



**THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION**



**CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER**

**JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER**

Bureau of Highway Design
March 10, 2014

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

[Signature] 4/25/14
Approved by Fiscal Committee Date

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, authorize the Department of Transportation to accept and expend a grant from the NH Highway Safety Agency in the amount of \$110,000 that will be used to supplant a portion of the funding for the Department's contract with WEDU, Inc. (Vendor #158621) for highway safety messaging and public outreach education, effective upon the date of Fiscal Committee and Governor and Council approval through September 15, 2014. 100% Agency Income (Federal pass – thru).

Funds are to be budgeted in FY 2014 as follows:

04-096-096-963515-3054	FY 2014		
	Current Budget	Requested Change	Revised Budget
Consolidated Federal			
Expenses:			
018-500106 Overtime	\$190,857	0	\$190,857
020-500200 Current Expense	198,182	0	198,182
022-500255 Rents-Leases other than State	28,118	0	28,118
023-500291 Heat, Electricity, Water	76,307	0	76,307
024-500225 Maint. other than Bldg-Grounds	185,034	0	185,034
025-509025 Lease of State-Owned Equipment	44,418	0	44,418
026-500251 Membership Fees	105,250	0	105,250
030-500311 Equipment New/Replacement	188,310	0	188,310
038-509038 Technology Software	85,900	0	85,900
039-500188 Telecommunications	1,500	0	1,500
041-500801 Audit Fund Set Aside	395,560	0	395,560
046-500463 Consultants	61,102,438	\$110,000	61,212,438
049-500420 Inter-Agency Grants	121,410	0	121,410
050-500109 Personal Services – Temp/Appoints	354,749	0	354,749
052-500104 Masters FICA	1,706	0	1,706
060-500601 Benefits	65,888	0	65,888
066-500544 Educational Training	19,266	0	19,266
070-500704 In-State Travel Reimbursement	226,805	0	226,805
080-500712 Out-of-State Travel Reimbursement	29,591	0	29,591
400-500870 Construction Repair Materials	270,593,359	0	270,593,359
401-500877 Land - Interest	92,560,644	0	92,560,644
Total	\$426,575,292	\$110,000	\$426,685,292

Source of Funds	FY 2014		
	Current Budget	Requested Change	Revised Budget
Revenue:			
000-409151 Federal Funds	\$414,145,648	0	\$414,145,648
005-402802 Private Local Funds	8,349,622	0	8,349,622
009-407996 Agency Income (Federal Pass – Thru)	4,080,022	\$110,000	4,190,022
Total	\$426,575,292	\$110,000	\$426,685,292

EXPLANATION

On June 5, 2013 the Governor and Council authorized an Agreement with the firm of WEDU, Inc. (Item #205, copy attached) in the amount of \$750,000 funded with Highway Safety Improvement Program (HSIP) funds for on-call technical services to educate and provide outreach for the Department's Strategic Highway Safety Plan as part of the Driving Toward Zero program. The subject grant of National Highway Traffic Safety Administration federal funds in the amount of \$110,000 [Revenue Source 009-407996 Agency Income (Federal Funds)] is made available to the Department from the NH Highway Safety Agency and will supplant a portion of the \$750,000 (Revenue Source 000-409151 Federal Funds) amount for the WEDU contract, and will be used for a media campaign to promote public awareness of highway safety. No new consultants are being established with the acceptance of these funds. These 009-407996 Agency Income (Federal Pass – Thru) funds will supplant 000-409151 Federal Funds. The 000-409151 Federal Funds being supplanted will remain in the HSIP Program to be used for engineering/construction of projects to address identified highway safety problems.

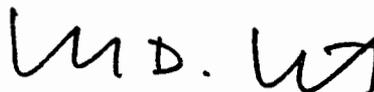
There are no salaries associated with this request, therefore, Class 042 Additional Fringe Benefits is not applicable. The Department has elected to make these Federal grant dollars 100% program and not assess indirect cost Class 040.

