

AGREEMENT CONDITIONS

THE FOLLOWING CONDITIONS ARE A PART OF THE PROJECT AGREEMENT AND, AS SUCH, ARE BINDING ON ALL PARTIES TO THE PROJECT AGREEMENT:

- A. **Alaska Highway Safety Office Desk Manual:** The AHSO Desk Manual is a part of this Agreement and is incorporated and made part of this Agreement by reference. <http://www.dot.state.ak.us/stwdplng/hwysafety/manual.shtml>
- B. **Property: State and Local Agencies and Other Non-State Sub grantees:** Equipment and other property acquired under this Agreement for use in highway safety projects shall be used and kept in operation for highway safety purposes. State Agencies: Property management standards described in the "State Property Accounting Manual" will be used in accounting for equipment purchased under this Agreement. **Local Agencies and Other Non-State Sub grantees:** Standards for property management described in 49 CFR 18.32(c) through (e) will be used in accounting for equipment purchased under this Agreement. The Applicant Agency shall seek disposition instructions from the Alaska Highway Safety Office prior to disposing of any item of equipment purchased under this project. Nothing in this Agreement shall prevent the Applicant Agency from following existing property management standards that exceed the requirements set out in 49 CFR 18.32(c) through (e).
- C. **Copyright:** The Alaska Highway Safety Office and the U.S. Department of Transportation reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for State or federal government purposes: (1) the copyright in any work developed under a grant, sub grant, or contract under a grant or sub grant; and (2) any rights of copyright to which a grantee, sub grantee, or a contractor purchases ownership with grant support.
- D. **Sub Awards to Debarred and Suspended Parties:** Grantees and sub grantees must not make any award (sub grant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension."
- E. **Standards for Americans with Disabilities:** Grantees, contractors, and others who receive funding from the State of Alaska, Department of Transportation and Public Facilities, to provide a service or services to the general public as an agent of the state must certify that all programs, services, and activities operated under the grant or contract are made available to the general public in compliance with the Americans with Disabilities Act of 1990. Grant or contract recipients are subject to state review.
- F. **Procurement Standards:** Grantees and sub grantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 49 CFR 18.36.
- G. **Progress Reports:** The Applicant Agency will submit quarterly narrative progress reports which must include an update on grant performance measures, by the 15th of the month following the end of each calendar quarter and an annual evaluation report by November 15th during the life of the project.
- H. **Financial Reports:** The Applicant Agency certifies that it has an accounting system capable of properly accounting for expenditures made under this project. Claims for costs incurred must be submitted on a monthly basis. Claims must be accompanied by supporting documentation as described in the Project Director's Manual.
- I. **Motorcycle-related Advertisements:** All motorcycle-related advertising must have approval of the Alaska Motorcycle Safety Advisory Committee (AMSAC) http://www.dot.state.ak.us/stwdplng/hwysafety/motorcycle_safety.shtml
- J. **News Releases:** The Alaska Highway Safety Office encourages agencies to publicize Highway Safety project approval. The Alaska Highway Safety Office shall be named as the granting agency in any news releases announcing the approval of this project. Any subsequent news releases written by the Applicant Agency shall mention the Alaska Highway Safety Office.
- K. **Highway Safety Tag:** The Alaska Highway Safety Office shall be noted as the sponsor or co-sponsor in any public information materials developed under a highway safety project. This requirement includes: public service announcements on radio and television, newspaper advertisements, pamphlets and brochures, and promotional "give-aways" such as bumper stickers, key chains, etc. Promotional items must include the "Target Zero" logo or wording to support the Alaska Strategic Traffic Safety Plan as well as the type or national/state slogan of a national or state driver behavior program: Impaired Driving, Occupant protection, Traffic Records, Motorcycle Safety, etc. Examples of a national program: "Click It Or Ticket", and "Drive Sober Or Get Pulled Over".

- L. **Record Retention:** All financial and programmatic records, supporting documents, statistical records, and other records of the Applicant Agency which are required to be maintained by the terms of 49 CFR 18.42 and other records reasonably considered as pertinent to program regulations or the project agreement must be retained for a period of three years after submittal of the final claim. Additional record retention requirements may be found in 49 CFR 18.42 and are incorporated and made part of this Agreement by reference. The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and sub grantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.
- M. **Enforcement:** If the Applicant Agency materially fails to comply with any term of this Agreement, the Alaska Highway Safety Office may take one or more of the actions listed in 49 CFR 18.43(a)(1) through (5), as appropriate in the circumstances. Additional provisions for enforcement are listed in 49 CFR 18.45(b) through (d).
- N. **Termination for Convenience:** Except as provided in 49 CFR 18.43, this Agreement may be terminated in whole or in part only as follows: (a) by the Alaska Highway Safety Office with the consent of the Applicant Agency, in which case the two parties shall agree upon the termination conditions, including the effective date, and, in the case of partial termination, the portion to be terminated, or (b) by the Applicant Agency upon written notification to the Alaska Highway Safety Office, setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. If, however, in the case of a partial termination, the Alaska Highway Safety Office determines that the remaining portion of this Agreement will not accomplish the purposes for which the award was made, the Alaska Highway Safety Office may terminate the Agreement in its entirety under either 49 CFR 18.43 or paragraph (a) of this section.
- O. **Audit:** The Applicant Agency agrees to arrange for a financial and compliance audit as required under the Single Audit Act of 1984 and to provide a copy of the final audit report to the Alaska Highway Safety Office upon request. The CFDA (Catalog of Federal Domestic Assistance) number of the State and Community Highway Safety Program is 20.600-20.613. The financial agency responsible for arranging for the audit shall be advised by the applicant agency of this number.
- P. **Laws of Alaska:** This Agreement shall be governed in all respects by the laws of the State of Alaska.
- Q. **Limited English Proficient Persons (LEP) Guidance:** There are two federal authorities, title VI of the civil Rights Act of 1964 and the Presidential Executive Order (EO) 13166, Improving Access to Services for Persons with Limited English Proficiency, that require the ADOT&PF to provide LEP persons with meaningful access to programs, activities and services. To fully implement Title VI and EO 13166, the US DOT published guidance to its recipients of federal assistance on December 14, 2005 in the Federal Register. ADOT&PF is required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. By 2/2/2008, the department's Civil Rights Office staff had developed a plan, in cooperation with staff from all three regions. A policy and procedure manual is being created to explain how to implement this plan. If you have any questions, please contact Jon Dunham, Civil Right Manager, at 907 269-0850.
- R. **Buy America Act:** 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.
- S. **Political Activity (Hatch Act)** The Applicant Agency will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

Name of Authorizing Official

Signature of Authorizing Official

Date

CERTIFICATION REGARDING FEDERAL LOBBYING:

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, sub grants, and contracts under grant, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. 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

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.

Name of Authorizing Official

Signature of Authorizing Official

Date