

We encourage everyone to view the meeting live via YouTube.

***Leavenworth County  
Board of County Commissioners***

***Regular Meeting Agenda***  
300 Walnut Street, Suite 225  
Leavenworth, KS 66048  
July 12, 2023  
9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- III. ROLL CALL
- IV. PUBLIC COMMENT: Public Comment shall be limited to 15 minutes at the beginning of each meeting for agenda items **only** and limited to three minutes per person. Comments at the end of the meeting shall be open to any topic of general interest to the Board of County Commissioners and limited to five minutes per person. There should be no expectation of interaction by the Commission during this time.  
  
Anyone wishing to make comments either on items on the agenda or not are encouraged to provide their comments in writing no later than 8:00 AM the Monday immediately preceding the meeting. These comments will be included in the agenda packet for everyone to access and review. This allows the Commission to have time to fully consider input and request follow up if needed prior to the meeting.
- V. ADMINISTRATIVE BUSINESS:
- VI. CONSENT AGENDA: The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.
  - a) Approval of the minutes of the meeting of July 5, 2023
  - b) Approval of the schedule for the week July 17, 2023
  - c) Approval of the check register

d) Approve and sign the OCB's

VII. FORMAL BOARD ACTION:

a) Consider a motion to approve the funding requests from local historical societies and museums.

b) Consider a motion to approve Resolution 2023-18, levying a property tax rate exceeding the revenue neutral rate for tax year 2023.

c) Consider a motion to approve Resolution 2023-19, levying a property tax rate exceeding the revenue neutral rate for Leavenworth County Special Other Funds for tax year 2023.

d) Consider a motion to approve an agreement with KDOT for Federal Safe Streets for All in an awarded 80/20 federal safety planning grant.

e) Consider a motion to approve a policy for providing County provided s short term disability insurance for all eligible employees.

f) Consider a motion to approve an amendment to the Insurance Opt-Out policy placing a cap on the maximum payout amount.

VIII. PRESENTATIONS AND DISCUSSION ITEMS: presentations are materials of general concern where no action or vote is requested or anticipated.

a) Discussion on George Road

IX. ADDITIONAL PUBLIC COMMENT IF NEEDED

X. ADJOURNMENT

**4:30 p.m. WORK SESSION WITH THE  
PLANNING COMMISSION**

# LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

**Monday, July 10, 2023**

**Tuesday, July 11, 2023**

**Wednesday, July 12, 2023**

9:00 a.m. Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

4:30 p.m. Work session with Planning Commission  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

**Thursday, July 13, 2023**

12:00 p.m. LCDC meeting

**Friday, July 14, 2023**

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

\*\*\*\*\*July 5, 2023 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, July 5, 2023. Commissioner Kaaz, Commissioner Doug Smith, Commissioner Mike Smith, Commissioner Culbertson and Commissioner Stieben are present; Also present: Andrew Dedeke, County Sheriff; Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Misty Brown, Deputy County Counselor; John Jacobson, Planning and Zoning Director; Amy Allison, Planning & Zoning Deputy Director; Bill Noll, Infrastructure and Construction Services

Residents: John Matthews, John Wagner

**PUBLIC COMMENT:**

There was no public comment.

**ADMINISTRATIVE BUSINESS:**

Commissioner Stieben discussed citizen concerns regarding speed limits on different road surfaces.

Commissioner Doug Smith requested to have the check register removed from the consent agenda.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to pull the check registry from the consent agenda for Wednesday, July 5, 2023 as presented.***

***Motion passed, 4-0. Commissioner Doug Smith abstained.***

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the check register section of the consent agenda for Wednesday, July 5, 2023 as presented.***

***Motion passed, 4-0. Commissioner Doug Smith abstained.***

Amy Allison presented Resolution 2023-15, a rezone request from RR-5 to RR-2.5 located at 24971 and 00000 Tonganoxie Drive.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve Resolution 2023-15, a rezone request from RR-5 to RR-2.5 located at 24971 & 00000 Tonganoxie Drive.***

***Motion passed, 5-0.***

Ms. Allison presented Resolution 2023-16, a rezone request from RR-5 to Planned Unit Development located at 17271 and 17251 Hollingsworth Road.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve Resolution 2023-16, a rezone request from RR-5 to Planned Unit Development located at 17271 & 17251 Hollingsworth Road.***

***Motion passed, 5-0.***

Ms. Allison presented Resolution 2023-17, a request from a special use permit for Faster Dynamics.

***A motion was made by Commissioner Mike Stieben and seconded by Commissioner Mike Smith to conditionally approve Resolution 2023-17, a special use permit for Faster Dynamics, an auto service and repair shop located at 00000 George Road with 3- year date certain on Jan 1, 2026.***

***Motion passed, 3-2. Commissioners Kaaz and Doug Smith voting nay.***

Mark Loughry presented information regarding changes to a road improvement agreement.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to approve a road improvement agreement.***

***Motion passed, 4-1, Commissioner Doug Smith nay.***

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve Board Order 2023-4, memorializing the findings previously made by the Board upon the hearing of the matter of the vacation of an unused portion of State Street.***

***Motion passed 5-0.***

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve a first amendment to contract for certain improvements to 155th Street as it lies in the city of Basehor and the waiver by the city of Basehor of connection fees for Sewer District #5.***

***Motion passed 5-0.***

Discussion took place regarding the 2024 Leavenworth County budget.

***A motion was made by Commissioner Stieben that the two positions that were funded by ARPA within the County Attorney's Office, that we reclaim the \$160,000.00 to the General Fund of the budget from his proposed 2024 budget.***

***Motion dies for lack of a second.***

***A motion was made by Commissioner Stieben to reduce the County Attorney's proposed 2024 budget by \$160,000.00.***

***Motion dies for lack of a second.***

It was the consensus of the Board to meet with the County Attorney prior to the next Board meeting.

John Wagner commented on a non-agenda item.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith that the Board recess for a closed executive meeting for the discussion of potential litigation involving the legal interests of the County as justified by K.S.A. 75-4319 (B)(2) for consultation with legal counsel for the Board which would be deemed privileged in the attorney-client relationship and that the Board resume open meeting at 11:05 a.m. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Mike Smith, Doug Smith and Mike Stieben, Senior County Counselor, Misty Brown, David Van Parys, and Mark Loughry.***

***Motion passed, 5-0.***

The Board returned to regular session at 11:05 a.m. No action was taken and no decisions were made. The subject was limited to the legal interests of the County.

Commissioner Stieben attended the 4<sup>th</sup> of July parade for the city of Basehor.

Commissioner Culbertson met with constituents regarding the statement he made at the last meeting regarding taxation. He attended the city of Easton fireworks show.

Commissioner Mike Smith attended the city of Lansing's 4<sup>th</sup> of July celebration.

Commissioner Kaaz attended a conference for drug court and participated in a KCATA meeting via Zoom.

Commissioner Doug Smith attended the Basehor City Council meeting and the 4<sup>th</sup> of July parade in Basehor.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to adjourn.***

***Motion passed, 5-0.***

The Board adjourned at 11:09 a.m.

# LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

## Monday, July 17, 2023

## Tuesday, July 18, 2023

8:30 a.m. International Students' Honorary Citizens Day  
• Riverfront Community Center, 123 S. Esplanade, Leavenworth, KS

