



POLICE DEPARTMENT RECEIVED



COUNTY OF MAUI

2020 JAN 29 PM 2:44

TIVOLI S. FAAUMU
CHIEF OF POLICE

MICHAEL P. VICTORINO

MAYOR

OUR REFERENCE

OFFICE OF THE MAYOR

YOUR REFERENCE

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411
January 28, 2020

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

Ms. Michele Yoshimura *MW*
Budget Director, County of Maui
200 South High Street
Wailuku, Hawaii 96793

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P Victorino
Mayor 1/30/20
Date

RECEIVED
2020 JAN 31 PM 1:31
OFFICE OF THE
COUNTY CLERK

For transmittal to:

Honorable Alice Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

SUBJECT: DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANTS

In accordance with Ordinance No. 4988, Bill 36 (2019) Draft 1 Fiscal Year 2020 Budget, we are hereby transmitting to you a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Distracted Driving Enforcement grant for the period of October 1, 2019 to September 30, 2020 in the amount of \$73,515.52.

Thank you for your attention to this matter. If you have any questions, please feel free to contact our accountant, Lesley Ann Uemae, at ext. 6309.

Sincerely,

Tivoli S. Faaumua
TIVOLI S. FAAUMU
Chief of Police

STATE OF HAWAII HIGHWAY SAFETY OFFICE

GRANT AGREEMENT

Grant No: DD20-10(03-M-01)

Page 1 (To be completed by applicant agency)

1. Grant Title
MPD DISTRACTED DRIVING

2. Name and Address of Applicant Agency
MPD Traffic Section
55 Mahalani Street
Wailuku, HI 96793

4. Duration
Month - Day - Year

A. Grant Period
From: October 01, 2019
To: September 30, 2020

B. Project Period
From: October 01, 2019
To: September 30, 2020

3. Agency Unit to Handle Grant (Name and Address)
Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

5. Location of Project
MPD Traffic Section
55 Mahalani Street
Wailuku, HI 96793
(808) 244-6346

6a. Type of Application
(Check Appropriate Item)
 Initial Revision Continuation

6b. Reimbursement Schedule Desired
 Monthly Quarterly

7. Grant Description (Summarize the grant plan covering activities that address the major goals and objectives in approximately 100 words. Limit to 6 lines.)
The Maui Police Department will work to reduce the number of collisions in which illegal use of electronic devices such as cell phones was a contributing factor. Aggressive enforcement will be the primary tool to address this problem on our major roadways. Distracted Driving enforcement will be increased on highways/roadways that have a high number of documented violations via TBL Analytics and or citizen complaints; including our school zones. Lastly, participate in annual NHTSA event.

8. Federal funds allocated under this agreement shall not exceed

\$82,705.50 ~~73,915.52~~

9. Approval Signatures

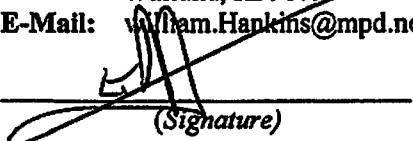
Acceptance of Conditions: It is understood and agreed by the undersigned that a reimbursement grant received as a result of this grant agreement is subject to Public Law 89-564 (Highway Safety Act of 1966) and all administrative regulations governing grants established by the U.S. Department of Transportation and the State of Hawaii. It is expressly agreed that this project constitutes an official part of the Hawaii Highway Safety Program and that said applicant agency will meet the requirements as set forth herein, including accompanying schedules A, B, B-1, C & D, which are incorporated herein and made a part of this grant agreement. Authorization to proceed with this Highway Safety Project is requested.

9a. Grant Director

Name: William Hankins Phone: (808) 244-6346
Title: Lieutenant Fax: (808) 244-6394
Address: Maui Police Department
55 Mahalani Street
Wailuku, HI 96793
E-Mail: William.Hankins@mpd.net

9b. Authorizing Official of Agency Unit

Name: Tivoli S. Faaumu Phone: (808) 244-6300
Title: Chief of Police Fax: (808) 244-6411
Address: Maui Police Department
55 Mahalani Street
Wailuku, HI 96793
E-Mail: tivoli.faaumu@mpd.net


(Signature)

9/11/19
(Date)


(Signature)

9/16/19
(Date)

STATE OF HAWAII HIGHWAY SAFETY OFFICE

GRANT AGREEMENT - PART III

Grant No: DD20-09 (03-M-01)

Page 3 (To be completed by Highway Safety Office)

19. Addendum (For Highway Safety Office Use Only)

EXHIBIT II

SCHEDULE A

Grant No: DD20-10 (03-M-01)

GRANT DESCRIPTION

PAGE # _____

PROBLEM STATEMENT

Identify the traffic safety related problem or deficiency that the proposed grant is intended to correct. Identify and gather appropriate data relevant to the problem. Collision/fatalities data appropriate to the identified problem and a brief analysis of the data is required. When available, three years of data should be presented and analyzed. When identifying the problem, take into consideration changes in population, traffic patterns and other demographic dynamics that may affect traffic safety.

