

RESOLUTION # _____ - _____

**RESOLUTION OF THE TOWNSHIP OF NORTH BRUNSWICK
AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A FEDERAL GRANT
FROM THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY,
DIVISION OF HIGHWAY TRAFFIC SAFETY**

WHEREAS, the Township of North Brunswick desires to apply for the “2022 Distracted Driving Statewide Crackdown” reimbursement funds in the amount of \$12,250.00 to provide enforcement and reduce the number of motor vehicle fatalities in the State with a distracted driver as the contributing cause through targeted enforcement and education during the U Drive U Text U Pay Campaign; State Fiscal Year 2022; and

WHEREAS, the State of New Jersey will participate in the 2022 Distracted Driving Crackdown mobilization from April 1 to April 30, 2022 in an effort to reduce the rate of distracted related fatalities in the State; and

WHEREAS, it would be in the best interest of North Brunswick Township to apply for said monies, with no matching funds required. The maximum project overtime rate is \$70.00 per hour. Officers paid more than \$70.00 per hour will be reimbursed at \$70.00 per hour by the grant with the municipality covering the remainder of the rate;

NOW THEREFORE, BE IT RESOLVED, on this 21st day of March, 2022, by the Township Council of the Township of North Brunswick, County of Middlesex, and State of New Jersey, that the Mayor or his designee are authorized to execute and sign any and all documents in order to effectuate the receipt of federal grant monies between the North Brunswick Township and the State of New Jersey, Division of Highway Traffic Safety for the “2022 Distracted Driving Crackdown” grant in the amount of \$12,250.00.

Joseph A. Battaglia Chief of Police	Date
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Justine Progebin
Business Administrator

Cavel Gallimore Chief Financial Officer	Date
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Ronald Gordon, Esq. Township Attorney, Approved as to Legal Form	Date
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ROLL CALL				
Council Member	Yes	No	Abstain	Notes
MR. MEHTA				
MR. LOPEZ				
MS. GUADAGNINO				
MR. ANDREWS				
MR. SOCIO				
MR. DAVIS				
MAYOR WOMACK				

I, Lisa Russo, Municipal Clerk hereby certify that the above Resolution was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on the 21st day March, 2022.

Lisa Russo
Township Clerk

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

General Information

Applicant Agency North Brunswick Township
Project Title 2022 Distracted Driving Crackdown. U Drive. U Text. U Pay.
Federal Tax ID # 226002154

Project Period

From 4/1/2022 to 4/30/2022

Final financial claim due one month following the end of the Project Period.

Type of Application

Initial

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Contact Information

Project Director

Prefix: Lieutenant
First Name: Erik
Last Name: Jacobsen
Title: Project Director
Address 1: 710 Hermann Road
Address 2:
City: North Brunswick
State: New Jersey
Zip: 08902
Phone: 732-247-0922 ext. 327
E-Mail: ejacob@northbrunswicknj.gov

Financial Director

Prefix: Ms.
First Name: Marrissa
Last Name: Heyman (Tacinelli)
Title: Financial Officer designee
Address 1: 710 Hermann Road
Address 2:
City: North Brunswick
State: New Jersey
Zip: 08902
Phone: 732-247-0922 ext. 235
E-Mail: Mtacinelli@northbrunswicknj.gov

Only Finance Officers or their designee(s) are authorized to certify SAGE grant applications and subsequent reimbursement requests. To name an authorized designee the CFO/Finance Officer must notify DHTS in writing with the name of the designee(s). Letters with this designation can be attached here. NOTE: An authorized designee(s) must be from the agencies finance office and cannot be the same person as the grant's Project Director.

Authorizing Official

Prefix: Honorable
First Name: Francis
Last Name: Womack III
Title: Mayor
Address 1: 710 Herman Road
Address 2:
City: North Brunswick

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Contact Information

State: New Jersey
Zip: 08902
Phone: 732-247-0922 ext. 430
E-Mail: mayorwomack@northbrunswicknj.gov

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Narrative Description of Project

[✓] I agree to the Terms and Conditions found below.

Problem Statement:

Problem Statement:

Distracted driving is a dangerous epidemic on America's roadways. In 2018 alone, 2,841 people were killed in distracted driving crashes. Driver inattention has remained the most frequently cited cause of fatal and incapacitating crashes in NJ, over seven times higher than the total crashes cited for unsafe speed over the past five years (2015-2019). Unsafe speed was the contributing circumstance in 5.4 percent of all crashes in 2019, a decrease from 6 percent in 2018. Driver inattention was a contributing circumstance in nearly 49 percent of crashes in 2019, down from 50 percent in 2018.

Distracted driving is any activity that diverts a person's attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety. These distractions include:

Texting

Using a cell phone or smartphone

Eating and drinking

Talking to passengers

Grooming

Reading, including maps

Using a navigation system

Watching a video

Adjusting a radio, CD player, or MP3 player

But, because using a hand held cell phone while driving to make calls or send text messages requires visual, manual, and cognitive attention from the driver, they are by far the most alarming distractions.

April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the state's distracted driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on all cell phone use (hand held or hands free) by novice

Test

02/25/2022

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Narrative Description of Project

drivers.

From April 1-21, 2022 (and in some grants for a more extended project period), police officers, on an overtime basis, will conduct special enforcement patrols targeting distracted drivers. The enforcement will take the form of roving patrols and fixed checkpoints.

Objectives:

To reduce the number of motor vehicle fatalities in the state with a distracted driver contributing cause (as detailed in the FY2022 New Jersey Highway Safety Plan) through targeted distracted driving enforcement and education during the 2022 Distracted Driving Crackdown U Drive. U Text. U Pay.

