

<b>1. GRANT TITLE</b> Pedestrian and Bicycle Safety Program	
<b>2. NAME OF AGENCY</b> Chula Vista Police Department	<b>3. Grant Period</b> From: 10/01/2023 To: 09/30/2024
<b>4. AGENCY UNIT TO ADMINISTER GRANT</b> Chula Vista Police Department	
<b>5. GRANT DESCRIPTION</b> Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving pedestrians and bicyclists. The funded strategies may include classroom education, bicycle rodeos, community events, presentations, and workshops. These countermeasures should be conducted in communities with high numbers of pedestrian and/or bicycle related crashes including underserved communities, older adults, and school-aged children. Coordinated efforts such as Safe Routes to School initiatives, Safe System Approach, and working with community based organizations are highly encouraged to prevent fatalities and injuries of vulnerable non-motorized road users.	
<b>6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$164,000.00</b>	
<p><b>7. TERMS AND CONDITIONS:</b> The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement:</p> <ul style="list-style-type: none"> <li>• Schedule A – Problem Statement, Goals and Objectives and Method of Procedure</li> <li>• Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)</li> <li>• Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable)</li> <li>• Exhibit A – Certifications and Assurances</li> <li>• Exhibit B* – OTS Grant Program Manual</li> <li>• Exhibit C – Grant Electronic Management System (GEMS) Access</li> </ul> <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: <a href="http://www.ots.ca.gov">www.ots.ca.gov</a>.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.          IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
<b>8. Approval Signatures</b>	
<p><b>A. GRANT DIRECTOR</b>                  NAME: Brian Carter                  TITLE: Police Agent                  EMAIL: <a href="mailto:bcarter@chulavistapd.org">bcarter@chulavistapd.org</a>                  PHONE: (619) 476-5331                  ADDRESS: 315 Fourth Avenue                  Chula Vista, CA 91910</p> <p>_____                  (Signature)                      (Date)</p>	<p><b>B. AUTHORIZING OFFICIAL</b>                  NAME: Roxana Kennedy                  TITLE: Chief of Police                  EMAIL: <a href="mailto:rkennedy@chulavistapd.org">rkennedy@chulavistapd.org</a>                  PHONE: (619) 691-5150                  ADDRESS: 315 Fourth Avenue                  Chula Vista, CA 91910</p> <p>_____                  (Signature)                      (Date)</p>
<p><b>C. FISCAL OFFICIAL</b>                  NAME: Yeelin Cheung                  TITLE: Principal Management Analyst                  EMAIL: <a href="mailto:ycheung@chulavistapd.org">ycheung@chulavistapd.org</a>                  PHONE: (619) 691-5128                  ADDRESS: 315 Fourth Avenue                  Chula Vista, CA 91910</p> <p>_____                  (Signature)                      (Date)</p>	<p><b>D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY</b>                  NAME: Barbara Rooney                  TITLE: Director                  EMAIL: <a href="mailto:barbara.rooney@ots.ca.gov">barbara.rooney@ots.ca.gov</a>                  PHONE: (916) 509-3030                  ADDRESS: 2208 Kausen Drive, Suite 300                  Elk Grove, CA 95758</p> <p>_____                  (Signature)                      (Date)</p>

<p>E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY</p> <p>NAME: Carolyn Vu</p> <p>ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758</p>	<p><b>9. SAM INFORMATION</b></p> <p>SAM #: KVBYLRZMAGJ9</p> <p>REGISTERED</p> <p>ADDRESS: 276 Fourth Avenue</p> <p>CITY: Chula Vista</p> <p>ZIP+4: 91910-2631</p>
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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
				<b>AGREEMENT TOTAL</b>		<b>\$164,000.00</b>
				AMOUNT ENCUMBERED BY THIS DOCUMENT		<b>\$164,000.00</b>
<p><i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i></p>				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		<b>\$ 0.00</b>
				TOTAL AMOUNT ENCUMBERED TO DATE		<b>\$164,000.00</b>
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED			

**1. PROBLEM STATEMENT**

As of 2022, the City of Chula Vista is the second-largest city in San Diego County with a population over 283,000 that covers fifty-two square miles, and is located within a FHWA Focus Region for pedestrian-involved fatal and injury crashes.