Driving is a multi-tasking operation that involves manual, visual, and cognitive tasks. Distracted driving is defined as any non-driving activity a person engages in that has the potential to distract him or her from the primary task of driving and increases the risk of crashing.

In 2016, the National Highway Traffic Safety Administration (NHTSA) reported that 3,450 people were killed in crashes involving a distracted driver. This accounts for 9% of all crash fatalities. An estimated 391,000 people were injured in motor vehicle crashes involving a distracted driver in 2015.

Drivers who use hand-held devices are four times more likely to be involved in a crash serious enough to injure them. (Source: Insurance Institute for Highway Safety). Using a cell phone while driving, whether it is hand held or hands-free, delays a driver's reaction as much as having blood alcohol concentration at the legal limit of .08 percent (Source: University of Utah).

The 2014 Hawaii Seat Belt Survey, conducted by the University of Hawaii at Manoa during Summer 2014, showed that the statewide daytime cell phone use rate increased from 1.75 percent from the Winter 2014 observations to 5.02 percent. On July 01, 2013, Act 74 took effect which became the Statewide Distracted Driving law which created a statewide ban of the use of a handheld mobile electronic device while operating a motor vehicle.

Maui County summary of Mobile Electronic Device Citations issued 2014 ~ 2018

YEAR	MED CITATIONS (GRANT FUNDED)	MED CITATIONS (COUNTY WIDE)
2014	628	1,551
2015	31	1,293
2016	884	3,130
2017	532	2,583
2018	953	2,946
TOTAL	3,028	11,503

GRANT GOALS

Goals serve as the foundation upon which the grant is built. Goals are what you hope to accomplish by implementing a traffic safety grant and represent an end result. Grant goals should be stated in measurable terms (i.e., a percent reduction), be concise and deal with a specific item, be realistic with a reasonable probability of achievement, and be related to a specific time frame (a "by" date). Please notate baseline from which the reduction/increase will result.

The Maui Police Department's (MPD) goal in FFY 2020 is to achieve the following:

1. Make 1,250 Mobile Electronic Device (MED)-related contacts which include MED-related citations and/or educational contacts "teaching moments;" by September 30, 2020 and;
2. Conduct 56 hours of overtime in conducting education at traffic safety events regarding distracted driving by September 30, 2020.

GRANT OBJECTIVES

Objectives are tasks or activities conducted in order to accomplish the grant goal(s) (e.g., develop permanent fitting stations for child restraints, enforcement activities, educational activities, etc.). Grant objectives should be stated in measurable terms (i.e., a percent reduction, number of training to be held, number of roadblocks, etc.), be concise and deal with a specific item, be realistic with a reasonable probability of achievement, and be related to a specific time frame (a "by" date). Please notate baseline from which the reduction/increase will result.

To achieve this goal, the MPD will implement the following enforcement programs by September 30, 2020:

- Continue with electronic mobile device use enforcement activities on state and county roadways where there is a high volume of vehicular traffic in FFY 2020;
- Continue with electronic mobile device use enforcement activities on State and County roadways where there is a high volume of vehicular traffic in FFY 2020;
- Enhance electronic mobile device use enforcement by expending 568 hours for officer's overtime and make 1,250 Mobile Electronic Device (MED)-related contacts which include MED-related citations and/or educational contacts "teaching moments;" by September 30, 2020.
- Expend 56 hours of overtime in conducting education at traffic safety events in by September 30, 2020;
- Higher vehicle rentals (Jeep/Sport Utility Vehicles) would provide MPD with the ability to blend in with standard vehicular traffic to better identify violators; and
- Participate in the National Distracted Driving campaign during the month of April 2020, to include a press release.

METHOD OF EVALUATION

Using data gathered throughout the grant period, the grant manager will evaluate (1) how well the stated grant goals and objectives were accomplished, and (2) was the grant cost effective? How are you going to show effectiveness of your project? What will be the impact of the project on your identified problem and goal(s)? Provide details on the method of evaluation.

This project will be evaluated administratively by using the accomplishments of the following task objectives:

- Record the number of grant funded citations for electronic mobile device enforcement operations conducted and their enforcement effectiveness thorough September 30, 2020; and
- Record the number of traffic safety events at which electronic mobile device flyers and pamphlets were distributed. HDOT will provide safety flyers.

