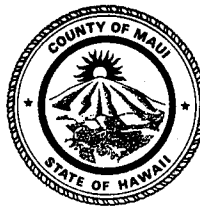


ALAN M. ARAKAWA
MAYOR



RECEIVED

KEITH A. REGAN
MANAGING DIRECTOR

2017 NOV 29 PM 2:04

OFFICE OF THE MAYOR
Ke'ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

OFFICE OF THE
COUNTY COUNCIL

REFERENCE NO. BD-BA 18-39

November 29, 2017

Honorable Alan Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

For Transmittal to:

Honorable Riki Hokama, Chair
Budget and Finance Committee
200 South High Street
Wailuku, Hawaii 96793



Acting Mayor

11/29/17

Date

Dear Chair Hokama:

**SUBJECT: AMENDMENTS TO APPENDIX A, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS
FOR FISCAL YEAR 2018 (BF-61)**

On behalf of the Department of Fire and Public Safety, I am transmitting the attached proposed bill for the purpose of revising the title of an existing grant entitled, "National Highway Transportation Safety Administration (NHTSA) Highway Safety Grant" to reflect the actual funding agency, the State of Hawaii Department of Transportation. A copy of a grant award letter and grant agreement from the State of Hawaii Department of Transportation are attached for your review.

Thank you for your attention in this matter. Should you have any questions, please feel free to contact me at Ext. 7212.

Sincerely,


LYNN A.S. ARAKI-REGAN
Budget Director

Attachments (3)

cc: Keith Regan, Managing Director
Mark Walker, Director of Finance
Jeffrey Murray, Fire Chief

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE -
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF FIRE AND PUBLIC SAFETY
(STATE OF HAWAII DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANTS)

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 4456, Bill No. 65 (2017), Draft 1, as amended, "Fiscal Year 2018 Budget", Appendix A, Part I, Grant Revenue - Schedule of Grants by Departments and Programs for Fiscal Year 2018, is hereby amended as it pertains to the Department of Fire and Public Safety, by revising the title of the existing grant entitled, "National Highway Transportation Safety Administration (NHTSA) Highway Safety Grant", to read as follows:

"4. Department of Fire and Public Safety

a. Department of Interior Rural Fire Assistance Program	25,000
b. Federal Emergency Management Agency (FEMA) Fire Management Assistance Grant	700,000
c. Federal Emergency Management Agency (FEMA) Public Assistance Grant	500,000
d. Hawaii Medical Service Association (HMSA) Foundation Grant	40,000
e. Hazardous Materials Emergency Preparedness (HMEP) Program	25,000
f. Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant	40,000
g. Local Emergency Planning Committee (LEPC)	20,000
h. Monsanto "US Seed Site"	20,000
i. National Fire Academy Training Program	20,000
j. [National Highway Transportation Safety Administration (NHTSA) Highway Safety Grant]	50,000
<u>State of Hawaii Department of Transportation Highway Safety Grants</u>	

k. Private Donations	30,000
l. State Farm Insurance Safety Grant	20,000
m. State of Hawaii Makena Lifeguard Services (1) Provided, that disbursement for salaries and premium pay is limited to 10.5 LTA equivalent personnel.	1,204,741
n. United States Department of Agriculture (USDA) Wildland Urban Interface	50,000
o. United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Assistance to Firefighters Fire Prevention and Safety Grant	75,000
p. United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) Program - Operations and Safety Program	675,000
q. United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response Grant (SAFER) (1) Provided, that disbursement for salaries and premium pay is limited to 3.0 LTA equivalent personnel.	277,786
r. Verizon Foundation Grant	10,000"

SECTION 2. Material to be repealed is bracketed. New material is underscored.

SECTION 3. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:
HWY-V 9.5551

November 7, 2017

Chief Jeffrey Murray
County of Maui
Department of Fire & Public Safety
200 Dairy Road
Kahului, Hawaii 96793

Dear Chief Murray:

Enclosed for your action is a copy of the approved highway safety reimbursement project No. EM18-04 (03-M-01), entitled "Maui Fire Department Extrication Tools." A total of \$17,344.08 has been obligated to the project.