Methodology:

REMINDER: As per directives from the National Highway Traffic Safety Administration (which provides the federal funding for this grant) Chiefs of Police are not eligible to work grant-funded overtime through this grant.****

This federally-funded grant project consists of an enforcement overtime campaign from **April 1 through April 21, 2022** (and for a more extended project period in some grants). The project is designed to raise awareness about the dangers of distracted driving, to offer deterrence through visible enforcement, and to issue summonses for relevant motor vehicle violations. The grant will pay for overtime enforcement during the approved crackdown period, with a maximum rate to be reimbursed of \$70 per hour. The overtime hours will be used for roving patrols and checkpoints.

This is a **reimbursement grant**. Participating departments will incur all costs and then submit the necessary documentation to the Division of Highway Traffic Safety for reimbursement.

This is an **enforcement campaign**. A reasonable number of distracted driving related summonses are expected in relation to overtime hours worked.

All grantees are expected to conform to the established "Law Enforcement Performance/Productivity Standards for Federally Funded NJDHTS Grants."

The maximum project overtime rate is \$70.00 per hour regardless of what officer works the project hours. The officer is to receive the full dollar amount in overtime. Administrative costs or fees should be considered "in kind services" or soft matches and are not a part of this grant. **It is up to the agency to establish its pay rate for the project.** The Division encourages agencies to pay all participating officers a flat \$70 per hour rate for this overtime detail, but agencies may pay their usual overtime rates, if they wish, in which case the reimbursement from the Division will be:

Officers paid \$70.00 - project will reimburse at \$70.00 per hour.

Test

02/25/2022

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Narrative Description of Project

Officers paid less than \$70.00 - project will reimburse at that lower rate.

Officers paid more than \$70.00 - project will reimburse at \$70.00 per hour with the municipality covering the remainder of the rate.

Again, the maximum hourly rate to be reimbursed is \$70 per hour, regardless of whether all the grant-budgeted hours are worked or not.

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Action Plan and Methodology

In the box below provide a brief analysis of available data from your jurisdiction pertaining to the issue involved in this grant, as well as your plan of action and targeted areas of enforcement for this campaign.

****NEW:**

All NJ DHTS grantees are required to engage the community, including new, traditionally underserved segments of the community. In addition to your enforcement action plan, please describe tasks you will take to foster community engagement to maximize the effectiveness and reach of this campaign.

The use of hand held devices have certainly proven to divert a driver's attention from their driving and causing them to look at their cell phones instead of looking where they are going. This behavior certainly is a leading reason for an increase in motor vehicle crashes. Recent statistics have shown that 1 in 4 accidents are attributed to cell phone use while driving. During 2020 (the start of Covid) North Brunswick Township had 1,346 crashes due to distracted driving which number was drastically less than the previous year of 2019 which had 1,990 crashes. According to statistics listed, a total of 834 motor vehicle crashes could have been avoided had the driver's not been distracted while using either their Cell phones or perhaps other distractions going on in the vehicle such as eating, drinking, children, pets, etc.

North Brunswick Police will educate drivers through the use of Sign Boards placed around the Township in strategic locations, media alerts (Nixle Alerts, Press Releases, Facebook, etc.) and conduct enforcement day and night (not only during the Distracted Driving Campaign but throughout the year. Through these activities we intend to reduce the number of crashes within the Township and hopefully save lives. Our patrol units will cover the following highways within the Township (Rt. 1, Rt 130, Rt 27, Rt 91, Rt 171 and Rt 26). In addition, we cover numerous county routes that run through the Township with high volume traffic most days. Enforcement will included any and all roadways in the Township in our effort to educate the public, reduce crashes and save lives during the Distracted Driving Campaign and throughout the year 2022.

Your action plan can also be attached here:

HTS Mobilization 2022 Distracted Driving Crackdown
Organization: North Brunswick Township
Evaluation (Administrative (Performance) Evaluation)

[✓] I agree to the Terms and Conditions found below.

1. News release sent to local media and resolution/proclamation approved by local governing body.
2. A reasonable number of motor vehicle stops made and distracted driving related summonses issued in relation to overtime hours worked.
3. "Law Enforcement Performance/Productivity Standards for Federally Funded NJDHTS Grants" adhered to.
4. Display Variable Message Board with the "UDrive. UText. UPay." theme during the project period, if possible.
5. Timely submittal of Enforcement Summary Report(s) and Financial Reimbursement claim(s) in SAGE.

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Acceptance of Conditions

Acceptance of Conditions can be found by [clicking here](#).

☒ I agree to the Terms and Conditions outlined in Acceptance of Conditions document found above.

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF HIGHWAY TRAFFIC SAFETY**

STATE CONDITIONS

Compliance with State Laws

1. The Subrecipient agrees to comply with all requirements imposed by the New Jersey Department of Law and Public Safety (Department), and the New Jersey Division of Highway Traffic Safety (DHTS) concerning all Federal, State, and municipal laws, rules, regulations, policies, guidelines, directives, and requirements (including licenses, permits and background checks) that are generally applicable to the activities in which the Subrecipient is engaged in the performance of this subaward. Failure to comply with these laws, rules, regulations, and State Department of Treasury Circular Letters (State Circulars) will be grounds for termination of this subaward.
2. The Subrecipient assures that it will comply, and all of its contractors will comply with the requirements of the State's anti-discrimination and affirmative action laws and regulations, including N.J.A.C. 17:27, applicable provisions of N.J.S.A. 10:5-1, et al., as amended, and all implementing regulations and State circulars as amended or superseded. Failure to comply with these laws, rules, regulations, and State circulars will be grounds for termination of this subaward.
3. The Subrecipient understands and agrees that, in compliance with the Corruption of Public Resources Act, N.J.S.A. 2C:27-12, it cannot knowingly misuse State grant funds for an unauthorized purpose, and violations under this act could result in a prison term of up to 20 years, and, under N.J.S.A. 2C:30-8, subject to a fine of up to \$500,000.