The following information is provided in accordance with the Comptroller's instructional memorandum dated September 21, 1981.

1. List of personnel involved: Consultant.
2. Nature, Need, and Duration: To enable the NHDOT to contract with a communications firm for the creation and coordination of earned and/or paid media through the use of radio, television, newspaper, social media, other media events etc., to inform and educate the motoring public about safe driving, occupant protection, the impact of alcohol and drug impaired driving, speed and driver inattention/distraction. The contract expires September 15, 2014.
3. Relationship to existing agency programs: A committee, formed of NH Highway Safety Agency, NH State Police designee and The NH Department of Transportation Highway Safety Engineer, will oversee the use of the Highway Safety funds for creation and coordination of media to inform and educate the motoring public.
4. Has a similar program been requested of the legislature and denied? No, a similar program has not been requested or denied.
5. Why wasn't funding included in the agency's budget request? Two state agencies are working together to provide funding for promoting safety and enable the NHDOT to contract with a communications firm for the creation and coordination of earned and/or paid media through the use of radio, television, newspaper, social media, other media events.
6. Can portions of the grant fund be utilized? 100% of the grant funds can be utilized.
7. Estimate the funds required to continue the position (s): Not applicable, there is not a new position.

Your approval of this resolution is respectfully requested.

Sincerely,



Christopher D. Clement, Sr.
Commissioner

Attachments

Department of Transportation
FISCAL SITUATION FISCAL YEAR 2014
04-096-096-963515-3054

Consolidated Federal	
Estimated revenue budgeted:	\$ 95,143,873
Prior year carryforward revenue:	\$ 331,431,419
Additional non-budgeted revenue:	<u>\$ 110,000</u>
Amount available to budget:	\$ 426,685,292
Less current FY14 budget authorization:	<u>\$ 426,575,292</u>
Total available for budgeting:	\$ 110,000
Amount to be budgeted this request:	<u>\$ 110,000</u>
Amount available to budget with future requests:	<u>\$ -</u>

Source of Non-Budgeted Revenue	Amount	Expenses through 2/24/14	Balance
NHTSA Grant for Reimbursements	\$ 110,000	\$ -	\$ 110,000
Totals	<u>\$ 110,000</u>	<u>\$ -</u>	<u>\$ 110,000</u>

**CONTRACTUAL AGREEMENT
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State Of New Hampshire
Highway Safety Agency
78 Regional Drive, Building 2
Concord, NH 03301-8530

Date Received December 6, 2013	Project Number #304-14S-008
Date Approved December 6, 2013	PSP and Task # 14-01, 11

Part I

1. Project Title NH DOT SHSP Media Campaign	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant	
A. Name of Agency DUNS Number 808591697 NH Department of Transportation Bureau of Highway Design	B. Address of Agency 7 Hazen Drive Concord NH 03301-6502
C. Government Unit (Check One) <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit State of New Hampshire Concord, NH 03301

4. Contract Duration A. Contract Period Start Date: December 1, 2013 Termination Date: September 15, 2014	Functional Area PM - Paid Advertising CFDA# 20.600 Program Title State & Community Highway Safety Funding Source National Highway Traffic Safety Administratio
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6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services					
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit	\$10,000.00	\$10,000.00			
e. Contractual Services	\$100,000.00	\$100,000.00			
f. Other					
Total Estimated Costs Including Non-Federal Share	\$110,000.00	\$110,000.00			

7. Local Benefit:

It is anticipated that the federal share for local benefit will be: 100% (\$110,000.00)

Part II

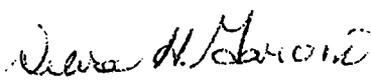
BUDGET AND PERSONNEL DATA	
a. Personnel Services	
*See Proposed Solution (page 3) for explanation of pay rates	
b. Current Expenses	
c. Equipment	
d. Indirect Costs and Audit Expense Indirect cost: 10 percent	\$10,000.00
e. Contractual Services Hiring of a communications/public relations contractor in accordance with State regulations	100,000.00
f. Other Expenses	
Total	\$110,000.00