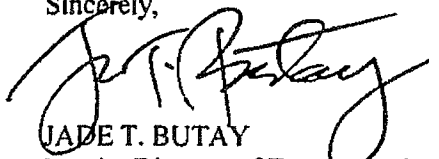
The grant funds will be used to purchase struts and accessories to support the Maui Fire Department's vehicle extrication operations.

Progress reports must be submitted quarterly within 15 days (ending December, March, June and September) and a final report must be submitted within thirty days of the end of the grant period. Reimbursement claims must be submitted in accordance with the agreement (monthly or quarterly) by the 20th of the month following the claim period. A claim must be submitted even if no expenditures were made.

This grant will be funded using National Highway Traffic Safety Administration FAST Act Section 402 program funds. Due to the federal budgeting process, the program funding source is subject to change. The project is subject to the audit requirements of 2 CFR §200 Subpart F. Note that the Department/Catalog of Federal Domestic Assistance (CFDA) Program Number and Title that this project should be associated with in the Schedule of Federal Assistance Programs section of your single agency audit report are: Department of Transportation/CFDA 20.600 – State and Community Highway Safety Program. A copy of the single audit report covering the grant period must be sent to the Hawaii Department of Transportation – Highway Safety Section, 869 Punchbowl Street, Room 405, Honolulu, HI 96813.

Within 60 days of the date of project approval, the Highway Safety Section should be advised of your cognizant Federal audit agency and of when you anticipate the audit report covering the period of this grant to be issued.

Sincerely,


JADE T. BUTAY
Interim Director of Transportation

Enclosure

STATE OF HAWAII HIGHWAY SAFETY SECTION

GRANT AGREEMENT

Grant No: EM18-04 (03-M-01)

Page 1 (To be completed by applicant agency)

1. Grant Title

Automotive Extrication Equipment

2. Name and Address of Applicant Agency

Maui Fire Department
200 Dairy Road
Kahului, HI 96732

4.

Duration
Month - Day - Year

A. Grant Period

From: 10/1/2017
To: 9/30/2018

B. Project Period

From: 10/6/2017
To: 10/6/2018

3. Agency Unit to Handle Grant (Name and Address)

Maui Fire Department
200 Dairy Road
Kahului, HI 96732

5. Location of Project

200 Dairy Road
Kahului, HI 96732

**6a. Type of Application
(Check Appropriate Item)**

Initial Revision

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 goal of the grant is to provide a higher level of service to the people and visitors of Maui County involved in motor vehicle accidents by improving responder safety, skill and efficiency in mitigating these incidents using the available extrication tools aboard each apparatus. The new struts and accessories will allow Auto-X to continue to train all MFD responders in the latest extrication techniques as well as outfit certain support companies with standardized equipment necessary for heavy rescue stabilization. Training with this new equipment should translate to improved safety and effectiveness during patient extrication from wrecked vehicles which then results in better patient outcomes and a decreased chance of firefighter injuries.

8. Federal funds allocated under this agreement shall not exceed

\$17,344.08

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: Valeriano Martin **Phone:** (808)270-6232
Title: Assist. Fire Chief **Fax:**
Address: 200 Dairy Road, Kahului, HI 96732

E-Mail: valeriano.martin@mauicounty.gov

9b. Authorizing Official of Agency Unit

Name: Jeffrey Murray **Phone:** (808)270-7562
Title: Fire Chief **Fax:** (808)270-7919
Address: 200 Dairy Road, Kahului, HI 96732


E-Mail: Jeff.Murray@co.maui.hi.us

For


(Signature)

10/6/2017

(Date)



(Signature)

10/6/2017

(Date)

STATE OF HAWAII HIGHWAY SAFETY OFFICE

GRANT AGREEMENT – PART II

Grant No: EM18-04 (03-M-01)

Page 2 (To be completed by Highway Safety Office)

10. Grantee: Maui Fire Department

11. Standard Area: Emergency Medical Services

13a. Federal Fiscal Year: 2018

12. Effective Date of Agreement: Oct 1, 2017 - Sep 30, 2018

13b. Addendum: Yes No

14. Benefit of: State County

15. Action Taken

Grant agreement approved.