Legal Authority for Application

4. The Subrecipient assures that it possesses legal authority to apply for the subaward; that, if applicable, a resolution or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required. The Subrecipient assures that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

Availability of Grant Funds

5. The Subrecipient shall recognize and agree that both the initial provision of funding and the continuation of such funding under this Agreement are expressly dependent upon the availability of the funds appropriated by the State Legislature from State or Federal revenue or such other funding sources as may be applicable. A failure of the Department to make any payment under this Agreement or to observe and perform any condition on its part to be performed under the Agreement as a result of the failure of the Legislature to appropriate shall not in any manner

constitute a breach of the Agreement because of the absence of available funding appropriations. In addition, future funding shall not be anticipated from the Department beyond the duration of the award period set forth in the subaward agreement and in no event be construed as a commitment by the Department to expend funds beyond the termination date set in the subaward agreement.

Performance Period

6. The Subrecipient agrees that the work will be performed within the subaward period. The Subrecipient may charge to the award only costs resulting from obligations of the funding period unless carryover of unobligated balances is permitted, in which case the carryover balances may be charged for costs resulting from obligations of the subsequent funding period.

Method of Payment

7. DHTS grants are awarded and administered on a reimbursement basis. The Subrecipient must incur and pay all costs and then submit to DHTS for reimbursement. Reimbursements will be made if costs are reasonable and allowable, if the approved grant budget is adhered to, and if required supporting documentation is provided verifying the incurred costs. Reimbursements will be made only after receipt by the DHTS of a properly executed copy of this subaward.

Reporting Requirements

8. Unless otherwise directed, the Subrecipient must submit quarterly reports to DHTS which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status quarterly and shall be submitted to DHTS no later than fifteen (15) days after the termination of each quarter. A final accomplishment report must be submitted to DHTS within thirty (30) days of completion of the project unless otherwise directed. DHTS reserves the right to withhold payment on reimbursement requests if Subrecipients are delinquent in submitting quarterly and/or final reports, or submit reports that lack sufficient detail or progress during the period in question.

Resolution Required

9. Non-State Subrecipients must pass and submit a resolution authorizing acceptance of the Federal share and responsibility for the match, if applicable.

Non-State Employees

10. The Subrecipient understands and agrees that non-State employees or other persons performing services in connection with a subaward shall not be considered employees of the State of New Jersey for any purpose, including but not limited to, defense and indemnification for liability claims, workers compensation or unemployment.

Indemnification

11. **Non-profit agencies or Local Units of Government.** The Subrecipient agrees that it shall be solely responsible for and shall defend, indemnify, keep, save, and hold the State of New Jersey harmless from all claims, loss, liability, expense, or damage resulting from all mental or physical injuries or disabilities, including death, to its employees or recipients of the Subrecipient's services or to any other persons, or from any damage to any property sustained in connection with the delivery of the Subrecipient's services that results from any acts or omissions, including

negligence or malpractice of any of its officers, directors, employees, agents, servants or independent contractors, or from the Subrecipient's failure to provide for the safe and protection of its employees, whether or not due to negligence, fault, or default of the Subrecipient. The Subrecipient's responsibility shall also include all legal fees and costs that may arise from these actions. The Subrecipient's liability under this agreement shall continue after the termination of this agreement with respect to any liability, loss, expense, or damage resulting from acts occurring prior to termination.

12. **State Agencies.** The Subrecipient shall be responsible for, at its own expense defend itself against, and hereby releases the Department of Law and Public Safety for any and all suits, claims losses, demands, expenses, or damages of whatsoever kind or nature, arising out of or in connection with any act or omission of the Subrecipient and its employees, representatives, agents, independent contractors or invitees, related to this grant agreement.

High Risk Subrecipients

13. In addition to the Federal standards regarding risk status, located at 2 C.F.R. §§ 200.205 and 200.207, the Subrecipient agrees that under certain instances it may be considered "High Risk":
- a. If the Department determines that a Subrecipient:
 - i. Has a history of unsatisfactory performance;
 - ii. Is not financially stable;
 - iii. Has a financial management system which does not appear adequate according to the General Conditions, or meet the standards expressed according to the current State Circular Letter Standard Grant Agreement Form, VIII Financial Management System, 07-05-OMB;
 - iv. Has not conformed to terms and conditions of previous awards; or
 - v. Is otherwise not responsible; and the Department determines that an award will be made; special conditions and/or restrictions shall correspond to the high risk condition and shall be included in the award.
 - b. If a Subrecipient is considered "High Risk," DHTS may impose additional Specific Conditions or restrictions on the Subrecipient at any time including one or more of the following:
 - i. Payment on a reimbursement basis;
 - ii. Withholding authority to proceed to the next phase until receipt or evidence of acceptable performance within a given funding period;
 - iii. Requiring additional, more detailed financial reports;
 - iv. Additional project monitoring;
 - v. Requiring the Subrecipient to obtain technical or management assistance; or
 - vi. Establishing additional prior approvals.
 - c. If the Department decides to impose such Specific Conditions, DHTS will notify the Subrecipient as soon as possible, in writing, of:
 - i. The nature of the special conditions/restrictions;
 - ii. The reason(s) for imposing the Specific Conditions;
 - iii. The corrective actions that must be taken before the Specific Conditions will be removed by the Department and the time allowed for completing the corrective actions; and
 - iv. The method of requesting reconsideration of the conditions/restrictions imposed.

Modifications and Extensions

14. No amendments, modifications or contract extensions to the approved budget, objectives, or program scope as outlined in the application may be made without written approval by the DHTS. The amendment request must be made with the SAGE e-grant system by the program director or authorized representative and must be accompanied by the revision of applicable application documents and written justification.
15. The DHTS may request changes in the scope of services of the Subrecipient to be performed hereunder. Such changes, which are mutually agreed upon by and between DHTS and the Subrecipient must be incorporated in written amendments to this subaward.
16. If the Subrecipient is making program expenditures or providing grant services at a rate which, in the judgment of the DHTS, will result in substantial failure to expend the grant amount or provide grant services, the DHTS may so notify the Subrecipient. If, after consultation, the Subrecipient is unable to develop to the satisfaction of the DHTS a plan to rectify its low level of program expenditures or grant services, the DHTS may upon thirty (30) days' notice to the Subrecipient, reduce the subaward amount by a sum so that the revised grant amount fairly projects program expenditures over the grant period. This reduction shall take into account the Subrecipient's fixed costs and shall establish the committed level of services for each program element of grant services at the reduced grant amount. If such a determination is made by the DHTS subsequent to the awarding of the grant and the funds have already been received by the Subrecipient, the reduced amount will be remitted to the DHTS.

