the outcome of the audit show complete and sound accounting methods? Yes ☐ No ☐ NA ☐

3. Determine if the subrecipient has new personnel or new or substantially changed systems

- a. Has the subrecipient's staff remained unchanged during the previous 2 years? Yes ☐ No ☐
- b. Has the subrecipient's organization remained unchanged during the previous year? Yes ☐ No ☐
- c. Is the subrecipient's accounting system the same as the previous year? Yes ☐ No ☐

4. Determine the extent of Federal awarding agency monitoring (e.g. if the subrecipient also receives federal awards directly from a federal awarding agency)

- a. Does the entity receive monitoring from a Federal awarding agency? Yes ☐ No ☐ NA ☐
- b. Did the Federal agency determine that there were no financial issues? Yes ☐ No ☐ NA ☐
- c. Did the Federal agency determine that there were no compliance issues? Yes ☐ No ☐ NA ☐

5. Determine if the entity has been consistently accurate in the submission of the following:

- a. Grant applications Yes ☐ No ☐
- b. Amendments Yes ☐ No ☐ NA ☐
- c. Finance/expense reports Yes ☐ No ☐
- d. Programmatic reports Yes ☐ No ☐
- e. Budgets/revisions Yes ☐ No ☐ NA ☐

North Dakota Department of Transportation

Highway Safety Division

Risk Assessment

6. **Determine if the entity has been consistently on time in the submission of the following:**

- a. Grant applications Yes ☐ No ☐
- b. Amendments Yes ☐ No ☐ NA ☐
- c. Finance/expense reports Yes ☐ No ☐
- d. Programmatic reports Yes ☐ No ☐
- e. Budgets/revisions Yes ☐ No ☐ NA ☐

Comment (on any of the above items):

RATING SCALE/SCORE:

0 – 3 No's	Subrecipient is considered low risk for monitoring	LOW
4 – 7 No's	Subrecipient is considered medium risk for monitoring	MED
8 – 14 No's	Subrecipient is considered high risk for monitoring	HIGH

Subrecipient Rating/Score:

Based on this rating/score your agency will be subject to the following monitoring:

☐ **Low Risk**

1. Review audit reports and determine how material any audit findings are in the audit reports and whether they pose an increased risk to subrecipients' abilities to comply and carry out their Scope of Work; and
2. Review subrecipient invoices to ensure that:
 - a. Work is performed within the project period (and any applicable budget periods);
 - b. They are complete and accurate; and
 - c. The expenditures are allowable per subaward budgets and university's Principal Investigator (PI) approves as acceptable to issue payment.

☐ **Medium Risk**

1. Perform all review steps as listed in the "Low Risk" category in addition to the following.
2. Request expenditure detail as supporting documentation for invoices on a monthly or quarterly basis, and evaluate documentation received for sufficiency; and
3. Request and review financial reports more frequently.

☐ **High Risk**

1. Perform all review steps as listed in the "Low Risk" and "Medium Risk" categories in addition to the following:
 - a. Request expenditure detail as supporting documentation for all invoices;
 - b. Maintain regular contact with subrecipients' PIs to ensure subrecipients are meeting programmatic expectations and document communication in subaward files;
 - c. Exercise the option to audit or consider performing a site visit or desk review; and
 - d. Withhold payments to subrecipients if deemed necessary.