16. Funding Disposition & Status

Fiscal Year	Amount
2018 _____	17,344.08 _____
_____	_____
_____	_____
_____	_____
Total	\$17,344.08
Present Obligation	\$17,344.08
Previously Obligated	\$0.00 _____
TOTAL FUNDS OBLIGATED	\$17,344.08

17. Budget Summary (From Schedule B – Detailed Budget Estimate) – Fiscal Year Grant Period Ending: Sep 30, 2018

Cost Category	Cost Estimates
A. Personnel Costs	0.00
B. Travel Expenses	0.00
C. Contractual/Consultant Services	0.00
D. Equipment	16,092.00
E. Other Direct Costs	1,252.08
TOTAL FEDERAL FUNDS	\$ 17,344.08

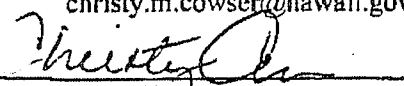
18. Grant Approval & Authorization to Expend Obligated Funds

A. Approval Recommended By
(Program Area Specialist)

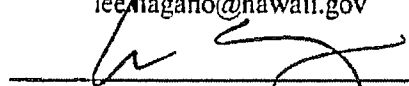
B. Agreement & Funding Authorized By
(Highway Safety Manager)

Name: Christy Cowser
Title: Highway Safety Specialist
Phone/E-Mail:(808)587-2360 /
christy.m.cowser@hawaii.gov

Name: Lee Nagano
Title: Highway Safety Manager
Phone/E-Mail:(808)587-6301 /
lee.nagano@hawaii.gov


(Signature)

10/18/17
(Date)


(Signature)

10/18/17
(Date)

STATE OF HAWAII HIGHWAY SAFETY OFFICE

GRANT AGREEMENT - PART III

Grant No: EM18-04 (03-M-01)

Page 3 (To be completed by Highway Safety Office)

19. Addendum (For Highway Safety Office Use Only)

SCHEDULE A

SCHEDULE A

Grant No: EM18-04 (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.

From January 1, 2015 through December 31, 2016, Maui County saw a total of 1,585 motor vehicle accidents. 816 of those accidents resulted in injuries to the occupants, 75 involved pedestrians and 16 required extrication. With a growing population and tourism industry, the corresponding growth in goods and services translates to heavier traffic in both the figurative and literal sense. Large goods and service delivery vehicles are increasing in numbers and require special stabilization equipment when involved in motor vehicle accidents.

While we have no direct control over the amount of accidents we respond to, once on scene we strive to provide the safest and most effective service within our capabilities. This requires each and every member of our department be proficient in the use of the equipment on the apparatus they are assigned to. Each primary response apparatus in the Maui Fire Department is equipped with a standardized complement of extrication equipment. Certain specialty equipment designed for heavier vehicle accidents are assigned to special apparatus strategically assigned to different regions within our county. Training for each of the companies assigned to these apparatus is conducted annually. This annual training is integral in keeping our responders familiar with the best, safest and most effective use of the equipment aboard their apparatus as new strategies and techniques are constantly being developed to keep up with the continuously developing technology in the automotive industry.

The frequency and duration of use of these extrication tools at the training sessions have had an aggregate negative effect. Aging and overworked equipment needs to be replaced. There are a total of 54 fire companies assigned to MFD's 14 stations and each of these companies is brought in for extrication training a minimum of once annually. 12 of these companies are considered "support companies" that have additional training and equipment capabilities (Rescue, Hazmat, and Ladder companies). These trainings and the increased size and frequency of recent recruit training classes have led to increased wear and tear on the existing equipment.

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 goal of the grant is to provide a higher of level of service to the people and visitors of Maui County involved in motor vehicle accidents by improving responder safety, skill and efficiency in mitigating these incidents using the available extrication tools aboard each apparatus as well as completing the standardized complement of heavy-vehicle stabilization equipment at our special support companies. By its very nature, new equipment that functions as it is intended, increases the probability of conducting safe trainings. With safety as a paramount cornerstone of our organization, this grant will provide new equipment that allows Auto-X to continue to train all MFD responders safely in the latest extrication techniques. The continued training will directly impact the readiness and ability of our responders to safely and effectively extricate patients from wrecked vehicles. This, in turn, will lead to responders and patients operating in a safer environment, and as a result, positive patient outcomes should increase and firefighter injuries should decrease.