Timekeeping & Overtime

17. The Subrecipient must maintain a timekeeping system which provides, at a minimum, records for all personnel charged to the grant as follows: positions, employee's name, title/rank, date hired, annual salary, total daily hours worked, hourly overtime rate, daily overtime charged to the grant, and signature of the employee, supervisor and project director regarding time charged to the grant. If an employee works solely on subaward activities, the Subrecipient's employee and supervisor will sign a certification every six months verifying salary and wage charges to the project.
18. Subrecipient agrees that overtime expenses must be directly related to approved subaward activities. Monthly overtime charges, if applicable, to the subaward must be reported through a SAGE e-grant Reimbursement Request. The Request should include employee's name, daily overtime charged, and activity for which overtime expenses were incurred.

Financial Management

19. The Subrecipient agrees to maintain an adequate financial management system in accordance with generally accepted principles of accounting and will immediately notify the DHTS when it cannot comply with these requirements. The Subrecipient assures that it will maintain fund accounting, auditing monitoring, and such evaluation procedures as may be necessary; that it will keep such records as the DHTS shall prescribe; that it will assure fiscal control, proper management, and efficient disbursement of funds received under this subaward.

20. The Subrecipient agrees to enter, maintain, and record all subaward funds received by the State for this program in accounting records separate from other fund accounts, including funds derived from other grant awards. Disbursed grant funds shall be available for expenditure by the Subrecipient in accordance with the provisions of the subaward throughout the project period subject to such conditions as DHTS may provide.

Procurement

21. The Subrecipient agrees that it will comply with all the requirements of the State of New Jersey for State and Local financial accounting.
22. The Subrecipient agrees that procurement of supplies, equipment, and other services with funds provided by this subaward shall be accomplished in an open, fair, competitive manner generally consistent with Federal and State requirements. Adherence to the standards contained in applicable Federal and State laws and regulations does not relieve the Subrecipient of the contractual responsibilities arising under its procurement. The Subrecipient is the responsible authority, without recourse to the Department or DHTS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurement entered in support of a grant.
23. The Subrecipient agrees to comply with the current State Circular Letter on Entertainment, Meals, and Refreshments, 11-09-OMB when using subaward funds to purchase food, beverages and refreshments for project activities.
24. When applicable, the Subrecipient agrees that all equipment, consumable supplies, or services purchased or leased with grant funds will be acquired by following standard county and local bidding/procurement procedures, including P.L. 2004, c. 19 (N.J.S.A. 19:44A-20.4 and N.J.S.A. 19:44A-20.5) or State bidding/procurement procedures, including P.L. 2005, c. 51 (N.J.S.A. 19:44A-20.13). The Subrecipient agrees to maintain an inventory list on all equipment and consumable supplies purchased with grant funds in the official grant file.
25. For purchase of services by State Agencies, Independent State Agencies or Legislatures, the Subrecipient agrees to comply with N.J.S.A. 52:34-13.2, and that all services performed under a contract or through any subcontract shall be performed in the United States, unless the appropriate officer provides a certification, which is approved by the appropriate authority, which states that a required service cannot be provided by a contractor or subcontractor within the United States.

Subawards and Contractors

26. The Subrecipient shall not subcontract any of the work or services covered by this grant, nor shall any interest be assigned or transferred except as may be provided for in this grant or with the express written approval of the DHTS. No rights or obligations of the Subrecipient under this subaward, in whole or part, may be assigned or subcontracted to another entity for any reason without the prior written approval of DHTS. The Subrecipient may not transfer any rights or obligations under this subaward pursuant to an acquisition, affiliation, consolidation, merger or other synergy with another entity.

27. The requirements of this subaward, including these Conditions, also apply to any subrecipient or contractor. The Subrecipient is required to advise subrecipients and contractors of the requirements imposed on them and is responsible for monitoring subaward and contractual activities to ensure compliance with Federal requirements and the achievement of performance objectives. DHTS reserves the right to give final written approval of subrecipient or contractor budgets reimbursed with subaward funds.

Public Works Contractor Registration

28. The Subrecipient's subcontractors, instructors, and consultants must maintain Public Works Contractor Registration with the Department of Labor and Workforce Development, as required by N.J.S.A. 34:11-56.48 et seq.

Problems Affecting Subrecipient Performance

29. The Subrecipient shall inform the DHTS of the following types of conditions which affect program objectives and performance as soon as they become known:
- a. Problems, delays, or adverse conditions which will materially impair the ability to attain program objectives, prevent meeting time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any DHTS assistance required to resolve the situation.
 - b. Favorable developments or events which enable meeting time schedules and goals sooner than anticipated, at a lower than anticipated cost, or produces a greater benefit than originally planned.
30. The Subrecipient agrees to give the Department and DHTS, through any authorized representative, access to and the right to examine all paper and electronic records, books, papers, and documents related to the subaward including pertinent accounting records, books, documents, and papers as may be necessary to monitor and audit the Subrecipient's operations. DHTS reserves the right to have access to all work papers produced in connection with audits made by the Subrecipient or independent certified public accountants, registered municipal accountants, or licensed public accountants hired by the Subrecipient to perform such audits.
31. The DHTS may, at its discretion, make site visits to:
- c. Review program accomplishments and management control systems;
 - d. Provide such technical assistance as may be required;
 - e. Perform fiscal reviews to ensure grant funds are being properly expended in a timely manner; or
 - f. Ensure compliance with all pertinent civil rights laws and regulations.