12:00 p.m. LCPA meeting

## Wednesday, July 19, 2023

9:00 a.m. Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

## Thursday, July 20, 2023

## Friday, July 21, 2023

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

START DATE: 07/01/2023 END DATE: 07/07/2023

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#						
20588	ADVANTAGE	ADVANTAGE PRINTING	335312	103903 AP	07/07/2023	3-001-5-05-301	ACCT 381 EMS WINDOW ENVELOPES	313.00		
20588	ADVANTAGE	ADVANTAGE PRINTING	335312	103903 AP	07/07/2023	3-001-5-19-301	98 DIST CT JUROR LABELS	315.00		
20588	ADVANTAGE	ADVANTAGE PRINTING	335312	103903 AP	07/07/2023	3-001-5-19-301	ACCT 98 DIST CT ENVELOPES	1,328.00		
20588	ADVANTAGE	ADVANTAGE PRINTING	335312	103903 AP	07/07/2023	3-001-5-49-301	ACCT 109 ELECTION DISPOSITION	695.00		
								*** VENDOR	20588 TOTAL	2,651.00
22369	BAMFORD FI	BAMFORD FIRE SPRINKLER	335314	103905 AP	07/07/2023	3-001-5-31-294	COMM CORR BI-ANNUAL INSP WET S	296.00		
22369	BAMFORD FI	BAMFORD FIRE SPRINKLER	335314	103905 AP	07/07/2023	3-001-5-32-266	QUARTERLY INSP JUSTICE CENTER	864.00		
								*** VENDOR	22369 TOTAL	1,160.00
550	BECK, JUDITH	JUDITH BECK	335315	103906 AP	07/07/2023	3-001-5-07-219	JAIL INMATES MEDICAL SERVICE	6,041.67		
2489	BEDNAR, ROBERT	HONORABLE ROBERT BEDNAR	335316	103907 AP	07/07/2023	3-001-5-19-252	DOMESTIC COURT PRO TEM	3,000.00		
283	BUSETTI ROBERT	ROBERT BUSETTI	335317	103908 AP	07/07/2023	3-001-5-07-219	MONTHLY DENTIST FOR INMATES	350.00		
23989	CASA	CASA	335319	103910 AP	07/07/2023	3-001-5-29-203	PER 2023 LEAVCO BUDGET	17,500.00		
24545	CDW GOVERN	CDW GOVERNMENT INC	335320	103911 AP	07/07/2023	3-001-5-07-362	11106763 8 MONITORS,DOCK LVSO	1,459.04		
24545	CDW GOVERN	CDW GOVERNMENT INC	335320	103911 AP	07/07/2023	3-001-5-07-362	11106763 8 MONITORS,DOCK LVSO	235.35		
24545	CDW GOVERN	CDW GOVERNMENT INC	335320	103911 AP	07/07/2023	3-001-5-07-362	11106763 COLOR PRINTER LVSO	304.30		
								*** VENDOR	24545 TOTAL	1,998.69
5447	CITY WIDE MAINTENANC	CITY WIDE MAINTENANCE	335321	103912 AP	07/07/2023	3-001-5-32-296	01001100496 JANITORIAL SVC JUL	5,860.00		
706	CRAFTMASTER	CRAFTMASTER HARDWARE,LLC	335322	103913 AP	07/07/2023	3-001-5-07-357	JAIL MAINT(FOOD PASS HINGES)	142.94		
546	CURTIS	CURTIS,STALEY,AND ASSOCIATES	335323	103914 AP	07/07/2023	3-001-5-07-219	MENTAL HEALTH SERVICES - JAIL	3,000.00		
30100	ELECTION WORKER	CARLOS WILSON	335324	103915 AP	07/07/2023	2-001-5-49-341	REPLACE CK 100872 - STALE DATE	100.00		
86	EVERGY	EVERGY KANSAS CENTRAL INC	335325	103916 AP	07/07/2023	3-001-5-33-392	711 MARSHALL ELECTRIC SERVICE	9,558.57		
86	EVERGY	EVERGY KANSAS CENTRAL INC	335325	103916 AP	07/07/2023	3-001-5-53-219	ELEC SVC NOX WEED	316.52		
								*** VENDOR	86 TOTAL	9,875.09
243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-001-5-06-222	7-1 LEAV01 JUNE GEOLOCATING SV	32.66		
243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-001-5-11-253	7-1 LEAV01 JUNE GEOLOCATING SV	16.33		
243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-001-5-31-230	7-1 LEAV01 JUNE GEOLOCATING SV	48.99		
243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-001-5-41-271	7-1 LEAV01 JUNE GEOLOCATING SV	97.98		
								*** VENDOR	243 TOTAL	195.96
83	GRAFIX SHOPPE	M J DONOVAN ENTERPISES, INC	335329	103920 AP	07/07/2023	3-001-5-07-213	VEHICLE GRAPHICS - LVSO	3,357.60		
22605	HINCKLEY S	HINCKLEY SPRINGS	335331	103922 AP	07/07/2023	3-001-5-11-208	17137512660768 FILTRATION SYST	44.99		
7655	J F DENNEY P	J F DENNEY PLUMBING & HEATING	335332	103923 AP	07/07/2023	3-001-5-33-209	SVC CALL COUNCIL ON AGING - CU	625.25		
6636	KANSAS GAS	KANSAS GAS SERVICE	335333	103924 AP	07/07/2023	3-001-5-14-220	510614745 1631910 36 GAS SERVI	60.11		
19903	LANGUAGE L	LANGUAGE LINE SERVICES INC	335334	103925 AP	07/07/2023	3-001-5-19-221	9020533027 INTERPRETER (PHONE)	3.00		
1409	LEAV CO CO	LEAV CO CONSERVATION DISTRICT	335335	103926 AP	07/07/2023	3-001-5-25-230	PER 2023 LVCO BUDGET	5,625.00		
1409	LEAV CO CO	LEAV CO CONSERVATION DISTRICT	335335	103926 AP	07/07/2023	3-001-5-25-230	PER 2023 LVCO BUDGET	5,625.00		
								*** VENDOR	1409 TOTAL	11,250.00
220	LEAV CO EX	LEAVENWORTH COUNTY EXTENSION	335336	103927 AP	07/07/2023	3-001-5-25-220	PER LEAV CO 2023 BUDGET	66,259.00		
537	LEAV TIMES	CHERRYROAD MEDIA INC	335337	103928 AP	07/07/2023	3-001-5-53-216	21258 PUBLIC NOTICE - NOX WEED	33.16		
61	MIAMI CO DIST CT	DISTRICT COURT OF MIAMI COUNTY	335339	103930 AP	07/07/2023	3-001-5-19-222	A.R. REVIEW HEARING	75.00		
4583	MURRFIELD	MURRFIELD FARM SUPPLY	335340	103931 AP	07/07/2023	3-001-5-53-305	1252 CHEMICALS PER BID (REC'D	4,973.52		
2612	QUALITY REPORTING	QUALITY REPORTING	335341	103932 AP	07/07/2023	3-001-5-19-251	ARRAIGNMENT HEARING 6/7/23 202	182.76		
7098	QUILL CORP	QUILL CORP	335342	103933 AP	07/07/2023	3-001-5-28-301	5643954 HR OFFICE SUPPLIES	114.14		
6575	STERICYCLE	STERICYCLE, INC	335344	103935 AP	07/07/2023	3-001-5-07-359	CUST 2237623 MEDICAL WASTE REM	202.36		
608	TRAVELERS	THE TRAVELERS INDEMNITY COMPAN	335346	103937 AP	07/07/2023	3-001-5-14-224	4825F7093 (16P20731-LZP) DEDUC	24.00		
608	TRAVELERS	THE TRAVELERS INDEMNITY COMPAN	335346	103937 AP	07/07/2023	3-001-5-14-224	4825F7093 (16P20731-LZP) DEDUC	2,400.00		
								*** VENDOR	608 TOTAL	2,424.00
350	TREASURER	LEAVENWORTH COUNTY	335347	103938 AP	07/07/2023	3-001-5-14-241	RE TAXES - ACQUIRED PROPERTY O	137.67		
350	TREASURER	LEAVENWORTH COUNTY	335347	103938 AP	07/07/2023	3-001-5-14-241	RE TAXES - ACQUIRED PROPERTY O	35.72-		
								*** VENDOR	350 TOTAL	101.95
2	WATER DEPT	WATER DEPT	335348	103939 AP	07/07/2023	3-001-5-14-220	WATER SVC 300 WALNUT	1,756.11		
2	WATER DEPT	WATER DEPT	335348	103939 AP	07/07/2023	3-001-5-32-392	WTAER SVC JUSTICE CENTER	3,839.02		
								*** VENDOR	2 TOTAL	5,595.13