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.

The acquisition of new struts and accessories will allow annual safe training of all 54 MFD fire companies in auto extrication disciplines to continue with the goal of increasing the competency of each company in the use of the extrication tools aboard their apparatus. Some of the equipment in this purchase will be placed online with the support companies (Rescue, Hazmat, Ladder companies) so that their apparatus will have all of the standard tools and equipment for more advanced auto extrication, especially incidents involving heavy vehicles (i.e. busses, tractor trailers, delivery vehicles, etc.). This is very important for the growth and adaptivity of the Maui County Fire Department as it keeps up with the growing needs of the Maui community. It is difficult to quantify the impact we are striving for with the addition of the requested equipment. In relation to motor vehicle accidents with injuries, we are expecting to see incremental improvements in positive patient outcomes due to safer and more efficient operations by our first responders.

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.

MFD maintains a record of all incidents and outcomes through its FireRMS report monitoring system in conjunction with Maui Police dispatch. All incidents are categorized by type (Vehicle Accident or Vehicle Accident with Injuries), response times are recorded and on-scene activities are reported. The impact of the project can be constantly monitored through the reports generated in FireRMS. Following up with EMS (services provided by AMR in Maui County) and local hospitals would also provide more data regarding patient outcome and validate the effectiveness of the project.

The grant manager will track the purchase, inventory, and assignment of the equipment and will be assisted by the Auto-X cadre with tracking trainings that use the equipment. It is not typical for MFD to record the use of specific equipment during actual incidents but anecdotal reports will be gathered regarding the deployment and evaluation of effectiveness of the equipment.

SCHEDULE B
Page 1
Detailed Budget Estimate
Grant No: EM18-04 (03-M-01)

COST CATEGORY	COST ESTIMATES
A. Personnel Costs	
<u>Employee Salaries and Benefits</u>	
Position Title(s) and Full-Time/Part-Time Yearly Salary: Fringe Benefit Rate: _____ % Time to be spent on project: _____ hours Position Title(s) and Overtime Hourly Rate(s): Fringe Benefit Rate: _____ % Time to be spent on project: _____ hours	
Category Sub-Total	\$0.00
B. Travel Expenses	
<u>In-State</u>	
Event/Conference: _____ Number of Travelers: _____ Air Travel: To: _____ From: _____ Surface Travel: Shuttle/Taxi Car Rental (daily rate, # of days, fuel, taxes, etc.) Private Car: (_____ miles @ _____ per mile)	

SCHEDULE B
Page 2
Detailed Budget Estimate
Grant No: EM18-04(03-M-01)

COST CATEGORY	COST ESTIMATES
<p>Excess Lodging: _____ nights @ \$_____ per night</p> <p>Per Diem: _____ days @ \$_____ per day</p> <p>Baggage Fee:</p> <p>Tuition, Course, Registration and Miscellaneous Fees: Individual cost: _____ x No. of attendees: _____</p> <p><u>Out-of-State</u></p> <p>Event/Conference: _____</p> <p>Number of Travelers: _____</p> <p>Air Travel: To: _____ From: _____</p> <p>Surface Travel: Shuttle/Taxi Car Rental (daily rate, # of days, fuel, taxes, etc.) Private Car: (_____ miles @ _____ per mile)</p> <p>Excess Lodging: _____ nights @ \$_____ per night</p> <p>Per Diem: _____ days @ \$_____ per day</p> <p>Baggage Fee:</p> <p>Tuition, Course, Registration and Miscellaneous Fees: Individual cost: _____ x No. of attendees: _____</p>	
Category Sub-Total	\$0.00

SCHEDULE B
Page 3
Detailed Budget Estimate
Grant No: EM18-04(03-M-01)