Local traffic crash data shows that a significant number of pedestrians and bicyclists are hit and injured each year, and Chula Vista has seen a corresponding increase in the number of pedestrian-involved fatal traffic crashes. In 2021, the City of Chula Vista had an increase in the number of fatal crashes involving pedestrians with 8 fatalities, which is an increase compared to 2 fatal pedestrian-involved crashes in 2020. The fatal pedestrian crashes are not specific to an exact area of Chula Vista and have occurred throughout the 24-hour day. However, the City of Chula Vista has not had a fatal crash involving a bicyclist since 2019.

The City of Chula Vista has 49 elementary schools, 7 middle schools, 14 high schools and 3 San Diego trolley stations. There are also numerous senior living centers throughout the City of Chula Vista. The morning and afternoon commute includes numerous people walking and riding a bicycle to school or work.

With the passing of the Freedom to Walk Act that took effect in January 2023, the Chula Vista Police Department expects the number of pedestrian-involved crashes to increase. The Chula Vista Police Department believes increasing public awareness and community relations through education are some of the best tools available in reducing tragedies related to pedestrian- and bicyclist-involved crashes.

**2. PERFORMANCE MEASURES**

**A. Goals:**

1. Reduce the number of persons killed in traffic crashes.
2. Reduce the number of persons injured in traffic crashes.
3. Reduce the number of pedestrians killed in traffic crashes.
4. Reduce the number of pedestrians injured in traffic crashes.
5. Reduce the number of pedestrians killed under age 15 in traffic crashes.
6. Reduce the number of pedestrians injured under age 15 in traffic crashes.
7. Reduce the number of pedestrians killed over age 65 in traffic crashes.
8. Reduce the number of pedestrians injured over age 65 in traffic crashes.
9. Reduce the number of bicyclists killed in traffic crashes.
10. Reduce the number of bicyclists injured in traffic crashes.
11. Reduce the number of bicyclists under age 15 killed in traffic crashes.
12. Reduce the number of bicyclists under age 15 injured in traffic crashes.
13. Increase bicycle helmet usage.

**B. Objectives:**

	<b>Target Number</b>
1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at <a href="mailto:pio@ots.ca.gov">pio@ots.ca.gov</a> , and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	1
2. Participate in traffic safety fairs and/or community events with an effort to reach individuals.	5
3. Participate in the following campaigns: National Walk to School Day, National Bicycle Safety Month, California's Pedestrian Safety Month and National Pedestrian Safety Month.	4
4. Distribute pedestrian/bicycle safety items at no cost to youth or community members in need, during bicycle rodeos, presentations, workshops, trainings, and community events to increase safety and visibility.	1
5. Conduct pre and post-grant activities bicycle helmet usage surveys during the months of October (start of the grant) and September (end of the grant). A pre-	2