START DATE: 07/01/2023 END DATE: 07/07/2023

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#						
276	WEX	WEX BANK	335349	66	07/07/2023	3-001-5-11-253	FUEL TO 6.23		61.03	
276	WEX	WEX BANK	335349	66	07/07/2023	3-001-5-14-331	FUEL TO 6.23.23		7,793.05	
276	WEX	WEX BANK	335349	66	07/07/2023	3-001-5-14-332	FUEL TO 6.23.23		7,074.06	
276	WEX	WEX BANK	335349	66	07/07/2023	3-001-5-14-334	FUEL TO 6.23		488.89	
276	WEX	WEX BANK	335349	66	07/07/2023	3-001-5-14-335	FUEL TO 6.23		112.43	
276	WEX	WEX BANK	335349	66	07/07/2023	3-001-5-14-901	0496-00-668063-1 WEX REBATE		302.51-	
								*** VENDOR	276 TOTAL	15,226.95
								TOTAL FUND 001		162,404.27
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29712	TB SKIN TESTS	KANSAS DEPT OF HEALTH & ENVIRO	335345	103936 AP	07/07/2023	3-108-5-00-384	TB66048 PPD (TB SKIN TEST) + F		120.00	
29712	TB SKIN TESTS	KANSAS DEPT OF HEALTH & ENVIRO	335345	103936 AP	07/07/2023	3-108-5-00-384	TB66048 PPD (TB SKIN TEST) + F		8.00	
								*** VENDOR	29712 TOTAL	128.00
276	WEX	WEX BANK	335349	66	07/07/2023	3-108-5-00-304	FUEL TO 6.23.23		51.88	
								TOTAL FUND 108		179.88
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243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-115-5-00-423	7-1 LEAV01 JUNE GEOLOCATING SV		114.31	
243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-115-5-00-434	7-1 LEAV01 JUNE GEOLOCATING SV		538.89	
243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-115-5-00-436	7-1 LEAV01 JUNE GEOLOCATING SV		207.57	
								*** VENDOR	243 TOTAL	860.77
661	MAINSTREET	CDJ AUTOMOTIVE LLC	335338	103929 AP	07/07/2023	3-115-5-00-408	LVSO 2023 DODGE RAM (X2)		37,079.00	
661	MAINSTREET	CDJ AUTOMOTIVE LLC	335338	103929 AP	07/07/2023	3-115-5-00-408	LVSO 2023 DODGE RAM (X2)		37,079.00	
								*** VENDOR	661 TOTAL	74,158.00
								TOTAL FUND 115		75,018.77
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24545	CDW GOVERN	CDW GOVERNMENT INC	335320	103911 AP	07/07/2023	3-117-5-00-301	3773122 CLERK:8 HARD DRIVES		485.76	
								TOTAL FUND 117		485.76
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24545	CDW GOVERN	CDW GOVERNMENT INC	335320	103911 AP	07/07/2023	3-118-5-00-301	3773122 CO TREAS SCANNERS,MONI		2,108.39	
								TOTAL FUND 118		2,108.39
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243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-126-5-00-221	7-1 LEAV01 JUNE GEOLOCATING SV		16.33	
								TOTAL FUND 126		16.33
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86	EVERGY	EVERGY KANSAS CENTRAL INC	335325	103916 AP	07/07/2023	3-133-5-00-251	7-7 ELEC SVC NORTH END SALT DO		24.04	
617	GEIGER	GEIGER READY MIX	335327	103918 AP	07/07/2023	3-133-5-00-440	7-4 4339 CONCRETE/EAST SIDE SH		2,946.35	
617	GEIGER	GEIGER READY MIX	335327	103918 AP	07/07/2023	3-133-5-00-440	7-4 4339 CONCRETE/EAST SIDE SH		58.62-	
								*** VENDOR	617 TOTAL	2,887.73
276	WEX	WEX BANK	335349	66	07/07/2023	3-133-5-00-304	7-2 FUEL TO 6.23		87.27	
								TOTAL FUND 133		2,999.04
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243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-136-5-00-221	7-1 LEAV01 JUNE GEOLOCATING SV		32.66	
								TOTAL FUND 136		32.66
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2621	CAFE	TERRY BOOKER	335318	103909 AP	07/07/2023	3-145-5-00-256	CO ON AGING MEALS RESERVED 6/1		10,874.50	
2621	CAFE	TERRY BOOKER	335318	103909 AP	07/07/2023	3-145-5-00-256	CO ON AGING MEALS RESERVED 6/1		13,578.50	
								*** VENDOR	2621 TOTAL	24,453.00
184	FLORENCE R	FLORENCE RIFORD SENIOR CTR	335326	103917 AP	07/07/2023	3-145-5-00-246	UTILITY STIPEND FOR MEALSITE		225.40	
184	FLORENCE R	FLORENCE RIFORD SENIOR CTR	335326	103917 AP	07/07/2023	3-145-5-05-202	UTILITY STIPEND FOR MEALSITE		83.72	
184	FLORENCE R	FLORENCE RIFORD SENIOR CTR	335326	103917 AP	07/07/2023	3-145-5-07-202	UTILITY STIPEND FOR MEALSITE		12.88	
								*** VENDOR	184 TOTAL	322.00
89	HICKORY VILAS	HICKORY VILLAS, LLC	335330	103921 AP	07/07/2023	3-145-5-00-246	UTILITY STIPEND MEALSITE		140.00	
89	HICKORY VILAS	HICKORY VILLAS, LLC	335330	103921 AP	07/07/2023	3-145-5-05-202	UTILITY STIPEND MEALSITE		52.00	

warrants by vendor

START DATE: 07/01/2023 END DATE: 07/07/2023

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#							
89	HICKORY VILAS	HICKORY VILLAS, LLC	335330	103921 AP	07/07/2023	3-145-5-07-202	UTILITY STIPEND MEALSITE	8.00		
								*** VENDOR	89 TOTAL	200.00
276	WEX	WEX BANK	335349	66	07/07/2023	3-145-5-00-304	FUEL TO 6.23.23	4,316.50		
								TOTAL FUND 145	29,291.50	
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243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-153-5-00-401	7-1 LEAV01 JUNE GEOLOCATING SV	951.83		
								TOTAL FUND 153	951.83	
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243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-155-5-00-403	7-1 LEAV01 JUNE GEOLOCATING SV	245.31		
								TOTAL FUND 155	245.31	
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243	GEOTAB	GEOTAB USA INC	335328	103919 AP	07/07/2023	3-160-5-00-215	7-1 LEAV01 JUNE GEOLOCATING SV	32.66		
6917	RWD 1	RURAL WATER DIST #1	335343	103934 AP	07/07/2023	3-160-5-00-210	SOLID WASTE TRANSFER STATION-W	36.93		
								TOTAL FUND 160	69.59	
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699	KEYLON, AMANDA	AMANDA KEYLON	335351	1703 AP	07/06/2023	3-171-5-05-301	7-1 HRRR TRACT 18 EASEMENTS	10,623.02		
699	KEYLON, AMANDA	AMANDA KEYLON	335351	1703 AP	07/06/2023	3-171-5-05-301	7-1 HRRR TRACT 18 EASEMENTS	12,055.76		
								*** VENDOR	699 TOTAL	22,678.78
704	MANSON, BRIAN	BRIAN ANDREW MANSON	335352	1704 AP	07/06/2023	3-171-5-05-301	7-2 HRRR TEMP EASEMENT	1,870.73		
29034	MHS	MCAFEE HENDERSON SOLUTIONS	335353	1705 AP	07/06/2023	3-171-5-04-201	7-4 CR2 TO 6.24	1,047.14		
29034	MHS	MCAFEE HENDERSON SOLUTIONS	335353	1705 AP	07/06/2023	3-171-5-05-201	7-5 HRRR PROJ 2021.046.001 TO	6,470.09		
								*** VENDOR	29034 TOTAL	7,517.23
196	OLSSON	OLSSON, INC	335354	1706 AP	07/06/2023	3-171-5-00-201	7-3 019-28310 PROF SVCS TO 6.2	2,485.75		
								TOTAL FUND 171	34,552.49	
-----										
29034	MHS	MCAFEE HENDERSON SOLUTIONS	335355	10207 AP	07/07/2023	3-172-5-00-506	ARPA186 3.1 CULVERT REPL	26,103.78		
29034	MHS	MCAFEE HENDERSON SOLUTIONS	335355	10207 AP	07/07/2023	3-172-5-00-506	ARPA185 3.3 BR E-18 TO 6.24	692.02		
								*** VENDOR	29034 TOTAL	26,795.80
								TOTAL FUND 172	26,795.80	
-----										
1737	AT&T-CAROL STREAM IL	AT&T	335313	103904 AP	07/07/2023	3-174-5-00-210	913A38-0682 421 2 SVC TO 4 TOW	355.76		
1737	AT&T-CAROL STREAM IL	AT&T	335313	103904 AP	07/07/2023	3-174-5-00-210	913A38-0682 421 2 SVC TO 4 TOW	355.76		
1737	AT&T-CAROL STREAM IL	AT&T	335313	103904 AP	07/07/2023	3-174-5-00-210	913A38-0682 421 2 SVC TO 4 TOW	355.76		
1737	AT&T-CAROL STREAM IL	AT&T	335313	103904 AP	07/07/2023	3-174-5-00-210	913A38-0682 421 2 SVC TO 4 TOW	711.52		
								*** VENDOR	1737 TOTAL	1,778.80
86	EVERGY	EVERGY KANSAS CENTRAL INC	335325	103916 AP	07/07/2023	3-174-5-00-210	ELEC SVC 3 TOWERS	529.75		
86	EVERGY	EVERGY KANSAS CENTRAL INC	335325	103916 AP	07/07/2023	3-174-5-00-210	ELEC SVC 3 TOWERS	357.83		
86	EVERGY	EVERGY KANSAS CENTRAL INC	335325	103916 AP	07/07/2023	3-174-5-00-210	ELEC SVC 3 TOWERS	259.31		
								*** VENDOR	86 TOTAL	1,146.89
								TOTAL FUND 174	2,925.69	
-----										
								TOTAL ALL CHECKS	338,077.31	