Enforcement

32. The Subrecipient agrees that it will maintain data and information and submit timely reports, including programmatic progress and financial reports, as DHTS may require. If reports are not submitted as required, DHTS may, at its discretion, suspend payments on this subaward. The State of New Jersey may, at its discretion, take such action to withhold payments to the Subrecipient on this or any grant with other state agencies until the required reports have been submitted.

33. The Subrecipient must assure compliance with applicable Federal requirements and that performance goals are being achieved. Subrecipient monitoring must cover each program, function, or activity to monitor performance under grant supported activities to assure time schedules and objectives are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved as applicable.
34. If the Subrecipient materially fails to comply with the terms of an award, whether stated in a state or Federal statute or regulation, an assurance, general condition, special condition, in a state plan or application, a notice of award, or elsewhere, the Subrecipient agrees that the DHTS may take one or more of the following actions, as appropriate in the circumstances:
- g. Temporarily withhold cash payments pending correction of the deficiency by the Subrecipient or take more severe enforcement action;
 - h. Disallow all or part of the cost of the activity or action not in compliance;
 - i. Wholly or partly suspend or terminate the current award for the Subrecipient's program;
 - j. Withhold further awards for the program;
 - k. Request the balance of grant funds to be returned and/or seek reimbursement for funds expended that were not in compliance with the terms and conditions of the grant agreement; or
 - l. Take other remedies that may be legally available and appropriate (including as provided in 2 C.F.R. Part 200).
35. In taking an enforcement action, DHTS may provide the Subrecipient an opportunity for such hearing, appeal or other administrative proceeding to which the Subrecipient is entitled under any statute or regulation applicable to the action involved.
36. The enforcement remedies identified in this Section, including suspension and termination, do not preclude the Subrecipient from being subject to State and Federal debarment and suspension procedures.
37. When the Subrecipient has failed to comply with grant award requirements, stipulations, standards, or conditions, the Subrecipient agrees that the DHTS or the Department may suspend the grant and withhold further payments; prohibit the Subrecipient from incurring additional obligations of grant funds pending corrective action by the Subrecipient; or decide to terminate the grant in accordance with the below paragraph. The DHTS shall allow all necessary and proper costs, which the Subrecipient could not reasonably avoid during the period of suspension, provided they meet Federal and state requirements.
38. The Subrecipient agrees that DHTS or the Department may terminate the grant in whole or in part whenever it is determined that the Subrecipient has failed to comply with the conditions of the grant. DHTS or the Department shall notify the Subrecipient in writing of the determination and the reasons for the termination together with the effective date. Payments made to the Subrecipient or recoveries by the Department under the grant terminated for cause shall be in accord with the legal right and liability of the parties.
39. The DHTS and the Subrecipient may terminate the grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with

the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and in case of partial terminations, the portion to be terminated. The Subrecipient shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible.

40. If the grant is terminated for the Subrecipient's failure to comply with State or Federal statutes, regulations, or terms and conditions of the grant, the Department will provide notification to the Subrecipient, including information that the decision may be considered in evaluating future applications received from the Department.

Record Retention

41. Unless otherwise directed by DHTS, State or Federal statute, all grant records shall be retained for a period of seven years. This period is extended until otherwise directed if there is any litigation, claim, negotiation, action, or audit in progress or audit finding involving grant records started before the end of the seven year period.

Travel

42. All out-of-state travel must have prior approval from DHTS. Requests for approval should be submitted to DHTS at least forty-five (45) days prior to the intended date of travel. A Subrecipient's use of any subaward funds for all allowable travel is controlled by the current State Travel regulations, State Circular 16-11-OMB, as amended. Exceptions to this policy may be considered on a case by case basis when justified by extenuating circumstances. A Subrecipient seeking an exception to these travel regulations must seek prior preapproval for the travel exception by submitting a written request to the awarding agency 60 days prior to commencement of travel.

Work Product Publication

43. DHTS and the Department reserve a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and authorize others to use the copyright in any work developed from activities supported by this subaward, and any rights of copyright to which a Subrecipient purchases ownership with support. Any reports, publications, etc., developed using subaward funds must be approved by DHTS prior to release. Any printed material must contain the name of the "New Jersey Division of Highway Traffic Safety" and the Subrecipient must acknowledge their use of Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds. The Subrecipient agrees that DHTS reserves the right to require the Subrecipient not to publish any work, which right shall not be exercised unreasonably. The Subrecipient assures that any publication by the Subrecipient shall include, on the title page, a standard disclaimer of responsibility by the DHTS for any opinions or conclusions contained therein.

Bonding and Insurance

44. Bonding and insurance, as applicable, shall be provided by the Subrecipient and proof of bonding and insurance must be retained on file by the Subrecipient.

Property and Disposal

45. The Subrecipient agrees that property furnished by DHTS or acquired in whole or in part with Federal or State funds or whose cost was charged to a project supported by Federal or State funds shall be utilized and disposed of in a manner generally consistent with State and Federal requirements.

Grant Closeout Procedures

46. The Subrecipient shall submit final expenditure and performance reports as prescribed by DHTS and in the timeframes set forth in the subaward agreement upon completion of the subaward period or termination of the subaward.
47. The DHTS may permit extensions when requested in writing by the Subrecipient.

FEDERAL CONDITIONS

Compliance with Federal Laws

48. The Subrecipient agrees to comply with all requirements imposed by the United States Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA) as a condition, administrative or programmatic requirement of this subaward, including but not limited to:
- a. 23 U.S.C. Chapter 4, the Highway Safety Act of 1966, as amended;
 - b. Sec. 1906, Public Law 109-59, as amended by Sec. 4011, Public Law 114-94;
 - c. 23 C.F.R. part 1300, the Uniform Procedures for State Highway Safety Grant Programs;
 - d. 2 C.F.R. part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Awards;
 - e. 23 C.F.R. part 1201, Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
 - f. Any other applicable Federal statutes and regulations.