survey will be required to determine the base year helmet use rate and a post-survey will be required to determine the operational rate. Upload completed survey to GEMS.	
6. Conduct bicycle rodeos with an effort to reach individuals.	4
7. Conduct community engaged bicycle and/or walk audits at locations identified to have a high incidence of pedestrian and/or bicycle fatal or serious injury traffic crashes or "near misses".	8
8. Conduct Safety-Oriented Presentations for a minimum of 10 participants per presentation with at least 2 conducted for students, 2 for older adults, and 2 for the disability community to offer training and support for safe user behavior on a variety of active transportation safety modes within the public right-of-way, including the ongoing Crash Not Accident campaign. When reporting, include date/location, total number of participants, and a short summary of key transportation and/or safety concerns that were addressed at each location.	10
9. Conduct Walk this Way/Share the Road pedestrian safety education assemblies for a minimum of 20 individuals at each participating elementary, middle and high school to educate students on the '5 Steps' to safely crossing the street (Walk this Way) and some assemblies targeted for older students as they become more autonomous road users (Share the Road). When reporting, include date/location and total number of participants.	12
10. Conduct Walk and Bike to School Day events for a minimum of 50 participants per event, at schools within the City of Chula Vista, to provide education and safety tips to students and/or parents/guardians for all modes of active transportation. When reporting, include date/location and total number of participants.	6
11. Conduct a Quick-Build Demonstration, supporting the design/installation of short-term infrastructure used for traffic calming and safe street design projects to address safety issues. The objective is to reach at least 100 people during a one-day demonstration, and significantly more, if installed for a longer duration. When reporting, include date/location, potential number of individuals impacted, and a short summary of key transportation and/or safety concerns addressed.	1
12. Execute subcontract referenced in the budget. Prior to finalizing the subcontract, grantee will work with the OTS to ensure all costs in the subcontract are allowable. Upon execution of subcontract, upload a copy of the subcontract and request a revision to the grant budget to add new budget line items for associated costs under contractual services. If not yet executed, provide ETA.	1
13. Park(ing) Day is a global, public participatory activity that has been taking place since 2005. It is an event that occurs in September and includes the temporary repurposing of an on-street parking space for other public use. This can include parklets with space for public safety messaging. For the purposes of this program, the space will be used to showcase how streets can be repurposed to provide better active transportation safety for local communities, along with pedestrian, bicycle, and/or scooter safety programming and activities that will serve as the framework for participation in Park(ing) Day. When reporting, include date/location, potential number of individuals impacted, and a short summary of key transportation and/or safety concerns addressed.	1
<b>3. METHOD OF PROCEDURE</b> <b>A. <u>Phase 1 – Program Preparation</u> (1<sup>st</sup> Quarter of Grant Year)</b> <ul style="list-style-type: none"> <li>Develop operational plans to implement the “best practice” strategies outlined in the objectives section.</li> <li>All training needed to implement the program should be conducted in the first quarter.</li> <li>All grant related purchases needed to implement the program should be made in the first quarter.</li> </ul> <u>Media Requirements</u> <ul style="list-style-type: none"> <li>Issue a press release approved by the OTS PIO announcing the kick-off of the grant by November 15, but no sooner than October 1. The kick-off release must be approved by the OTS PIO and only distributed after the grant is fully signed and executed. If you are unable to meet the</li> </ul>	

## **B. Phase 2 – Program Operations (Throughout Grant Year)**

### Media Requirements

The following requirements are for all grant-related activities:

- Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy your OTS coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the Coordinator.
- Pre-approval is not required when using any OTS-supplied template for media advisories, press releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and your OTS coordinator when any material is distributed to the media and public, such as a press release, educational material, or link to social media post. The OTS-supplied kick-off press release templates and any kickoff press releases are an exception to this policy and require prior approval before distribution to the media and public.
- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy to your OTS Coordinator. Optimum lead time would be 7 days prior to the scheduled release date, but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Press releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are exempt from the OTS PIO approval process. The OTS PIO and your Coordinator should still be notified when the grant-related activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).
- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are exempt from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and your Coordinator with embargoed date and time or with “INTERNAL ONLY: DO NOT RELEASE” message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval. Please send to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy your grant coordinator at least 3 business days prior to the scheduled release date.
- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints, etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.
- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator for approval prior to the production or duplication.
- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult your OTS Coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.

- Email the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety event or program, particularly events that are highly publicized beforehand with anticipated media coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.
- Any press releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- Contact the OTS PIO or your OTS Coordinator for consultation when changes from any of the above requirements might be warranted.

**C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)**

1. Prepare and submit grant claim invoices (due January 30, April 30, July 30, and October 30)
2. Prepare and submit Quarterly Performance Reports (QPR) (due January 30, April 30, July 30, and October 30)
  - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
  - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
  - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
  - Collect, analyze and report statistical data relating to the grant goals and objectives.