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

A. Project Director		
1) Name William Cass	2) Title Director of Project Development NH Department of Transportation	3) Address 7 Hazen Drive Concord, NH 03301
4) Signature X 	5) Telephone Number 271-1486	
B. Authorized Official		
1) Name Christopher Clements	2) Title Commissioner, NH Department of Transportation	3) Address 7 Hazen Drive Concord, NH 03301
4) Signature X 	5) Telephone Number 271-1484	

Part IV (For HSA Use Only)

1. Approval Date December 6, 2013	2. Signature & Title  Peter M. Thomson, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement: \$110,000.00	

**SCHEDULE A
GENERAL PROJECT INFORMATION**

Description of Project

STATEMENT OF PROBLEM/NEED: For decades the law enforcement community has conducted impaired driving patrols, speed enforcement patrols, and sobriety checkpoints with measured statistical success. However, there has been little public notification and education, which has led to a lack of awareness on the part of the motoring public regarding efforts put forth by law enforcement. This lack of awareness is also evidenced by the motoring public regarding efforts put forth by law enforcement. This lack of awareness is also evidenced by the motoring public's limited knowledge of the motor vehicle laws along with driver apathy and the belief that "nothing will happen to me". This is a statewide problem as reflected by crashes, deaths and injuries caused by impaired drivers, speed, driver inattention/distraction, etc.

	Crashes	Injuries	Fatal Crashes	Fatalities (Deaths)	Alcohol & Drug Related Fatalities		Speed Related Fatalities		Inattention/Distracted Related Fatalities	
2007	30,636	12,071	122	129	43	33.3%	16	12.4%	10	7.8%
2008	34,151	13,455	127	138	58	42.0%	19	13.8%	15	10.9%
2009	33,265	13,106	97	110	40	36.4%	12	10.9%	12	10.9%
2010	32,157	12,670	120	128	29	32.7%	13	10.2%	14	11.0%
2011	33,273	13,110	84	90	24	26.7%	4	4.4%	14	15.6%
2012	26,691	10,516	101	108	26	24.1%	8	7.4%	8	7.4%

Statistical analysis of motor vehicle crashes occurring on New Hampshire roadways reveals that "driver inattention/distraction" was the primary contributing factor in approximately 14.7 percent of crashes resulting in incapacitating injuries and 22.2 percent of crashes resulting in non-incapacitating injuries during the period 2007-2010.

Furthermore, the New Hampshire Department of Motor Vehicles reports that 28 percent of non-fatal crashes are caused by some form of distracted driving. Driver inattention/distraction was determined to be the primary contributing factor of 7.4 percent of New Hampshire fatalities in 2012.

Instead of focusing their attention on the task of driving and operating their vehicles safely, drivers are frequently distracted by talking on a cell phone, texting, eating, reading, shaving, applying make-up, etc., often in combination with speeding, following too close, and making improper lane changes. The combination of these tasks is a recipe for disaster that leads to crashes and the loss of life, injuries, and property damage. Distracted driving crashes occur on local and state roadways, as well as the interstate/turnpike highways. When a crash occurs, no matter how minor the crash or resulting injuries, it creates a great deal of congestion and can lead to road closures all of which impact the impatience and attitude of other drivers.

In addition to enforcement efforts, there is a need to educate the motoring public about the issues of alcohol and drug impaired driving, speeding, occupant protection, and driver inattention/distraction through media campaigns involving radio, television, newspapers, social media, other media events, etc.

PROPOSED SOLUTION: Funds provided under this contract will be used in conjunction with SHSP funds and enable the NHDOT to contract with a communications/public relations firm (in accordance with state guidelines) for the creation and coordination of earned and/or paid media through the use of radio, television, newspapers, social media, other media events, etc., to inform and educate the motoring public about safe driving, occupant protection, the impact of alcohol and drug impaired driving, speed, and driver inattention/distraction.