TYPES OF CHECKS SELECTED: \* ALL TYPES

FUND SUMMARY

001	GENERAL	162,404.27
108	COUNTY HEALTH	179.88
115	EQUIPMENT RESERVE	75,018.77
117	CO CLERK TECHNOLOGY	485.76
118	TREASURER TECH FUND	2,108.39
126	COMM CORR ADULT	16.33
133	ROAD & BRIDGE	2,999.04
136	COMM CORR JUVENILE	32.66
145	COUNCIL ON AGING	29,291.50
153	PUBLIC WORKS,EQUIP.RESERVE FUND	951.83
155	LSR CAPITAL EQUIP RESERVE	245.31
160	SOLID WASTE MANAGEMENT	69.59
171	S TAX CAP RD PROJ: BONDS	34,552.49
172	AMERICAN RECOVERY PLAN	26,795.80
174	911	2,925.69
	TOTAL ALL FUNDS	338,077.31

consent Agenda 7-12-2023  
Checks 07/01 - 07/07

\_\_\_\_\_  
\_\_\_\_\_

**COUNTY MUSEUM'S  
General Fund - 25-240**

	Requested Grant Funding	Adopted Budget 2023		
<b><i>APPROPRIATIONS: FROM COUNTY FUNDS</i></b>	<b>50,000.00</b>	50,000.00		-
Tonganoxie Community Historical Society	<b>\$7,140.00</b>	6,250.00		
Richard Allen Cultural Center	<b>\$119,308.00</b>	6,250.00		
Basehor Historical Mueum Society	<b>\$6,836.00</b>	6,250.00		
Leavenworth County Historical Society	<b>Any Assistance</b>	6,250.00		
Fred Harvey Museum	<b>\$12,000.00</b>	6,250.00		
Leavenworth Historical Museum	<b>\$10,000.00</b>	6,250.00		
C.W. Parker Carousel Museum	<b>\$10,000.00</b>	6,250.00		
Lansing Historical Museum	<b>\$5,000.00</b>	6,250.00		
<b>GRAND TOTAL</b>	<b>\$170,284.00</b>	<b>50,000.00</b>	-	-



201 W. Washington  
P.O. Box 785  
Tonganoxie, KS 66086  
913-845-2960

[TCHSTonganoxie@gmail.com](mailto:TCHSTonganoxie@gmail.com)  
[www.TonganoxieHistoricalSociety.org](http://www.TonganoxieHistoricalSociety.org)

June 12, 2023

The Leavenworth County Commissioners  
Mike Smith, Doug Smith, Vicki Kaaz, Jeff Culbertson, Mike Stieben  
300 Walnut Street, Suite 225  
Leavenworth, KS 66048

RE: Funds for County Museums, 2022 Budget  
Restoration of the Honey Valley Schoolhouse Windows

Dear Commissioners:

We are grateful for this opportunity to request 2023 County budget funds. But first, an update on the county-funded project from last year. We installed a much-needed new lift in the church building. The new lift is rated for 750#; the old lift was rated for 250#. There are a few final touches to finish, but the lift is functional and is much appreciated. (photos are attached)

This year, we would like to use County funds to restore the windows on the Honey Valley Schoolhouse. The building dates to 1916, when the original schoolhouse burned and the building now located on our site was built to replace it. The school was used as an eight-grade schoolhouse until 1959 and then used for overflow students from Reno through the 1960s. The building was donated to the museum in the early 1990s after having served as a hay barn. The windows are original to the 1916 building.

**Museum Background:** TCHS was founded in 1981 to preserve and share local history. In 2003, the society opened a museum in the dairy barns donated by Mildred Young and in three other structures on our site - the Honey Valley School, the Reno Methodist Church, and a building for a 1936 Fire Pumper Truck, previously used at Fort Leavenworth and in Tonganoxie. We also have created a park area with informational signage at the natural spring on our property, a project that county funds helped with several years ago.

Our museum is the community's museum. We house over 3500 artifacts in the museum. The dairy barns are unique, telling the story of the dairy industry in this area, just as the church and one room schoolhouse illustrate the importance of community and education. The natural spring exhibit focuses on the importance of water to settlers and farmers. Our archives include many historical treasures, including over 8,400 manuscripts and letters, as well as over 4,200 photographs and maps for those interested in research and for our use in creating future exhibits.

The museum is open three days (14 hours per week) year-round. Admission is free and open to the public, as are the Fourth Tuesday programs each month, which offer professional-quality insights into historical topics. Third graders in Tonganoxie come to the museum for an annual field trip, at no charge to the school district. We are staffed entirely by volunteers, except for one part-time contract employee in charge of data entry for our museum software.

Last week we offered our third week-long History Camp to seventeen youth entering grades four, five, and six. Our theme this year was "Stars of Kansas: History Meets Science." We focused on Kansans who are well known (and some not so well known) for their contributions to

history and science, while delving into paleontology, communication, transportation, and the sciences of water and farming.

Community outreach and involvement is important to us. We coordinate with the business community, the library, and the school district on various events throughout the year. Our Memorial Day breakfast this year included participation of the local VFW, American Legion, and Boy Scouts. We place exhibits in a local bank to reach the public. This summer we are collaborating with the public library on several of their summer reading program special activities.

In 2022, we counted over 1,200 visitors to the museum and our Fourth Tuesday programs.

TCHS is a 501(c)(3) organization. Our funding comes from private donations, membership dues, fundraisers, memorials, fees for use of the church and barn, grants (the Pete & Margaret Leighty Trust, Kansas Museums Association, Humanities Kansas, Leavenworth County, and the City of Tonganoxie) and some interest income. Our budget for 2023 is \$52,000. Most of our capital improvements projects are funded by grants.

**The Project:** Our project to restore the original schoolhouse windows is possible now because of the generosity of one of our members, who donated the funds to provide custom wood and glass storm windows on the school last year. These storm windows will allow us to remove and restore the original windows while maintaining the weather protection for the schoolhouse.

The cost estimate to remove and restore the five large double-hung windows on the south elevation and ten other windows on the building is \$8,810. We are prepared to use our funds to assist in this project, as the windows have never been professionally restored. The fact that glazing is failing and some mortise joints are failing means that the project is critical.

Our request for the project is \$7,140, in keeping with the recent county awards which have been evenly (and fairly) distributed to the county's museums.

We very much appreciate your commitment to assisting Leavenworth County museums and we will be happy to present our project to you in person. Thank you for your time and consideration.

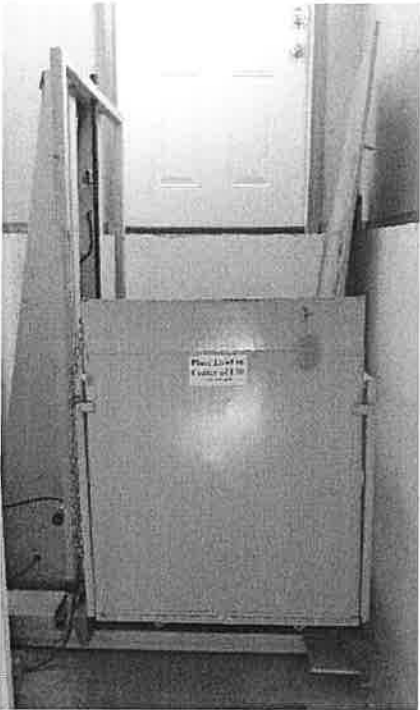
Sincerely,

*Kristi L Roberts*

Kristi L. Roberts, President

cc: Ray Stockman, Chairman of the Board, Tonganoxie Community Historical Society  
Board of Directors, Tonganoxie Community Historical Society – Janet Burnett, Shirley  
Martin, Kay Soetaert, Connie Torneden, Ken Mark, Rose Mangan, Ray Stockman,  
Donna Higbee  
Laurie Walters, Museum Director

**Photos of Wheelchair Lift Project**



Before



After

# THE NATIONAL FRED HARVEY MUSEUM

624 Olive Street

Leavenworth, KS 66048

June 2, 2023

To: Leavenworth County

I am writing on behalf of the Fred Harvey Home/ Museum in Leavenworth, Kansas at 624 Olive Street. The Leavenworth Historical Museum Association acquired the Fred Harvey Home in 2001 from the County. Since that time, we have been working to restore this home to what it would have been in the late 1800's.

A little about Fred Harvey. He lived from 1835-1901. He was a successful restaurant Owner and Entrepreneur and was admitted to the Kansas Business Hall of Fame in 2008. His in site in making the train stations a place where travelers could find a good meal and also later stay in his hotels, made traveling to the west more convenient and inviting during this earlier time of the western frontier. Mr. Harvey also established the Harvey Girls which gave women the opportunity to come west and work.

This three story, 12 room mansion is a wonderful place which we hope to have many visitors come to see where Fred and Barbara lived and raised their 5 children. This was their only home. Our goal is to have tours and a special place for events in town.

We have been working on finishing floors, painting and hanging chandeliers. The kitchen rehab is what we are working on now. There was some water damage and in need of sheetrock replacement, painting, cabinet repairs and flooring. We are requesting \$12,000.00 to work toward restoring the kitchen for caterers to use.

There is a love and passion for this home and want it to be an added attraction to our town... the 1st City of Kansas.