**4. METHOD OF EVALUATION**

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

**5. ADMINISTRATIVE SUPPORT**

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
402PS-24	20.600	State and Community Highway Safety	\$164,000.00

COST CATEGORY	FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
<b>A. PERSONNEL COSTS</b>				
<u>Straight Time</u>				\$0.00
<u>Overtime</u>				\$0.00
Category Sub-Total				\$0.00
<b>B. TRAVEL EXPENSES</b>				
				\$0.00
				\$0.00
Category Sub-Total				\$0.00
<b>C. CONTRACTUAL SERVICES</b>				
Pedestrian and Bicycle Safety Education Program - \$161,500	402PS-24	\$161,500.00	1	\$161,500.00
Traffic Safety Fairs/Community Events	402PS-24	\$0.00	5	\$0.00
State and National Campaigns	402PS-24	\$0.00	4	\$0.00
Helmet Usage Surveys	402PS-24	\$0.00	2	\$0.00
Bike Rodeos	402PS-24	\$0.00	4	\$0.00
Walking Field Trips/Walk Audits	402PS-24	\$0.00	8	\$0.00
Safety-Oriented Presentations	402PS-24	\$0.00	10	\$0.00
Walk This Way and/or Share the Road Assemblies	402PS-24	\$0.00	12	\$0.00
Walk and Bike to School Days	402PS-24	\$0.00	6	\$0.00
Quick-Build Demonstration	402PS-24	\$0.00	1	\$0.00
Park(ing) Day	402PS-24	\$0.00	1	\$0.00
Category Sub-Total				\$161,500.00
<b>D. EQUIPMENT</b>				
				\$0.00
Category Sub-Total				\$0.00
<b>E. OTHER DIRECT COSTS</b>				
				\$0.00
Category Sub-Total				\$0.00
<b>F. INDIRECT COSTS</b>				
De Minimis 10%	402PS-24		1	\$2,500.00
Category Sub-Total				\$2,500.00
<b>GRANT TOTAL</b>				<b>\$164,000.00</b>

<b>BUDGET NARRATIVE</b>
<p><b>PERSONNEL COSTS</b></p> <p>-</p>
<p><b>TRAVEL EXPENSES</b></p> <p>-</p>
<p><b>CONTRACTUAL SERVICES</b></p> <p>Pedestrian and Bicycle Safety Education Program - \$161,500 - The Chula Vista Police Department will seek a contractor to assist with fulfilling the goals and objectives of this grant. Work rendered for the Pedestrian and Bicycle Safety Education Program will include the following expenses: fees to perform multilingual services such as grant-funded virtual and on-bike traffic safety education courses, community outreach, bike rides, walks and traffic safety item distributions at community events.</p> <p>Prior to finalizing the subcontract, grantee will work with OTS to ensure the subcontract budget and all costs allowable. Upon execution of subcontract, grantee will provide a copy of the subcontract to OTS and will request a grant budget revision to include the associated costs of the subcontract in the grant budget as a prerequisite for claiming these costs.</p> <p>Traffic Safety Fairs/Community Events - The non-profit organization will participate in five (5) traffic safety fairs and/or community events. This may also include Open Streets events. Events will proactively engage youth, older adults, and persons with disabilities, to provide education on pedestrian, bicycle, and/or scooter safety. The non-profit organization will leverage existing partnerships with schools, community-based organizations, and other partners across the City of Chula Vista to identify relevant and appropriately diverse populations and locations in which to participate. Costs associated with this task include staff time, content development, in-person activities, printing, and incentives such safety guides, including OTS-branded materials, bike lights, or other ped/bike safety items. The objective is to speak with at least 30 people per event.</p> <p>Five (5) Traffic Safety Fair, Community, and/or Open Streets events x \$2,500 each = \$12,500</p> <p>State and National Campaigns - Cost to include developing content for each of the four (4) OTS-approved bicycle and pedestrian safety campaigns. One deliverable will be associated with each campaign. This may include a press release, presentation, social media campaign, and/or participation or hosting an event in support of the respective campaign. The four (4) campaigns include: California Pedestrian Safety Month (September), National Bicycle Safety Month (May), National Walk to School Day (October), and National Pedestrian Safety Month (October). Activities conducted in support of the two (2) October campaigns will be coordinated to ensure that programming is complimentary but not redundant. Content developed for social media will be disseminated via the non-profit's multiple social media platforms, allowing messaging to have a wide range of prospective viewers. The posts as well as the number of views and reactions will be submitted as evidence with the respective invoice. Costs associated with this task include staff time, content development, any in-person activities, printing, and incentives such safety guides, including OTS-branded materials, bike lights, or other items for in-person activities. The objective is for at least 100 people to view social media posts and 15 people to attend in-person activities.</p> <p>Four (4) State and National Safety Campaign activities x \$1,000 each = \$4,000</p> <p>Helmet Usage Surveys - The non-profit organization will lead a pre- and post-program helmet survey during the months of October (start of the grant) and September (end of the grant) at one (1) location within proximity to both a school and high-crash corridor. A pre-survey is required to determine the base year helmet use rate and the post-survey required to determine the operational rate. The location will be based on crash data and approved by CVPD and OTS prior to conducting. A bike safety assembly or educational module will be presented between surveys to assess the effects of education on helmet usage. The target audience will be high-school students as evidence suggests they are less likely to wear a helmet even if they have access to one than younger students. Costs associated with this task include staff time, crash analysis,</p>