The media contractor will: a) use as a guide the "2012/2013 Public Information Plan for NH Highway Safety Agency" provided by Farrah Consulting Group (attached); b) use/adhere to NHTSA's 402 Advertising Space Guidance, Revised December 2006 (attached); c) utilize the 2013/2014 NHTSA Communications Calendar (attached); and d) utilize www.trafficsafetymarketing.gov when developing earned and paid media.

A committee will be formed to oversee use of the Highway Safety funds for creation and coordination of earned and/or paid media through radio, television, newspapers, social media, other media, etc. The Committee will consist of: NH Highway Safety Agency, Colonel of NH State Police or designee, and the NH Department of Transportation representative handling the contract with the communications/public information firm.

ANTICIPATED RESULTS: As a result of the creation and coordination of this earned and/or paid media, the motoring public will be better informed, which will result in an increased awareness of highway safety issues related to occupant protection, alcohol and drug impaired driving, speed, and distracted driving. This will result in an informed and educated public and a decrease in motor vehicle crashes and the resulting deaths, life-changing injuries, and property damage.

The recipient of these funds is encouraged to provide programs to encourage the use of safety belts by all drivers and passengers in motor vehicles (23 U.S.C. 1200.11 (a)(d)) and to adopt and enforce seat belt use policies for employees operating company-owned, rented, or personally-owned vehicles when performing official business.

See attached Addenda for additional information that is hereby made a part of this contractual agreement.

ADDENDUM TO THE APPLICATION FOR HIGHWAY SAFETY PROJECT GRANT

PROJECT REPORTS: It is agreed that quarterly reports will be made to the NH Highway Safety Agency for one year summarizing the progress being made in implementing the project and identifying any problems being encountered. A final report will be made upon completion of the project. Monthly reports will be submitted within 20 days of the project termination date.

PROJECT TERMS: All purchases and expenditures under this project will be subject to audit procedures satisfactory to Federal regulations. It is understood that no monies provided under this project will be used for the replacement of any existing equipment which currently meets Federal Highway Safety Standards. If any existing equipment is sold or traded during the project period, in order to reduce the actual outlay of funds for equipment which is provided under this project, the proceeds will be applied in pro-rated amounts to the Federal and local shares of the costs of the project.

PROCUREMENT AND EQUIPMENT COST: State agencies receiving federal funds for the purchase of equipment are required to process orders through the Division of Plant and Property Management in accordance with state regulations. Items of equipment requiring testing and certification to verify their accuracy (i.e. breath testing devices and traffic control radar) must be selected from the State approved devices.

EQUIPMENT: Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CRF 1200.21).

PROJECT INVENTORY: An inventory of each item of equipment having a useful life of more than two years and a cost of five thousand dollars (\$5,000.00) or more will be provided to the NH Highway Safety Agency during the period in which it is in use. Before such equipment is disposed of, either by trade-in or write-off, authorization will be obtained from the Highway Safety Agency, acting as agent for the National Highway Traffic Safety Administration.

PROJECT CREDIT: All publications, public information or publicity released in conjunction with this project shall state that "this project is being supported in part through a grant from the NH Highway Safety Agency with federal funds provided by the National Highway Traffic Safety Administration, US Department of Transportation", or words to that effect.

AUDIT REPORTS: The grantee agrees to provide the NH Highway Safety Agency with a copy of the audit report including this project which was conducted under provisions of Circular A-133 - Audit of State and Local Governments and Non-Profit Organizations.