COST CATEGORY	COST ESTIMATES
C. Contractual/Consultant Services	
Category Sub-Total	\$0.00
D. Equipment	
Rescue 42 Strut Set	\$4,985.00
Strut accessories	\$9,496.00
VSK controller (3)	\$1,026.00
Hose w/ couplings (9)	\$585.00
Category Sub-Total	\$16,092.00
E. Other Direct Costs	
Sales Tax	\$667.08
Shipping	\$585.00
Category Sub-Total	\$1,252.08
GRANT TOTAL	\$17,344.08

SCHEDULE B-1
Grant No: EM18-04(03-M-01)

BUDGET NARRATIVE

PAGE # _____

Personnel Costs

Travel Expenses

Contractual/Consultant Services

Equipment

The extrication equipment being purchased includes a standard Rescue 42 strut system and additional supporting accessories (2-hook clusters, 2-cinch rings, and 2-chains).

Rounding out the purchase are 3-Paratech VSK controllers and 6-hoses used to control heavy-duty struts with compressed air. These will be placed online aboard the support companies' apparatus (Rescue-10 Kahului Hazmat-10 Kahului, Ladder-3 Lahaina, and Ladder-14 Wailea). The 72 pickets will also be assigned to these support companies to be used in conjunction with their Paratech and Rescue 42 equipment.

Other Direct Costs

Taxes of \$667.08 and Shipping of \$585.00 is self-explanatory.

SCHEDULE C

SCHEDULE D

SCHEDULE D

AGREEMENT OF UNDERSTANDING & COMPLIANCE

Grant No: EM18-04 (03-M-01)

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:

REIMBURSEMENT OF ELIGIBLE EXPENDITURES

It is mutually agreed and promised that upon written application by APPLICANT and approval by STATE and the UNITED STATES DEPARTMENT OF TRANSPORTATION, STATE shall obligate said Federal funds to APPLICANT'S account for reimbursement of eligible expenditures as set forth in the application.

It is mutually agreed and promised that APPLICANT shall reimburse STATE for any ineligible or unauthorized expenditures for which Federal funds have been claimed and payment received as determined by a State or Federal audit. Costs are not allowable for construction, rehabilitation, remodeling, or for office furnishings and fixtures - for State, local or private buildings or structures. The following are examples of items considered as furnishings or fixtures, for which reimbursement is not eligible:

Desks	Credenzas	Storage Cabinets
Chairs	Bookcases	Portable Partitions
Tables	Filing Cabinets	Pictures, Wall Clocks
Shelving	Floor Coverings	Draperies
Coat Racks	Office Planters	Fixed Lighting/Lamps

It is further agreed and promised that where reimbursement is made to APPLICANT in installments, STATE shall have the right to withhold any installments to make up reimbursement received for any ineligible or unauthorized expenditures until such time as the ineligible claim is made up or corrected by APPLICANT.

PROPERTY AGREEMENT

It is mutually agreed and promised that the APPLICANT shall immediately notify the STATE if any equipment purchased under this project ceases to be used in the manner as set forth by the project agreement. In such event, APPLICANT further agrees to either give credit to the project cost or to another active Highway Safety project for the residual value of such equipment in an amount to be determined by the STATE, or to transfer or otherwise dispose of such equipment as directed by STATE.

It is mutually agreed and promised by the APPLICANT that no purchased equipment under this project will be conveyed, sold, salvaged, transferred, etc. without the express written approval of the STATE.

It is mutually agreed and promised that the APPLICANT shall maintain or cause to be maintained for its useful life, any equipment purchased under this project.

EQUAL OPPORTUNITY

It is mutually agreed and promised that pursuant to the requirements of Section 22 (a) of the Federal-Aid Highway Act of 1968, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975, the APPLICANT, as a condition to receiving approval of this application submitted under the Highway Safety Act of 1966, hereby gives its assurance that employment in connection with the subject Highway Safety Program project will be provided without regard to race, color, creed, sex, handicap, age, or national origin. The APPLICANT further agrees that, as a condition to receiving approval of this application, it will be subject to, and will comply with, Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 (hereinafter referred to as the Act), and all applicable requirements pursuant to the Regulations of the Department of Commerce (Title 15, Code of Federal Regulations, Part 8, which have been adopted by the Department of Transportation, and hereinafter referred to as the Regulations), to the end that, in accordance with the Act and the Regulations, no person in the United States shall on the ground of race, color, creed, sex, handicap, age, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the subject Highway Safety Program or project.