identification of the helmet survey location, pre- and post-observation, and a written/graphic summary no more than four (4) pages in length.

Pre- and Post-Helmet Usage (2) Survey events x \$1,500 each = \$3,000

Bike Rodeos - The local non-profit will conduct four (4) bike rodeos at schools and/or community events to educate participants on rules of the road and allow them to practice evasive maneuvers and develop their riding skills in a safe, off-street type environment. Information will also be shared regarding use and safety considerations associated with an e-bike versus a fully manual bike. A certified League Cycling Instructor (LCI) on staff who will be leading these events. Costs associated with this task include staff time, program development, in-person activities, printing, and distribution of safety guides, including OTS-branded materials, bike lights, or other ped/bike safety items. The objective is for at least 20 people to participate in each rodeo.

Four (4) Bike Rodeo events x \$3,500 each = \$14,000

Walking Field Trips/Walk Audits - The non-profit will analyze the most recent five-year crash data timeseries for the City of Chula Vista to identify high-crash and high-injury corridors. This data will be used to identify corridors for walking field trips to further evaluate potential root causes for such conditions. It may be appropriate to conduct walking field trips with students who attend schools along and within proximity to these corridors. This has been particularly effective as a way to engage the younger demographic in an active setting, hear from them about their needs and how they interact with the right-of-way, and educate them on safe user behavior. In addition to the walking field trips, the non-profit organization will prepare a two-page fact sheet after each walking field trip that includes maps of crash data and observed deficiencies and challenges that create unsafe and/or uncomfortable conditions, photos of observed conditions, and a brief summary. This information can be shared with school administrators and/or other community groups as well as City of Chula Vista staff who work to prioritize capital investment. Costs associated with this task include staff time, content development, route identification, mapping, printing of site visit materials, and incentives such as safety guides, bike lights, or other items for participating students. The objective is for at least 10 people to attend each walking field trip.

Eight (8) Walking Field Trip/Walk Audit events x \$4,500 each = \$36,000

Safety-Oriented Presentations - The non-profit organization will prepare content for, schedule, and conduct 10 presentations with different populations across the City of Chula Vista. This will include community groups, students, older adults, and the disabled community, among others. The non-profit will offer a variety of presentations to different audiences, allowing them to select the topics of most relevance to them. All presentations will be designed to encourage and support safe user behavior within the public right-of-way. Presentation types may include the ongoing Crash Not Accident campaign, mobility for older adults, and pedestrian and/or bike safety for kids, among others. 10 presentations are proposed in total. Of this, at least two (2) will be conducted with students, two (2) will be conducted with older adults and two (2) will be conducted with the disabilities community. Costs associated with this task include staff time, content development, and any printed material that accompanies the presentations. The objective is for between 10-20 people to participate in each presentation.