Certifications and Assurances

Section 402 Requirements (as amended by Pub. L. 112-141)

(a) The Governor is responsible for the administration of the State highway safety program through the NH Highway Safety Agency (NH RSA 238) which has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program (23 USC 402(b) (1) (A)); (b) The political subdivisions of this State are authorized, under NH RSA 238:6, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation (23 USC 402(b) (1) (B)); (c) At least 40 percent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs in accordance with 23 USC 402(b) (1) (C), 402(h)(2), unless this requirement is waived in writing; (d) This State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the state in accordance with 23 USC 402(b) (1) (D); (e) The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including: 1) National law enforcement mobilizations; 2) Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits; 3) An annual statewide safety belt use survey in accordance with 23 CFR Part 1340 for the measurement of State safety belt use rates; 4) Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources. 5) Coordination of its highway safety plan, data collection, and information systems with the state strategic highway safety plan as defined in section 148 (a). (23 USC 402 (b) (1) (E)); (f) The State shall actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (j)). 6) The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4).

Other Federal Requirements

(g) All NH Highway Safety Agency employee's time which is charged to federal funds utilize Section 402 funds. All Time and Attendance charges from federal sources come from that single cost objective which brings the State of New Hampshire into compliance with the applicable federal regulation as stated in 2 CFR 225, Appendix B, h(3). An additional certification will be provided by the NH Highway Safety Agency each year in April in order to meet the federal requirement for biennial certification. (h) Cash drawdowns will be initiated only when actually needed for disbursement (49 CFR 18.20); cash disbursements and balances will be reported in a timely manner as required by NHTSA (49 CFR 18.21); the same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations (49 CFR 18.41); failure to adhere to these provisions may result in the termination of drawdown privileges. (i) The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs); (j) Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21). (k) The State will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20; (l) The State's highway safety program has been specifically exempted from the provisions of Circular A-95 by the Governor of the State of New Hampshire. (m) Federal Funding Accountability and Transparency Act (FFATA). The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded. 1) Name of the entity receiving the award; 2) Amount of the award; 3) Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source; 4) Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country, and an award title descriptive of the purpose of each funding action; 5) A unique identifier (DUNS); 6) The names and total compensation of the five most highly compensated officers of the entity if, of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; (i) The entity in the preceding fiscal year received—(I) 80 percent or more of its annual gross revenues in Federal awards; and (II) \$25,000,000 or more in annual gross revenues from Federal awards; and ii) The public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986; 7) Other relevant information specified by the Office of Management and Budget in subsequent guidance or regulation. (n) 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 (P.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 (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse of alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; (k) the requirements of any other nondiscrimination statute(s) which may apply to the application; and (l) the Civil Right Restoration Act of 1987 (Pub.L. 100-259) which requires Federal-aid recipients and all sub recipients to prevent discrimination and ensure non-discrimination in all programs and activities.

The Drug-Free Workplace Act of 1988(41 U.S.C. 8103)

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 702) and former Governor Judd Gregg's Executive Order No. 89-6, the State will provide a drug-free workplace by: a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition; b. Establishing a drug-free awareness program to inform employees about: 1) The dangers of drug abuse in the workplace; 2) The grantee's policy of maintaining a drug-free workplace; 3) Any available drug counseling, rehabilitation, and employee assistance programs; and 4) The penalties that may be imposed upon employees for drug violations occurring in the workplace. c. 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). d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will: 1) Abide by the terms of the statement; and 2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. f. 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: 1) Taking appropriate personnel action against such an employee, up to and including termination; or 2) Requiring such employee to participate

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 to Ban 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: 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving: a) Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or b) Privately-owned when on official Government business or when performing any work on behalf of the Government. 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as: a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Environmental Impact

The Governor's Representative for Highway Safety has reviewed the State's Fiscal Year highway safety planning document and hereby declares that no significant environmental impact will result from implementing this Highway Safety Plan. If, under a future revision, this Plan will be modified in such a manner that a project would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

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 website 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 website at www.trafficsafety.org.