No term or condition of this subaward is intended to require the Subrecipient to violate any applicable State, Territorial or Tribal law.

Cost Principles

49. All costs charged must be reasonable, allowable, and address a highway traffic safety problem. The allowability of costs incurred by the Subrecipient will be determined pursuant to 2 C.F.R. Part 200, Subpart E, Cost Principles (2 C.F.R. 200.400 et seq.), as amended by 2 C.F.R. Part 1201 et seq., program-specific requirements, and State Circular 07-05-OMB Grant Agreements-Agency Contracts.

Audit Requirements

50. As required under the Federal Single Audit Act of 1984, Pub. L. 98-502, as amended, the Subrecipient agrees to review and fully comply with the organizational audit requirements of 2 C.F.R. Part 200, Subpart F, Audit Requirements (2 C.F.R. § 200.500, et seq.), the Government Accountability Office's Government Auditing Standards (Yellow Book), and the State Circular, Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid, 15-08-OMB.

51. The Subrecipient understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues from 2 C.F.R. Part 200, Subpart F audits (or any other audits, investigations, or reviews grant funds) are not satisfactorily and promptly addressed.
52. The Department and DHTS reserve the right to recover any funds considered unsupported, ineligible, or unallowable as a result of any audit, review, investigation, or monitoring.

Employment Eligibility Form

53. Organizations funded under this Federal grant program must agree to complete and keep on file, as appropriate, the Immigration and Naturalization Service Employment Eligibility form (I-9). This form is to be used by the recipient of Federal Funds to verify that persons employed by the recipient are eligible to work in the United States.

Non-Supplanting

54. The Subrecipient must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources.

Match Requirement

55. If applicable, the Subrecipient agrees to adhere to all NHTSA match requirements and satisfy any State requirements on matching and cost sharing.

Civil Rights Requirements

56. The Subrecipient agrees to comply with the following, as amended:
 - a. Title VI of the Civil Rights Act of 1964, which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance;
 - b. 49 C.F.R. Part 21;
 - c. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.);
 - d. 49 C.F.R. Part 27;
 - e. The Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.)
 - f. The Civil Rights Restoration Act of 1987 (PL 100-209);
 - g. The Americans with Disabilities Act (42 U.S.C. § 12101 et seq.);
 - h. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.);
 - i. The Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255);
 - j. The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616);
 - k. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd-3 and 290ee-3);
 - l. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601, et seq.);
 - m. The requirements of any other nondiscrimination statute(s) which may apply to the application;
 - n. The whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310; and

- o. The requirements of any other nondiscrimination statute(s) which may apply to the application.
- 57. The Subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by the laws referenced above.

Drug-Free Workplace

- 58. The Subrecipient must comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8103), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace.

Buy America Act

- 59. The Subrecipient will comply with the provisions of the Buy America Act (23 U.S.C. 313). Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases 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. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

FFATA, DUNS, & SAM Requirements

- 60. The Subrecipient agrees to comply with applicable requirements of the Federal Funding Accountability and Transparency Act (FFATA) and its associated regulations, obtain a Data Universal Numbering System (DUNS) number, and register with the System of Award Management (unless exempted under 2 C.F.R. § 25.110) to receive funds provided through this subaward.

Financial Management and Internal Controls

- 61. In accordance with 2 C.F.R. § 200.302 and 2 C.F.R. § 200.303 the Subrecipient's financial management system must provide for the following:
 - a. Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any;
 - b. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in 2 C.F.R. § 200.327 Financial reporting and § 200.328 Monitoring and reporting program performance;
 - c. Records that identify the source and application of funds for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation;
 - d. Effective control over, and accountability for, all funds, property, and other assets. The Subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes. For more information see § 200.303 Internal controls;

- e. Comparison of expenditures with budget amounts for each Federal award;
- f. Written procedures to implement the requirements of § 200.305 Payment; and
- g. Written procedures for determining the allowability of costs in accordance with 2 C.F.R. part 200 Subpart E—Cost Principles and the terms and conditions of this Federal award.

Procurement

62. Pursuant to DOT regulations at 2 C.F.R. § 1201.317, the Subrecipient shall follow such policies and procedures allowed by the State when procuring property and services under this subaward.

Conflict of Interest

63. The Subrecipient must disclose in writing any potential conflict of interest to DHTS in accordance with applicable DOT policy, pursuant to 2 C.F.R. § 200.112, and 2 C.F.R. § 1201.112. The Subrecipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Program Income

64. Program income is defined as gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance. 2 C.F.R. § 1201.80. Such earnings include, but are not limited to, income from service fees, sale of commodities, and usage or rental fees.
- a. The Subrecipient must comply with State Circular 07-05-OMB regarding interest earned of \$250 or more in a fiscal year on advances of grant funds, and must comply with Federal program income requirements found at 2 C.F.R. §§ 200.80 and 200.307, and DOT specific program income requirements found at 2 C.F.R. § 1201.80 and 23 C.F.R. § 1200.34.

Debarment and Suspension

65. In accordance with 2 C.F.R. § 200.212 the Subrecipient and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 C.F.R. part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

The Subrecipient must also comply with 2 C.F.R. Part 1200, "Nonprocurement Suspension and Debarment" which generally prohibits entities that have been debarred, suspended, or voluntarily excluded from participating in Federal non-procurement transactions either through primary or lower-tier covered transactions. 2 C.F.R. Part 1200 is incorporated by reference in this subaward.

66. The Subrecipient must comply with State Executive Order No. 34 (Byrne, March 17, 1976), and State Circular Letter regarding Debarments, Suspensions & Disqualifications, OMB 93-13-GSA.