Ten (10) Safety-Oriented presentations x \$2,000 each = \$20,000

Walk This Way and/or Share the Road Assemblies - The non-profit organization will lead pedestrian and/or bicycle education safety assemblies at 12 elementary, middle, or high schools across the City of Chula Vista. It may be appropriate to pair an assembly with a helmet usage survey to further increase the benefit of this programming. The Walk This Way assemblies aim to educate elementary school students on the five steps to crossing the street safely while the Share the Road assemblies are designed for older students as they become more autonomous road users. The Share the Road assemblies address traffic safety from the perspective of all roadway users and educate students on the dangers of distracted driving. Information about the use and safety considerations when using an e-bike versus a fully manually bike will be included. Costs associated with this task include staff time, content development, school coordination, and incentives such as safety guides, bike lights, or other items for participating students. The objective is for at least 20 students to attend each assembly, but this may vary by class.

Twelve (12) Walk This Way and/or Share the Road assemblies x \$2,000 each = \$24,000

Walk and Bike to School Days - The non-profit organization will conduct Walk and Bike to School Day events at designated locations across the City of Chula Vista. These events encourage the participation of

both students and parents/guardians and is a fun way to leave the car at home and spend some active time together. Education and safety tips on all modes of active transportation will be provided to participants. Additional items may be purchased if approved by OTS. Items shall include a traffic safety message and if space is available the OTS logo. Costs associated with this task include staff time, content development, school coordination, and incentives such as safety guides, bike lights, or other items for participating students. The objective is to engage at least 50 students during each event.

Six (6) Walk and Bike to School Day events x \$3,000 each = \$18,000

Quick-Build Demonstration - The non-profit organization will coordinate with the City of Chula Vista to educate residents about traffic calming and safe street design through supporting the design and installation of a short-term quick-build infrastructure project. The non-profit organization will work with community leaders and organizations as well as City of Chula Vista staff to ensure that the demonstration project that is brought to the community is meaningful. The demonstration project may include temporary traffic calming treatments such as reducing travel lane widths, vertical speed management such as speed humps, horizontal speed management such as chicanes or curb extensions, and/or art installations in curb extensions or crosswalks to slow drivers. Artistic features also have an element of placemaking. The non-profit organization will work with the City of Chula Vista to obtain any necessary permits. Costs associated with this deliverable include staff time, content development, graphic design, permit preparation and fees, installation (and removal if required), printed materials, and materials needed for the installation itself. Depending on the permit type determined by the City, the installations will either be one day or longer term but still temporary. The number of people who would engage with the demonstrations would therefore vary. The objective is to reach at least 100 people during one-day demonstrations and significantly more if installed for a longer duration.

One (1) Quick-Build Demonstration project X \$20,000 = \$20,000

Park(ing) Day - Park(ing) Day is a global, public participatory activity that has been taking place since 2005. It is an event that occurs in September and includes the temporary repurposing of an on-street parking space for other public use. This can include parklets with space for public safety messaging. The non-profit organization will propose participating in this global movement to showcase how our streets can be repurposed to provide better active transportation safety for local communities. The non-profit organization will develop pedestrian, bicycle, and/or scooter safety programming and activities that will serve as the framework for participation in Park(ing) Day. The non-profit organization will work with the City of Chula Vista to obtain any necessary permits. Costs associated with this deliverable include staff time, content development, graphic design of any printed material, permit preparation and fees, printing fees, and any other supplies and equipment that might be necessary to support the activities. The non-profit organization will identify a number of potentially high foot traffic areas to help inform the preferred location to maximize participation. The objective is to engage at least 50 people, depending on duration and approved location.

One (1) Park(ing) Day project x \$10,000 = \$10,000

**EQUIPMENT**

-

**OTHER DIRECT COSTS**

-

**INDIRECT COSTS**

De Minimis 10% - 10% de minimus up to the first \$25,000 of each subaward. 2 CFR Part 200.

**STATEMENTS/DISCLAIMERS**

There will be no program income generated from this grant.

**Certifications and Assurances for Fiscal Year 2024 Highway Safety Grants (23 U.S.C. Chapter 4 or Section 1906, Public Law 109-59, as amended by Section 25024, Public Law 117-58)**

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies, and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

**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.

**NONDISCRIMINATION**

**(applies to all 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 (c) 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) 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 Subgrantee 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 all 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 all 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 all 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 all subrecipients as well as States)**

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

## **POLICY ON SEAT BELT USE**

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

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

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