HS-4(a) (3/28/13)

NH Highway Safety Agency
78 Regional Drive, Building #2
Concord, NH 03301-8530
Telephone 603-271-2131

**ADDENDUM TO THE APPLICATION
FOR HIGHWAY SAFETY PROJECT GRANT**

FEDERAL REGULATIONS

2 CFR Part 25 (formerly Circular A-87). This provides principles for determining the allowable costs of programs administered by State, local and federally-recognized Indian tribal governments under grants from and contracts with the Federal Government. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and the Federal Government. The principles are for determining costs only and are not intended to identify the circumstances nor to dictate the extent of Federal and State or local participation in the financing of a particular project. They are designed to provide that federally-assisted programs bear their fair share of costs recognized under these principles except where restricted and prohibited by law.

COMMON RULE (49 CFR Part 18) (Effective October 1988) This rule establishes the Uniform Administrative Requirements for Grants and Cooperative Agreements and Sub-awards to state and local governments and Indian tribal governments. Administrative rules set forth include:

18.10	Forms for Applying for Grants	18.32	Equipment
18.11	State Plans	18.33	Supplies
18.20	Standards for Financial Management Systems	18.34	Copyrights
18.21	Payment	18.35	Sub-awards to Debarred and Suspended Parties
18.22	Allowable Costs	18.36	Procurement
18.23	Period of Availability of Funds	18.37	Subgrants
18.24	Matching or Cost Sharing	18.40	Monitoring and Reporting Program Performance
18.25	Program Income	18.41	Financial Reporting
18.26	Non-Federal Audits	18.42	Retention and Access Requirements for Records
18.30	Changes	18.50	Closeout
18.31	Real Property		

CIRCULAR A-133 (June 1997). This Circular establishes audit requirements for State and local governments that receive Federal aid, and defines Federal responsibilities for implementing and monitoring those requirements.

Further information concerning these Circulars may be obtained by contacting the Financial Management Branch, Budget Review Division, Office of Management & Budget, Washington, DC 20503. Telephone 202-395-4773.

FEDERAL FUNDING ACCOUNTABILITY & TRANSPARENCY ACT. *Data Universal Numbering System (DUNS) Numbers Requirement.* As the recipient of federal highway safety funds, the applicant agency must have a DUNS number. This is a unique nine-character number that identifies the applicant agency and is used by the federal government to track how federal funds are distributed. If the applicant agency is authorized to make sub-awards under this contract, it must: 1) notify potential sub-recipients that no entity may receive a sub-award unless that entity has provided the applicant agency with its DUNS number; and 2) the applicant agency may not make a sub-award to an entity unless the entity has provided its DUNS number to the applicant agency.
(<http://fedgov.dnb.com/webform>)

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. g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

Buy America Act

The subgrantee 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)

The subgrantee 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.

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

In accordance with the provision of 49 CFR Part 29, the State agrees that it shall not knowingly enter into any agreement under its Highway Safety Plan with a person or entity that is barred, suspended, declared ineligible, or voluntarily excluded from participation in the Section 402 program, unless otherwise authorized by NHTSA. The State further agrees that it will include a clause in all lower tier covered transactions and in solicitations for lower tier covered transactions.

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 STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



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CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Bureau of Highway Design
May 2, 2013

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Department of Transportation to enter into an Agreement with WEDU, Inc., Manchester, NH, Vendor #158621, for an amount not to exceed \$750,000.00, for on-call assistance to the Bureau of Highway Design in providing marketing services to the Department's Strategic Highway Safety Program, effective upon Governor and Council approval, through June 30, 2016. 100% Federal Funds

Funding is contingent upon the availability and continued appropriation of funds in FY 2014, 2015, and 2016, as follows:

Table with 5 columns: Line Item, FY 2013, FY 2014, FY 2015, FY 2016. Row 1: 04-96-96-963515-3054 Consolidated Federal Aid. Row 2: 046-500463 Eng Consultants Non-Benefit. Values: \$30,000, \$240,000, \$240,000, \$240,000.