False Claims Act and Program Fraud Civil Remedies

67. The Subrecipient must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of Federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made. The

Subrecipient must also comply with the requirements of the New Jersey False Claims Act, N.J.S.A. 2A: 32C-3.

Political Activity (Hatch Act)

68. The Subrecipient agrees to comply with provisions of the Hatch Act, the Federal law which limits certain political activities of employees of a state or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. 5 U.S.C. § 1501-08.

Lobbying Prohibitions

69. **Federal:** All Subrecipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt 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 any Federal action concerning the award or renewal.

State: 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.

Labor and Wage Requirements

70. The Subrecipient agrees to comply with the minimum wage and maximum hours provision of the Federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq.

Vehicle Operation Requirements

71. Pursuant to Executive Order 13513, and DOT Order 3902.10, Subrecipients and their contractors are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or government-owned vehicles, or while driving personally-owned vehicles when on official Government business or when performing any work for or on behalf of the Government. These efforts may include conducting education, awareness, and other outreach for employees about the safety risks associated with texting while driving and should encourage voluntary compliance with the Subrecipient’s text messaging policy when off duty.
72. In accordance with Executive Order 13043, the Subrecipient is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating government-owned, company-owned, rented, or personally-owned vehicles.

Trafficking Victims Protection Act of 2000

73. All Subrecipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act

(TVPA) of 2000, as amended (22 U.S.C. § 7104), located at 2 C.F.R. Part 175. This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007.

74. In accordance with the statutory requirement, Section 106(g) of the TVPA, as amended, authorizes DHTS to terminate this subaward, without penalty, if the Subrecipient:
- i. Engages in severe forms of trafficking persons during the period of time that the award is in effect;
 - ii. Procures a commercial sex act during the period of time that the award is in effect; or
 - iii. Uses forced labor in the performance of the award or subawards under the award.

The full text of the award term is provided at 2 C.F.R. § 175.15.

Environmental and Historic Preservation

75. The Subrecipient will comply with applicable environmental standards, which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969, 42 U.S.C. § 4321, and Executive Order No. (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972, 16 U.S.C. §1451 et seq. and the Coastal Barrier Resources Act, 16 U.S.C. § 3501 et seq., which limits Federal expenditures affecting the Coastal Barrier Resources System; (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. § 7401 et seq.; (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, 42 U.S.C. § 300f et seq., as amended; and, (h) protection of endangered species under the Endangered Species Act of 1973, 16 U.S.C. § 1531, as amended.

Access to Records

76. NHTSA, DHTS, the Inspectors General, the Comptroller General of the United States, any other auditor or monitor, or their authorized representatives, must have the right of access to any documents, papers, examinations, or other Subrecipient records that are pertinent to the Federal award. The right also includes timely and reasonable access to the Subrecipient's personnel for the purpose of interview and discussion related to such documents.

Mandatory Disclosures

77. Pursuant to the mandatory disclosure requirements of 2 C.F.R. § 200.113, the Subrecipient must disclose in a timely manner and in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award to DHTS. Subrecipients that have received a Federal Award including the term and condition outlined in 2 C.F.R. Part 200, Appendix XII–Award Term and Condition for Recipient Integrity and Performance Matters are required to report additional information regarding civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. § 200.338 (Remedies for noncompliance), including suspension or debarment.

Incorporation of Approved Application by Reference

78. The Subrecipient's application, including the narrative and budget as approved by DHTS prior to award, is incorporated by reference in this subaward. Where the terms of subaward and the application differ, the terms of the subaward shall prevail. Changes to the approved application are governed by 2 C.F.R. § 200.308 and these conditions.

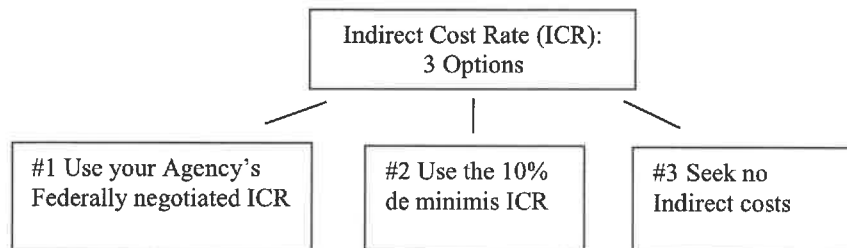
Equipment

79. Title to equipment purchased under this subaward vests in the Subrecipient, unless otherwise specified under 2 C.F.R. § 200.313, 2 C.F.R. § 1201.313, 23 C.F.R. § 1300, or the terms and conditions of the subaward. The Subrecipient shall comply with 23 C.F.R. § 1300 in conjunction with 2 C.F.R. § 200.313, 2 C.F.R. § 1201.313 on the use, management, and disposition of equipment, and no equipment purchased will be conveyed, sold, salvaged, or transferred without written approval from DHTS.

*NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL*

DEPARTMENT OF LAW & PUBLIC SAFETY INDIRECT COST RATE FACT SHEET

Applicants for subawards from pass-through entities may be eligible to use federal funds for indirect costs under 2 C.F.R. §§ 200.331, 200.414, Appendix IV and V to Part 200, and other sections of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements ("Uniform Guidance"). The Uniform Guidance provides these options to an applicant with respect to an Indirect Cost Rate:



- I. The applicant can elect to use its approved federally recognized ICR.
 - a. The applicant must submit a copy of the federal approval of its ICR with the applicant's application for funding.
 - b. The applicant can elect to seek indirect costs at a rate LOWER than their federally recognized ICR but is still required to submit a copy of the federal approval of their ICR with its application.
2. If the applicant has never had an ICR negotiated with the Federal Government and the applicant meets the conditions below, it may claim indirect costs using the 10% de minimis indirect cost rate.
 - a. By choosing this option, the applicant is certifying that the entity meets the following criteria to be qualified for the de minimis rate:
 - i. The entity is a non-federal, non-state or local government that has never received a federally recognized negotiated ICR.
 - OR
 - ii. The entity is a state or local government that has never received a federally recognized negotiated ICR AND receives less than \$35 million in federal funding.
 - b. The 10% de minimis ICR is applied to Modified Total Direct Costs (MTDC), which is defined per 2 C.F.R. § 200.68 as:
 - i. All direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward. MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.
 - c. Costs must consistently be charged as indirect or direct; costs may not be double charged or inconsistently charged as both, as per 2 C.F.R. § 200.414(f).
 - d. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-federal entity chooses to negotiate for a rate, which the non-federal entity may apply to do at any time, as per 2 C.F.R. § 200.414(f).
3. The applicant may choose not to seek indirect costs.