Sincerely,



Jeanie Hazels, Chairman of the Fred Harvey Museum

[djhazels@sbcglobal.net](mailto:djhazels@sbcglobal.net)

(913) 682-1884

*Rec'd  
6/5*





The Leavenworth County Historical Society, Inc.  
Carroll Mansion Museum & Research Center

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1128 Fifth Avenue • Leavenworth, Kansas 66048 • (913) 682-7759  
[www.leavenworthhistory.org](http://www.leavenworthhistory.org) • Email: [museum@leavenworthhistory.org](mailto:museum@leavenworthhistory.org)

May 31, 2023

Janet Klasinski  
Leavenworth County Clerk  
County Election Officer  
300 Walnut Street, Ste.106  
Leavenworth, KS 66048

Dear Janet:

The Leavenworth County Historical Society appreciates the Board of County Commissioners making funds available to the County Museums this year as well as in the past. After three years of covid, we are in need of funds to recover all that was lost during that time. We have had one fund-raiser and are planning two more to help stabilize our finances.

The main project for the LCHS, that must be done this year, is the painting and continued repair of the outside of the Carroll Mansion. We know that peeling paint and rotted posts do not encourage respect from visitors nor bid well for the future of the building. We are living from pay-check-to pay-check, but we must find a way to take care of this problem this year.

We have attached the bid for the painting from Faith Painting KC in the amount of \$36,150.00. Any assistance you can give us that would help to complete that project, would be greatly appreciated.

Please contact me with any additional information you may require.

Sincerely,

Carol Ayres  
LCHS President  
913-775-0197

Rec'd  
6/5



# Faith Painting KC

6736 Granada Lane Prairie Village, KS 66208  
913-235-1010 | kirk@faithpaintingkc.com |  
www.faithpaintingkc.com

**RECIPIENT:**

**Leavenworth Historical Museum**

1128 5th Avenue  
Leavenworth, Kansas 66048  
Phone: 913-326-3480

**Quote #3591**

Sent on 05/11/2023

**Total \$36,150.00**

**SERVICE ADDRESS:**

1128 5th Avenue  
Leavenworth, Kansas 66048

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
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Exterior: Light Power Wash - Prep - Paint	<ol style="list-style-type: none"> <li>1. Light Power Wash all exterior areas of the house before prepping/painting.</li> <li>2. Scrape and prep areas needed prior to being painted.</li> <li>3. Caulk All nail holes, seams, windows, doors, etc. around the house where appropriate for water drainage to avoid wood rot development with ALLPRO ProStretch Acrylic Urethane Elastomeric Sealant. (High Quality Caulking)</li> <li>4. Prime any bare wood spots where needed with Oil Base Primer</li> <li>5. Paint White trim color, All areas that have been previously painted White using Sherwin-Williams Duration Paint. ***All painting to be done by brush and rolling, No Spraying with 2 coats**</li> <li>6. Clean Up all work areas when complete. Price also includes haul off of debris.</li> </ol>	1	\$27,150.00	\$27,150.00
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\*\*ALL MATERIALS INCLUDED UNLESS NOTED\*\*

\*\*\*BRUSH AND ROLL TWO COATS, NO SPRAYING



# Faith Painting KC

6736 Granada Lane Prairie Village, KS 66208  
 913-235-1010 | kirk@faithpaintingkc.com |  
 www.faithpaintingkc.com

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
-------------------	-------------	------	------------	-------

EXT Paint Colors Provided by Homeowner.	Please submit colors through email at least 2 weeks before the beginning of your project.	1	\$0.00	\$0.00
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\*\*PAINT SCHEME -refers to where the trim will be painted on your home. \*\*

\*\*\*PLEASE USE ALL CAPS WHEN FILLING OUT THE TEMPLATE\*\*\* ~~~~Please copy and paste into our text 913-379-2111 to send back~~~~

Paint Grade = \_\_\_\_\_

Paint Scheme = SAME \_\_\_\_\_

Paint Color = \_\_\_\_\_

DESIGN  
 CUSTOMIZATIONS/OPTIONAL ITEMS

CUSTOMIZATION ITEMS ARE NOT REFLECTED IN PROPOSAL TOTAL. PLEASE LET US KNOW WHICH CUSTOMIZATIONS YOU WOULD LIKE TO APPROVE BY CLICKING THE "OPTION" BOX. PRICE ADJUSTMENTS ARE MADE AT TIME OF SELECTION/DESELECTION. YOU WILL SEE THE PRICE LISTED BUT ONCE AGAIN IT IS ONLY INCLUDED IN TOTAL ONCE THE OPTION BOX IS CHECKED. BOXES THAT ARE NOT CHECKED AND ADDED AFTER APPROVED QUOTE WILL BE ADDED TO THE INVOICE. CUSTOMIZATIONS/DRASTIC COLOR CHANGES WITH RANGES ARE NOT INCLUDED IN PRICE TOTAL AS THESE COSTS ARE UNABLE TO BE DETERMINED UNTIL SERVICE IS PERFORMED AND THE WORK IS FINISHED. PLEASE CONTACT OUR OFFICE WITH ANY QUESTIONS. RANGES ARE GIVEN TO ASSIST IN TOTAL COST ESTIMATIONS AND ARE NOT INCLUDED IN PRICE TOTAL.



# Faith Painting KC

6736 Granada Lane Prairie Village, KS 66208  
 913-235-1010 | kirk@faithpaintingkc.com |  
 www.faithpaintingkc.com

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
				Optional
Exterior Fascia/Soffit Repairs	<p>Areas noted at time of quote:</p> <ul style="list-style-type: none"> <li>- Replace all the fascia around 3 sides of upper front center screened in porch aprox 36ft</li> <li>- Replace soffit section with hole in it on left side of upper front center screened in porch aprox 1x3</li> <li>- Replace all fascia on upper North Gable aprox 32ft</li> <li>- Replace rotted section of fascia on upper back/West facing (above black ac lines) aprox 12ft</li> <li>- Replace rotted section of fascia on back patio area 45 angle corner aprox 4ft</li> <li>- Replace rotted section of soffit on back NW corner of porch aprox 1x3 area</li> <li>- Replace rotted fascia on back North corner aprox 3ft</li> <li>- Replace rotted fascia corner area above SW porch aprox 6ft</li> <li>- Replace rotted soffit corner area above SW porch aprox 1x3</li> </ul> <p>*crew will inspect for more wood rot/damage while up on ladders prepping and painting.</p>	1	\$4,050.00	\$4,050.00*
				Optional
Storm Windows	<p>Remove Storm Windows, Prep, Paint Wood Window Frames and Grids. Clean glass on windows and storms before re-installing.</p> <p>Aprox 50 (will need to get more accurate count)</p>	50	\$80.00	\$4,000.00*
				Optional
Window Re-Glazing	<p>Replace window glazing that is missing or falling out, use glazing caulk</p> <p>Once storm windows have been removed will need to inspect.</p> <p>\$60 per man hour</p>	1	\$0.00	\$0.00
				Optional
Exterior Paint Upgrade Emerald Rain Refresh	<p>Sherwin Williams Emerald Rain Refresh - (Visit our FB Page to see a video on the Rain Refresh It's amazing! )</p>	1	\$950.00	\$950.00

**We are looking forward to the opportunity to serve you! Please send your deposit in the amount of \$10,845.00 to our office to secure your spot on our calendar. "I know the plans I have for you,"... "plans to prosper you & not to harm you, plans to give you hope & a future."**



## Faith Painting KC

6736 Granada Lane Prairie Village, KS 66208  
913-235-1010 | kirk@faithpaintingkc.com |  
www.faithpaintingkc.com

(Jer: 29:11)

**Total**

**\$36,150.00**

05/26/2023

*Richard McKelvey*

Date

Client Signature

\* Non-taxable

Faith Painting KC is committed to serving the Lord with honesty and integrity through painting. We appreciate the opportunity to serve you! Below you will find more details of our agreement. One of our core values is to provide transparency throughout our process. Please let us know if



## Faith Painting KC

6736 Granada Lane Prairie Village, KS 66208  
913-235-1010 | kirk@faithpaintingkc.com |  
www.faithpaintingkc.com

### Notes Continued...

you have any questions; open communication is encouraged and welcomed.

By signing and approving this quote you enter into a legally binding contract with Faith Painting KC LLC and fully acknowledge that you understand the terms and conditions of this contract and that payment of said contract is due upon receipt of invoice.

#### Communication & Changes:

Faith Painting KC welcomes and encourages open communication between customers and our team. Customers are responsible for communicating questions and concerns to Faith Painting KC's office to assist in clear communication during each project. All change requests need to go through our office and are subject to additional costs. Change requests that are requested through the painter could still have costs associated.

Changes made to color scheme/paint color are subject to extra costs for labor and materials if pricing varies from original choices or if Faith Painting KC has already had costs associated with originally submitted choices.

Touch-ups are an industry norm and are to be expected. They will be addressed during the final walk in finalizing each project. Additional costs incurred by the home owner by hiring outside contractors, for any reason, will be the homeowner's responsibility.

#### Pricing and Invoicing:

All costs are set based on this contract. All materials for the listed scope of work in this contract are included unless noted. Any alterations or deviations to the above agreement involving extra material or labor cost will become an extra charge over and above the proposed quote. Services are itemized and any items not listed are not included in the proposed quote or total.