EXPLANATION

The Strategic Highway Safety Plan (SHSP) is a statewide-coordinated safety plan that provides a comprehensive framework for reducing highway fatalities and serious injuries on all public roads. Strategically, the SHSP establishes statewide goals, objectives, and key emphasis areas for safety improvement. The plan is developed in consultation with Federal, State, and Local and private sector safety stakeholders. These efforts are eligible for federal funding under the annual Highway Safety Improvement Program (HSIP).

The Department requires on-call marketing and technical services to increase the Bureau of Highway Design's capacity to address safety focus areas identified in the States Strategic Highway Safety Plan. Possible assignments include creating a strategic communications plan, public relations outreach, creating and managing interactive websites, creating a variety of graphic elements, creating TV, radio, print and online public service announcements, purchasing ad-time with statewide media outlets, using and creating interactive presentations, creating animations and visualizations, and creating annual reports, newsletters and other publications.

The vendor selection process for this contract was initiated by a solicitation for marketing services through a Request for Proposals (RFP), which was posted on the State Administrative Services website from November 9, 2012 to December 5, 2012. A Legal Notice of the RFP was advertised in the Union Leader newspaper from November 12, 2012 to November 14, 2012. Answers to vendor's questions regarding clarification of the solicitation were posted to the Administrative Services website on November 20, 2012. As a result of the solicitation, four firms submitted proposals: Fuseideas, Winchester, MA; Glen Group, North Conway, NH; m5 Marketing Communications, Manchester, NH; and WEDU, Inc., Manchester, NH.

The selection process for this contract consisted of review and ranking of solicited written proposals by a selection panel comprised of ten members of the Strategic Highway Safety Plan (SHSP) Committee. The selection panel included the Assistant Director of Project Development, Public Information Officer, Administrator of the Bureau of Highway Design, and State Highway Safety Engineer from NHDOT; the Program Director and Project Manager from the Highway Safety Agency; a representative from the Department of Safety's Special Services Highway Safety Unit; a Program Manager from the Department of Health and Human Services; a Senior

Transportation Planner from the Upper Valley Regional Planning Commission, and the ITS & Safety Engineer from the Federal Highway Administration.

The selection panel members reviewed the proposals individually and met on Friday, December 14, 2012 to recommend a vendor. The Committee rated each firm based on Strategic Approach, Proposed Work Plan, Demonstrated Ability for Value added and In-Kind, Expertise of Proposed Staff, Demonstrated Ability to Reach Target Audiences, Work Samples from relevant past safety related projects, and Work Samples showing quality and creativity and Cost. Having assessed all of the aforementioned factors, the selection panel scored and ranked WEDU, Inc. the highest of the four firms. (The Scoring Summary is attached.) The selection panel's ranking was submitted to the Assistant Commissioner for consideration and approval.

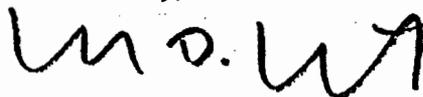
WEDU, Inc. has agreed to furnish the on-call services for an amount not to exceed \$750,000.00. This firm has an excellent reputation and has demonstrated their capability to perform the required services. The cost for individual Task Orders assigned under this contract will be negotiated and use of a modified cost plus fixed fee or lump sum method of compensation will be determined based on the complexity and scope of creative and technical services required. No new tasks may be assigned after the above-noted completion date, however, completion of previously assigned work begun prior to the completion date shall be allowed, subject to the written mutual agreement of both parties, which shall include a revised date of completion.

This project funding is 90% Federal funds with 10% state match. Turnpike toll credit is being utilized for New Hampshire's match requirement, effectively using 100% Federal funds.

This Agreement (Statewide On-Call Marketing Services, 26484) has been approved by the Attorney General as to form and execution. The Department has verified that the necessary funds are available. Copies of the fully-executed Agreement are on file at the Secretary of State's Office and the Department of Administrative Services, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

It is respectfully requested that authority be given to enter into an Agreement for on-call marketing services as outlined above.

Sincerely,



Christopher D. Clement, Sr.
Commissioner