National Highway Traffic Safety Administration

Certifications and Assurances for Highway Safety Grants (23 U.S.C Chapter 4 and Sec. 1906, Pub. L. 109-59, as Amended)

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, the subrecipient acknowledges and agrees to the following conditions and requirements.

GENERAL REQUIREMENTS

The subrecipient 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. 4011, Public Law 114-94
- 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 SUBRECIPIENTS AS WELL AS STATES)

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

- TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- FEDERAL-AID HIGHWAY ACT OF 1973, (23 U.S.C. 324 et seq.), AND TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (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, sub-recipients 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 (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- EXECUTIVE ORDER 13166, IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (guards against Title VI national origin discrimination/ discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The subrecipient

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted.
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require any of its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Insert in all contracts and funding agreements with other State or private entities the following clause:

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

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

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-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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

RESTRICTION ON STATE LOBBYING

(APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

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

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

Instructions for Primary Certification (States)

1. By signing and submitting this proposal, the prospective primary 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 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 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 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 participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 2 CFR part 180. 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 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 participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier 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 principles, 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 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 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 and/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, debarment, suspension, ineligible, lower tier, participant, person, primary tier, 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 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 principles, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(APPLIES TO SUBRECIPIENTS AS WELL AS STATES)

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

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.

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HTS Mobilization 2022 Distracted Driving Crackdown
Organization: North Brunswick Township
Certification Regarding Debarment and Suspension

Certification regarding Debarment and Suspension can be found by [clicking here](#).

[✓] The prospective applicant certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from receiving funds by any federal department or agency.

The applicant also certifies that it will comply with the requirements referenced in the attached document in accordance with the Subaward program.

NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL

DEPARTMENT OF LAW & PUBLIC SAFETY DEBARMENT AND SUSPENSION
CERTIFICATION

Applicant/Subrecipient: North Brunswick Township Police Department

DUNS Number: 056494560

Federal funds cannot be awarded to entities that are excluded or disqualified from participating in federal contracts or grants. The State of New Jersey, Department of Law and Public Safety, Consolidated Grants Management Office requires that all subrecipients certify that they are not excluded from receiving federal funds. Please have your Project Director or designee complete this certification and return it with your completed application package. Packages received without a completed certification will be considered incomplete.

Proof of eligibility for federal funds must be attached. You may access and search your agency through the Federal System For Award Management (SAM) website at:

<https://www.sam.gov/>

The prospective lower tier participant certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from receiving federal funds by any federal department or agency.

Printed Name of Project Director or designee: Lt. Erik Jacobsen

Title: Project Director - Lieutenant

Signature: Lt. Erik Jacobsen

[Handwritten Signature] #157

Date: February 25, 2022



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF HIGHWAY TRAFFIC SAFETY

**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 participation in this transaction 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.

Certification Regarding Lobbying

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-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who



*NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL*

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.

Certification Regarding a Drug- Free Workplace

All recipients must comply with the Drug-Free Workplace Act of 1988 (412 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace.

The applicant certifies that it will or will continue to provide a drug-free workplace by:

1. 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;
2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - e. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);
3. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such a conviction;
4. Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (3) (b) from an employee or otherwise receiving actual notice of such conviction.
5. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (3) (b), with respect to any employee who is so convicted.
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approve for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

**NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

6. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs above.

The undersigned shall require that the language of this certification be included in the award documents for all subawards (including contracts under grants, cooperative agreements, and sub-contracts) and that all subrecipients shall certify and disclose accordingly.


Certification

As the duly authorized representative of the Applicant, I hereby certify that the Applicant will comply with the above-referenced requirements in accordance with the Subaward Program.

North Brunswick Twp Police Department

Applicant Agency

Subaward Number (if known)



Signature of Authorized Official

Mayor

Title of Authorized Official

Francis "Mac" Womack III

Printed Name of Authorized Official

Feb. 25, 2022

Date

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Project Location

County to filter by: Middlesex County

Municipalities: North Brunswick Township

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Local Aid & Legislative Districts

Legislative Districts: 17

Local Aid Districts: District 3, Trenton

Congressional Districts:

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Enforcement/Education Details

Description:	Number of Hours:	Number of Staff	Hourly Rate:	Federal Share	State/ Local Share	Total Amount
Distracted Driving	175	1	\$70.00	\$12,250.00	\$0	\$12,250.00
Overtime Enforcement						

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Budget Summary

Budget Line Item	Federal Share	State/Local Share	Total Amount Requested
Enforcement/Education Details	\$12,250	\$0	\$12,250

HTS Mobilization 2022 Distracted Driving Crackdown

Organization: North Brunswick Township

Signatures

I certify that the information in this application is true and correct, that the undersigned possesses the authority to apply for this grant, and that the applicant will comply with all Conditions and Assurances associated with this program.

The undersigned gives authorization to submit the application to the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety for this subaward project.

Project Director Approval

[✓] I approve this application for submission.

Name: Lt. Erik Jacobsen

Financial Director Approval

[✓] I approve this application for submission.

Name: Marrissa A. Tacinelli

Authorizing Official Approval

[✓] I approve this application for submission.

Name: FRANCIS M. WOMACK III