It is mutually agreed and promised that if the APPLICANT fails or refuses to comply with its undertaking as set forth in these provisions, the STATE of the UNITED STATES DEPARTMENT OF TRANSPORTATION may take any or all of these following actions.

- (1) Cancel, terminate, or suspend in whole or in part the agreement, contract, or other arrangement with respect to which the failure or refusal occurred; and

(2) Refrain from extending any further Federal financial assistance to the applicant agency under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the applicant agency.

NON-DUPLICATION OF GRANT FUND EXPENDITURES

It is mutually agreed and promised that the APPLICANT has no ongoing or completed projects under agreement with any other Federal fund source which duplicate or overlap any work contemplated or described in this project.

It is mutually agreed and promised that the APPLICANT will either revise this project or revise any pending or proposed request for other Federal grant funds which would duplicate or overlap work under this project to exclude any such duplication of grant fund expenditures.

It is further mutually agreed and understood that the APPLICANT shall reimburse the STATE OF HAWAII for any such duplicate expenditures for which Federal grant funds have been claimed and payment received as determined by State or Federal audit.

PROJECT INCOME AND APPLICABLE CREDITS

It is mutually agreed and understood that the APPLICANT shall apply all proceeds or credits generated under the project, such as but not restricted to: The sale of real or personal property royalties received from copyrights and patents, sale of publications or from personal or incidental services, to the project in accordance with OMB Circular A-87 (FMC 74-7) or A-21, as applicable and NHTSA/FHWA Order 460-4/7510.1.

COPYRIGHTS AND PATENTS

It is mutually agreed that any copyrightable materials produced in the course of a project may be the property of the State or applicant agency; however, provisions should be made to obtain for the United States Government, the State Governments and their political subdivisions a royalty-free nonexclusive, and irrevocable license to use in any manner such copyrightable material.

It is mutually agreed that the ownership of all rights accruing from any patentable discoveries or inventions resulting from a project should be covered in the agreement. An irrevocable, nonexclusive, nontransferable, and royalty-free license to practice each discovery or invention in the manufacture, use and disposition, according to law, of any article or material, and in the use of any method developed as part of the work under the agreement should be obtained for the United States Government, the State Governments and their political subdivisions.

MINORITY BUSINESS ENTERPRISE REQUIREMENTS

It is the policy of the Department of Transportation that minority business enterprises, as defined in 49 CFR Part 23, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this agreement.

The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

REQUIREMENTS

It is mutually agreed and promised that the applicant shall follow the State and Federal requirements and guidelines set forth in the State of Hawaii Project Procedures Manual as amended. All project expenditure records are to be retained for at least three years after the date of the final expenditure report.

AUTHORIZATION TO PROCEED

It is mutually agreed between the STATE and the APPLICANT that this AGREEMENT OF UNDERSTANDING AND COMPLIANCE shall become effective upon the STATE'S agreement and authorization to proceed as set forth in PART II (2) of this application.

The following is taken from Appendix A to Part 1200 – Certification and Assurances for Highway Safety Grants (23 U.S.C. Chapter 4):

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (Pub. L. 101-336), as amended (42 U.S.C. 12101, *et seq.*), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), which requires Federal-aid recipients and all subrecipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act

of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, *et seq.*), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

- 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;
- Establishing a drug-free awareness program to inform employees about:
 - The dangers of drug abuse in the workplace.
 - The grantee's policy of maintaining a drug-free workplace.
 - Any available drug counseling, rehabilitation, and employee assistance programs.
 - The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 - Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 - Abide by the terms of the statement.
 - Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
- Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
 - Taking appropriate personnel action against such an employee, up to and including termination.
 - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)), which contains the following requirements:

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.

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

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
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.
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*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. 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 "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.
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 may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
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 this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded 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 record, 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 Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
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*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. 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 "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. (See below)
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 may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

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 and/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 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.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's Web site at www.nhtsa.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, DC metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its Web site at www.trafficsafety.org.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

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