Each customer will receive a final invoice. Final invoicing could be sent as early as a day before completion to help you prepare for your final payment.

#### Service Fees:

All touch-ups must be addressed during the final walk-through. Additional touch-ups after the final walk are subject to a service fee.

Additional prepping or trips to the work site (over and above the regular scope of work) due to customer preferences, scheduling conflicts with other contractors, or damage to completed project that does not arise from Faith Painting KC's own acts or omissions, could result in additional fees.

#### Line Items with Price Ranges:

Line items with price ranges may have an average cost listed to help in determining the proper deposit amount. Ranges are given on the quote under the description to help with transparency and can NOT be finalized in the quote total due to unknown variables. Items with price ranges are not able to be given a set cost until work is complete. The final cost will be applied at the time of invoicing if applicable. These items are estimated prices and are subject to change. This includes but is not limited to: drastic color changes, wood rot, number of doors, sheets of siding needed, and services billed by the hour.

#### Refunds on Deposits:

Should a customer cancel their job before any labor or material costs have been incurred, a \$100 admin fee may be retained at our discretion and the remainder of the deposit will be refunded.

#### Inflation:

Please note: our industry, like most others, has been greatly affected during recent world events with abrupt cost increases at various times. Due to the uncertainty of our economy, material and supply costs may increase from the time of the original quote. If this does indeed occur you may see an additional charge added to your invoice to cover solely our cost differences.

#### Landscaping:

We do our best to care for your landscaping but sometimes damage is unavoidable in order to ensure safe ladder placement for our painters. Faith Painting KC will not be liable for such damage. For this reason, please hold off on any new landscaping



# Faith Painting KC

6736 Granada Lane Prairie Village, KS 66208  
913-235-1010 | kirk@faithpaintingkc.com |  
www.faithpaintingkc.com

## Notes Continued...

until after your painting project is complete.

### Decks:

We make every effort toward the longevity/durability of our work in our preparation and scheduling. However, due to variables out of our control including but not limited to weather, moisture, age of wood, homeowner/pet use, drastic temperature changes, sprinklers, delamination and mill-glazing we are unable to guarantee the lifespan of deck work.

Solid stains/paint, in particular, on decks have a tendency to decline/peel at a faster rate than semi-transparent or other coatings, no matter what preparations are made, due to their chemical makeup.

### Project Photos Etc:

Please know, Faith Painting KC may use photos/videos on various media platforms. All photos/videos will be the property of Faith Painting KC. By signing and approving this quote, you hereby grant Faith Painting KC permission to do so.

### Late Payment:

Payment is due upon receipt of invoice. Communication from the customer is required for any consideration towards exceptions. We thank you in advance for your prompt payment and appreciate your business!

While it is always Faith Painting KC's desire to avoid the necessity of fees, collections or legal involvement, the following procedures will be followed if deemed necessary:

- \* If invoice becomes 14 days past due, a late fee of \$25 may be applied.
- \* If invoice becomes 21 days past due, an additional monthly accruing late fee of 2% of remaining balance may be applied.
- \* If invoice becomes 60 days past due, you may be placed with a collection agency and/or attorney (potentially resulting in a filing of a lien on the property). In the event that your account is placed with a collection agency and/or attorney, you will be responsible for all fees and expenses.
- \*Any and all fees and expenses that are set forth due to lack of payment will be the home owner's responsibility.

### Notice to Owner:

Failure of this contractor to pay those persons supplying material or services to complete this contract can result in the filing of a mechanic's lien on the property which is the subject of this contract pursuant to Chapter 429, RSMO. To avoid this result you may ask this contractor for "lien waivers" from all persons supplying the material or services for the work described in this contract. Failure to secure lien waivers may result in your paying for labor and material twice. Upon request, Faith Painting KC will in return request a lien waiver from the home owner releasing Faith Painting KC of any and all liabilities. Lien waivers cannot be issued until after a project is completed and payment has been received from the customer.

\*\*\*\*\*

This quote is good for 30 days.

Forms of Payment: CHECK\*, MONEY ORDERS\*, CASH

\*Note: Forms of payments with any type of writing in the endorsee section will be deemed as non-cashable.

Mailing Address: 6736 Granada Lane, Prairie Village, KS 66208

Insurance is held by Faith Painting KC LLC and, if applicable, any subcontractors which indemnifies the home owner.



**LEAVENWORTH HISTORICAL MUSEUM ASSN., INC.**

**C.W. Parker Carousel Museum**

320 South Esplanade • Leavenworth, KS 66048

(913) 682-1331 • [www.firstcitymuseums.org](http://www.firstcitymuseums.org)

**48-1061674**

05/26/2023

**Janet Klasinski**  
**County Clerk**  
**300 Walnut St., Suite 106**  
**Leavenworth, KS 66048**

Dear Janet,

The C. W. Parker Carousel Museum is submitting a request for the yearly County grant to assist in the replacement of two air conditioning units for the second floor of the museum. Projected cost of \$10,000 for the replacement.

Thank you very much,

**Rick McDowell**  
Assistant Director of C. W. Parker Carousel Museum  
816-456-4142

*Rec'd  
5/30*



LEAVENWORTH HISTORICAL MUSEUM Assoc.

743 Delaware • Leavenworth, KS 66048

Phone 913-682-1866

[www.firstcitymuseums.org](http://www.firstcitymuseums.org)



May 13, 2023

Leavenworth County Commissioners  
300 Walnut Street  
Leavenworth, KS 66048

Dear Commissioners.

First City Museum is now snug and dry thanks to you and the grant we received last year . It is nice to not have to call in the “mop brigade” each time it rains and, incredibly, the new roof came in under budget. We can develop new displays without a concern for dripping or pooling water.

Attention is now on the outward appearance of the building. The Kansas Central Railroad boxcar in front of the museum is in need of repair and revitalization. This is a rare piece of railroad history as it is one of only three known pieces of stock remaining today. We estimate the wood repair and painting to cost \$2,000. An additional project concerns birds roosting and nesting in the soffits on the east and west ends and front of the building. Needless to say, it is messy and at times a hazard to walk under these areas. We have received an estimate of \$8,000 from Brunson Builders to remediate this problem.

Please accept this as a formal request for a grant of \$10,000 to assist First City Museum, a member of Leavenworth Historical Museum Association, Inc. We hope to make the front of the building more appealing as to not detract from the murals of buffalo and Native Americans on the west end of the building.

Thank you in advance,

A handwritten signature in cursive script that reads "Audrey M. Sanders".

Audrey M. Sanders, Treasurer

# Basehor Historical Museum Society

2812 155<sup>th</sup> St.  
P.O. Box 76  
Basehor, Kansas  
66007

(913) 724-4022

[bhms@sunflower.com](mailto:bhms@sunflower.com)

June 8, 2023

Board of County Commissioners of Leavenworth County  
300 Walnut Street  
Leavenworth, KS 66048

Re: Funds for County Museums

Dear Leavenworth County Commissioners:

The Basehor Historical Museum Society is excited to announce that we are celebrating 15 years of preserving and sharing the history of the Basehor Community and Leavenworth County, along with providing programs and events that build community interest and involvement! There is never a charge for admission to the museum so the Society relies solely on donations, membership fees and fundraisers. Our major fundraisers over the last year have been our highly-anticipated Ladies Tea each October, raising funds of \$745.00, a new and very popular community event we called Scarecrows On Parade netting \$330, the combined event of the Holiday Market with the Festival of Trees brought in \$1,800. Membership dues, memorials, and donations accounted for \$4,000.

With the generous funding from last year's county grant, we were able to make the much-needed repairs to our metal roof and a small area of the metal siding. Unfortunately, we were unable to freshen the concrete floors with a new coat of paint due to the roof repairs costing more than the grant allowed, but we are thankful to have the roof repaired.

With this year's grant, we are still hoping to paint the concrete floors in addition to painting the walls. We would also like to purchase the professionally printed signage and posters to enhance certain permanent exhibits such as the Basehor Brothers' Exhibit. Our attic storage space is currently lit with 4-foot fluorescent light fixtures which are not cold weather rated, and so often do not light when needed. We would like to replace them with lights that work in all temperatures. Our display cabinets are of the antique variety, but instead of enhancing our exhibits, they are showing their age with scratched counter tops, broken glass shelving, and chipped wood. We need gravel for our driveways in the back of the

## Looking to the future, Remembering the Past

building where we load and unload artifacts for storage, etc. And last on the list, is framing lumber and materials for banners we already have, a vacuum sweeper, and an "OPEN" feather sign.

As we have shared with you before, the museum serves as a community event space for such things as the May Day and Flag Day Craft, as well as hosting various families and groups who tour the museum, in addition to our weekly visitors. This May, our Third Graders from Basehor Intermediate School returned to tour the museum as they had in years past before Covid. We just recently hosted Deeper Windows, a group of 16 people from Leavenworth exploring the history of this part of the County.