SCHEDULE B**Exhibit III****Page 1****Detailed Budget Estimate****Grant No: DD20-09 (01-M-03)**

COST CATEGORY	COST ESTIMATES
A. Personnel Costs	
Overtime Enforcement PO9/L3 Pay Scale of \$67.91 + (fringe 68.57%) \$114.48 x 568 hours Traffic Safety Event PO9/L3 Pay Scale of \$67.91 + (fringe 68.57%) \$114.48 x 56 hours	 \$65,024.64 \$6,410.88
Category Sub-Total	\$71,435.52
B. Travel Expenses	
C. Contractual/Consultant Services	
D. Equipment	
E. Other Direct Costs	
SUV/Jeep rentals to better identify the MED violators. 1 vehicle @ \$104 x 20 days	 \$2,080 \$2,080
Category Sub-Total	\$2,080
TOTAL	\$73,515.52

BUDGET NARRATIVE

PAGE #

Personnel Costs

The Maui Police Department (MPD) will conduct active and aggressive enforcement of the Distracted Driving and use grant funds for after-hours (overtime) funding of officers. Cost is based on an average overtime rate a Police Officer 9/L3 at the overtime rate of \$67.91 plus an estimated fringe rate of 68.576%. Total OT rate is about \$114.48 per hour. This rate of pay is based on the average officer participating and that some officers have a lower/higher pay rate. MPD will participate in the National Distracted Driving Awareness Month in 2020

MPD officers will conduct two or more traffic safety events using 56 hours of overtime. They will distribute flyers and pamphlets regarding the prohibited use of electronic mobile devices while operating a motor vehicle at the traffic safety events. Flyers are provided by H.DOT.

Travel Expenses

None

Contractual/Consultant Services

None

Equipment

None

Other Direct Costs

MPD will rent vehicles that are elevated such as Jeeps and Sport Utility vehicles during MED enforcement efforts. This will increase the ability to see into vehicles and address violations.

MPD will conduct a (1) week MED Enforcement Operation each quarter. Total expenditure will be \$2,080.00
\$104 x 20 days.

EXHIBIT IV

SCHEDULE C

SCHEDULE C**Exhibit IV****Grant No: DD20-09 (03-M-01)**

MILESTONES		PAGE #
Month	Activity	
October 2019	Enforcement Education at Traffic Safety Event 1-week MED Covert Ops (Jeep Rental)	
November 2019	Enforcement	
December 2019	Enforcement 1st quarter report	
January 2020	Enforcement Education at Traffic Safety Event 1-week MED Covert Ops (Jeep Rental)	
February 2020	Enforcement	
March 2020	Enforcement Education at Traffic Safety Event 2nd quarter report	
April 2020	Enforcement National Distracted Driving Awareness Month 1-week MED Covert Ops (Jeep Rental)	
May 2020	Enforcement	
June 2020	Enforcement 3rd quarter report	
July 2020	Enforcement Education at Traffic Safety Event 1-week MED Covert Ops (Jeep Rental)	
August 2020	Enforcement	
September 2020	Enforcement 4th quarter report and evaluation of program report	

SECTION 101

ARTICLE 10

CHAPTER 101

SECTION 101.01

SECTION 101.02

SECTION 101.03

SECTION 101.04

SCHEDULE D

SECTION 101.05

SECTION 101.06

SECTION 101.07

SECTION 101.08

SECTION 101.09

SECTION 101.10

SECTION 101.11

SECTION 101.12

SECTION 101.13

SCHEDULE D

Certifications and Assurances for Fiscal Year 2020 Hawaii Highway Safety Grants (23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended)

THIS AGREEMENT made and entered into by and between the STATE OF HAWAII by and through its Director of Transportation, hereinafter referred to as "State," and the Governmental Unit named in this application, hereinafter referred to as "Applicant."

WHEREAS, the National Highway Safety Act of 1966 (Public Law 89-564) provides Federal funds to the STATE for approved highway safety projects, and

WHEREAS, STATE may make said funds available to various state, county or municipal agencies or governments or political subdivisions upon application and approval by STATE and the UNITED STATES DEPARTMENT OF TRANSPORTATION, and

WHEREAS, STATE is obligated to reimburse the UNITED STATES DEPARTMENT OF TRANSPORTATION out of its funds for any ineligible or unauthorized expenditures for which Federal funds have been claimed and payment received, and

WHEREAS, the above name APPLICANT has submitted an application for Federal funds for highway safety projects.

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES AGREE AS FOLLOWS:

GENERAL REQUIREMENTS

The APPLICANT 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, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 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

The APPLICANT 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, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (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 State highway safety agency—

- 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 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;
- Agrees to 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 (c), 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)

The APPLICANT 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

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

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

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

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

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

BUY AMERICA ACT

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

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

The APPLICANT 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.