And as always, we invite the County Commissioners to visit the museum and view our collection. We have attached a list of the items we would like to be considered for funding by the Board of County Commissioners. If you have any questions, please contact Mary Leonard, Director at 816-225-7875 or Ken Massingill, Chairman at 913-709-4640.

Sincerely,



Mary Leonard, Director  
Basehor Historical Museum Society

**DESCRIPTION****PRICE****Interior Paint for Walls and Concrete Floor of Museum**

15 Gallons of Epoxy Concrete Floor Paint @ \$208.00 per 5 gallons

**\$618.00**

15 Gallons of Behr Pro Interior Wall Paint @ \$75.00 per 5 gallons

**\$225.00**(Clean, prep and painting possibly provided by community volunteers,  
or by Luke Kush Painting)**Out for Bid****Printing for Exhibit Displays**

3' X 4' and 4' X 6' Posters

**\$425.00****LED Lighting Fixtures and Installation in the Attic Storage Area**

8 fixtures 4 foot, 4 light 80-Watt Integrated LED Heavy Duty Utility

Gray Shop Light @ \$72.00 each

**\$556.00****Installation costs****Out for Bid**

Provider: Home Depot

**Open/Closed Feather Sign****\$40.00**

Provider: Amazon/LookOurWay

**Framing Material for Banners****\$100.00**

(We already have the banners.)

Provider: Home Depot

**Display Cabinets**

(to replace second-hand cabinets donated 12-15 years ago)

8 Display Cabinets 4 foot long @ \$346.00 each

**\$2,768.00**

3 Display Cabinets 6 foot long @ \$473.00 each

**\$1,419.00**

Provider: DISPLAYS2GO

**10 Yards of Gravel for Back Driveway @\$50 per yard****\$500.00**

Plus delivery Fee

**\$35.00**

Provider: Oak Creek Nursery

**Vacuum Sweeper****\$150.00**

Provider: Amazon

**TOTAL FUNDING REQUEST****\$6,836.00**



**RICHARD ALLEN CULTURAL CENTER & MUSEUM**

**414 Kiowa Street**

**Leavenworth, Kansas 66048**

**Email:**[honoringa.a.vets@gmail.com](mailto:honoringa.a.vets@gmail.com)

[mrседnawagner@gmail.com](mailto:mrседnawagner@gmail.com)

**Contact:**913.682.8772 / (C)703.203.0153

**Attn:** Mark Loughry,CPM  
Leavenworth County Administrator  
300 Walnut Suite 225  
Leavenworth, Kansas 66048

June14, 2023

To: The Leavenworth Board of County Commissioners,  
The Richard Allen Cultural Center & Museum respectfully request grant funds to help with our financial obligations to keep our tutoring and museum doors open. As we navigate through the getting back on task the Richard Cultural Center & Museum ask for your continuing support. So that we continue to serve the students K-12<sup>th</sup> grade and college freshman in our community. Thank you all in advance for providing hope for the future by paying it forward and investing in the education of our youth in our community.

**Grant Request 2023**



**RICHARD ALLEN CULTURAL CENTER & MUSUEM  
BOARD OF DIRECTOR**

**Executive Committee**

Richard Jackson  
Angela Thomas  
Sandi Smith  
Cheryl Mills  
Samuel Moore  
Linda Johnson

**Board of Directors**

Laqulsha Ross  
Brendale Taylor-Wakeley  
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Joana Scholtz  
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Chris Hennkens  
Michael Joyner  
Gloria Wallace  
Walter Williams

**President Emeritus**

Wilbur Ferguson



**RICHARD ALLEN CULTURAL CENTER & MUSEUM  
412 KIOWA STREET  
LEAVENWORTH, KS 66048**

June 14, 2023

Leavenworth Board of County Commissioners  
300 Walnut Street  
Leavenworth, KS 66048

**Re: Richard Allen Cultural Center and Museum Request for Grant Funding**

Dear County Commissioners:

Please accept this application packet as the Richard Allen Cultural Center and Museum's (RACCM)'s request for grant funding. The requested grant funding will be used to make necessary repairs and restorations to RACCM's property and building, and to cover certain operating expenses to allow us to continue to serve Leavenworth county's K-12 students and the community at large. This application packet includes the following:

1. RACCM'S calendar of annual fundraising events showing the proceeds from 2022 and the projected 2023 proceeds.

2. RACCM's 2022 Income and Expense Report showing projected revenue and expenses as well as actual revenue and expenses from 2022; and
3. An explanation of the costs associated with this request for grant funding along with a list of costs.

Thank you for your time and consideration and we hope that you will help us to continue to serve as a resource to the Leavenworth County community.

Sincerely,

Edna Wagner Executive Director / The RACCM Grants Committee



## Overview

### **About the Richard Allen Cultural Center and Museum**

The Richard Allen Cultural Center and Museum (RACCM) is a 501(c)3 non-profit organization that was established on July 19, 1992, to educate the public about the rich history of African Americans. RACCM's mission is to contribute to cultural awareness and provide educational support services to K-12 students in the Greater Leavenworth Area. We research and teach African American history. RACCM also preserves and exhibits this history based on the philosophy that an understanding of history is essential for all people and fosters interracial understanding. To that end, RACCM offers tours that cover local and Kansas Black History. In addition to exhibiting Kansas African American military artifacts, RACCM tours cover local underground railroad stops, how African Americans used their clothing and other means to communicate, and women's contributions to Kansas History. RACCM was also instrumental in locating and honoring a group of African American female soldiers that were deployed during World War II.

RACCM also has an after-school tutoring program. The RACCM Afterschool program provides tutoring and mentorship to K-12th grade students in the Greater Leavenworth area. RACCM has been helping students in this community for over 26 years and has worked with over 600 students during that time. RACCM's former afterschool program students have gone on to become doctors, teachers, business people, actors, musicians, journalists, athletes, and parents.

The RACCM Afterschool program provides students with one-on-one homework help Monday through Thursday in Basic Math, Algebra, Geometry, Chemistry, Reading Comprehension, Science, Social Studies, Language Arts, Foreign language, and Penmanship. The afterschool program's goal is to help each student that it serves to achieve academic success by reinforcing concepts introduced in the classroom and helping students apply the concepts learned in class so that they can retain what they learned. Academic success for each student is measured by improvement in academic performance and maintaining superior grades.

The RACCM Afterschool program also provides mentorship to its students by exposing them to positive role models, who can help them develop their character. As students are receiving homework help, they also build relationships with their tutors and mentors. RACCM mentors are active duty and retired military personnel, retired teachers, retired principals, and other concerned members of the community. The mentors help students with decision making, avoiding peer pressure, professional development, academic goal setting, and the college application process. This facet of the afterschool program is vital because it helps students develop the skills to be successful in life.

The RACCM served 26 students during the 2022- 2023 school year plus 2 freshman college. Each student was assigned an individual tutor who worked with that student until the end of the school year.

Each child was provided with PPE, school supplies, and a barrier for his or her workstation. RACCM volunteers cleaned the tutoring center each day and practiced social distancing measures to keep students safe.

RACCM has always been an asset to the community, but the services RACCM provides were important this past year more than ever. In 2020, the entire community had to adjust to the challenges presented by the pandemic. Parents had to adapt to their children being home and attending school virtually. RACCM was instrumental in helping our students and parents make the adjustments to continue to achieve academic success under such challenging circumstances. The students' being able to continue to work with their tutors provided a sense of normalcy during a very uncertain time. It also gave parents a resource for when they were challenged in understanding their children's schoolwork.

RACCM continued to serve this community by offering tours and providing tutoring and mentoring services to its students. RACCM Afterschool program's ability to pivot and respond to the continuing needs of its students, ensuring that none of its students slipped through the educational cracks.

Additionally new programming to continue to serve the community after the pandemic, and secured grant funding for the programming. In the coming months, RACCM will introduce its Substance Abuse Prevention Program (SAPP). The RACCM SAPP will educate local K-12<sup>th</sup> grade students about the negative impact that drugs and alcohol can have on their lives and the laws surrounding underage alcohol and drug abuse. The program will also teach students how to respond to negative peer pressure, and encourage students to explore healthy interests and hobbies.

In addition to the SAPP, RACCM has begun developing its new exhibit, Descendants of Early Settlers: An Oral history of African American Families in Leavenworth During the 1940s, 1950s and 1060s. This exhibit will consist of video interviews of living descendants of the early

settlers. These interviews will explore topics such as the reasons the families moved to the Leavenworth area and the contributions the families made while living here.

### **RACCM Fundraising Plans**

RACCM has resume its annual fundraising activities. As you will see on the attached 2022 Calendar of Events, RACCM has four fundraising events planned for 2023. These events are as follows: Annual Motown Dinner and Dance, Movie, "The Hidden Heroes Of America", Annual Jazz By the River Concert, Annual, and Christmas Tea. The attached Calendar of Events details the amounts RACCM raised from these events in 2022 and the amount it anticipates raising this year.



**RICHARD ALLEN CULTURAL CENTER & MUSEUM**  
**412 KIOWA STREET**  
**LEAVENWORTH, KANSAS, 66048**  
**PHONE: (913) 682-8772**

**CALENDAR OF EVENTS 2022**

**(With Past and Projected Proceeds)**

**SATURDAY AUGUST 12, 2023 (ANNUAL JAZZ BY THE RIVER)**

**TIME:** 6:00PM- 8:00PM

**LOCATION:** St. Mary's University (Xavier Hall) 4100 S 4<sup>th</sup> Street Leavenworth, KS 66048

2022 Proceeds	2023 Projected Proceeds
\$16,280	\$ 16,000-\$25,000*

*\*RACCM expects fewer proceeds this year because this event was moved to a smaller venue. If we continue to use this venue in the future, we will consider two shows.*

**SATURDAY JUNE 2022 (MOTOWN DINNER & DANCE)**

**TIME:** 6:30PM-11:00PM

**LOCATION:** Sunflower Missionary Baptist Church  
 1708 5th Ave, Leavenworth, KS 66048

2022 Proceeds	2023 Projected Proceeds
\$4,300	\$5,500

**SUNDAY DECEMBER 10, 2023 (ANNUAL CHRISTMAS TEA)**

**TIME:** 4:00PM-6:00PM

**LOCATION:** Riverfront Community Center

123 S Esplanade St, Leavenworth, KS 66048

<b>2022 Proceeds</b>	<b>2023 Projected Proceeds</b>
\$,3,200	\$4,000

RICHARD ALLEN CULTURAL CENTER AND MUSEUM  
 Projected vs. Actual 2022 Income and Expenses  
 January 2023

<b>PROGRAMS AND ACTIVITIES (Income from Programs and Activities)</b>	Projected	Actual
Annual Donations	\$3,124	\$4,000
Membership	\$8,223	\$9,000
Grants	\$15,000	\$18,000
Fundraisers	\$36,802	\$36,802
Tours	\$1,000	\$3,000
Workshops	\$200	\$200
Giftshop Income	\$4,700	\$4,700
Miscellaneous	\$2,500	2,500
Membership Chamber	\$300	
<b>TOTAL INCOME</b>	<b>\$71,549</b>	<b>\$78,202</b>

<b>BUDGETED EXPENDITURES</b>	Projected	Actual
<b>Personnel Administration</b>		
Director (Taxes, etc.)	\$34,800	\$34,800
Staff Development/Convention Fees	\$2,500	\$2,500
Travel Expenses	\$500	\$500
401k Plan*	\$4,833	\$4,833
<b>Total Personnel Administration</b>	<b>\$42,633</b>	<b>\$42,633</b>
<b>Facilities Administration Operation Expenses</b>	Projected	Actual
TYCO (ADT) Building Security	\$4,223	\$5,533
Annual NP Privilege Fee	\$50	\$50.00
Building Insurance	\$2,100	\$2,100
Building Maintenance	\$15,729	\$10,642
Computer and Software Expenses	\$1,000	\$1,250
Fundraising Expenses	\$5,100	\$3,000
Janitorial Expenses	\$0(Donated)	\$(Donated)

Office Supplies	\$4,019	\$3,000
Printing Expense	\$1,200	\$1,200
Telephone Expense	\$2,220	\$2,220
Utilities	\$4,968	\$4,968
Scholarship Recognition Luncheon	\$100	\$200
Appreciation Expenses	\$500	\$500
Gift Shop Expense	\$1,500	\$2,000
<b>Total Facilities Expenses</b>	<b>\$42,709</b>	<b>\$35,663</b>
<b>TOTAL EXPENDITURES</b>	<b>\$85,342</b>	<b>\$78,296</b>
<b>Net Income/Loss</b>	<b>\$13,893</b>	<b>0</b>

\*Note: The Salary of \$27,560 was agreed upon in addition to \$5800 for an IRA. To establish a simple IRA, the \$5,800 is added to the salary and withheld as part of the Director's contribution to the IRA.

**FUNDRAISERS FOR 2022:**

Sporting KS Soccer Game	\$5,000
Grants	\$15,000
Membership	\$8,223
Jazz By The River Concert	\$16,280
Donations	\$3,124
Motown Dinner & Dance	\$4,300

**Total: \$37,327**

**UNEXPECTED BUILDING MAINTENANCE EXPENSES**

**2022:**

<b>**Elevator</b>	<b>\$1,157</b>
<b>**KAZZ Construction</b>	<b>\$12,970</b>
<b>**Roof Expense</b>	<b>\$365</b>
<b>** Air Condition Expense</b>	<b>\$1,067</b>

**Total \$15,729**

**Explanation of Costs Associated with Funding Request**

This year RACCM is seeking grant funding to complete some necessary repairs and restorations and to cover certain operating expenses that keep the building



sasecuresecured and functional. The museum portion of the RACCM building houses and exhibits artifacts from Leavenworth, Kansas, and North American history. People come from all over the country and world to tour the Museum. The original museum house is over 100 years old. Extra care must be taken when making repairs not to compromise the historical integrity of the structure. Repairs must also take into consideration the best conditions for the many artifacts housed at the RACCM. RACCM has begun completing major restoration and repairs to the building to ensure the precious history within the building remains intact.

The lower level of the RACCM is the tutoring/mentoring area needs updated lighting. This is where K-12, and college freshman come for homework help four days a week during the school year. We are finding it very hard and costly to find replacement bulbs for the ones that are in place now.

RACCM maintenance outside the building to ensure proper preservation of the Cathay Williams monument. Outdoor landscaping and maintenance are also needed to ensure water properly drains away from the building to prevent damage to the artifacts being stored in the basement. RACCM also needs funding to cover certain operational expenses associated with securing the building and insurance the artifacts housed within the building.

Most of RACCMs income comes from fundraising, tours and donations. RACCM has several programming. RACCM is requesting grant funding to help cover the costly repairs and operational expenses because the maintenance of the building,

itself, is pertinent to preserving the rich history that it is RACCM's mission to teach. The building is also where RACCM helps to mold the future Leavenworth leaders in its tutoring program. Your grant funding will make a huge difference for RACCM and the Leavenworth community.

The costs associated with the repairs are based on bids received and are as follow

Old House Museum Floors- replace hardwood floors and subfloor to the original state removing carpet.	\$75,000
Lower/Level Lighting (Afterschool Tutoring and Mentoring Program)	\$6,237
Outdoor Maintenance and Monument Landscaping	\$750
Gutters Cleaner /Covers	\$21,000
Alarm System (building security)	\$4,533
Building Insurance	\$2100
Display Cabinet for the Generals Uniform	\$500
Utilities	\$4,968
Telephone	\$2,220
Perforated UV Printable Vinyl to protect Artifacts, and After-school Tutoring, and Mentoring Program area	\$2,000

<b>TOTAL REQUEST</b>	<b>\$119.308</b>	
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PRESERVING THE HISTORY OF DELAWARE TOWNSHIP,  
THE CITY OF LANSING,  
KANSAS STATE PENITENTIARY AT LANSING AND  
UNITED STATES PENITENTIARY AT LEAVENWORTH, KS

WEBSITE: [LANSINGKANSASHISTORY.COM](http://LANSINGKANSASHISTORY.COM)  
EMAIL: [INFO@LANSINGKANSASHISTORY.COM](mailto:INFO@LANSINGKANSASHISTORY.COM)

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LANSING HISTORICAL SOCIETY



MUSEUM

115 EAST KANSAS AVENUE, LANSING, KANSAS

June 9, 2023

To: Board of County Commissioners of Leavenworth County

Re: Lansing Historical Society and Museum request for funding

The Lansing Historical Society and Museum is requesting funds from the Leavenworth County Museum Budget for 2023 fiscal year.

We moved our museum to its current location on the front lawn of Lansing Correctional Facility in 1992. Since that time, for more than 30 years, the Department of Corrections has been providing us with water. Last year LCF replaced their water main at the prison and as we were the only operational building on the old water line, our services were cut off after the line froze this past winter.

The DOC has graciously agreed to provide us with a blanket easement to run a water line to the museum. Lan-Del Water has agreed to provide us with a water meter at no charge for a savings of more than \$2,500. We are currently working with Dan McCann of McCann Plumbing to run a water line from an existing main across Kansas Avenue to our building. We believe this will cost close to \$10,000 and are working on fundraising options to supplement any funds received. We were hoping to have the county meet us half way on funding this worthwhile project.

We have kept the museum open to the public despite the fact that we no longer have running water or a working restroom. We are planning to host fundraising events in the next few months and will more than likely need to rent a portable bathroom to do so.

In conclusion, we are requesting these funds in order to restore water to our museum. We would greatly appreciate your consideration in providing funds for this new water line.

Thank you,  
The Lansing Historical Society and Museum Board and its membership

**Janet Klasinski**  
Leavenworth County Clerk  
County Election Officer  
300 Walnut St, Ste.106 Leavenworth, KS 66048

PHONE: 913-684-0422  
FAX: 913-680-1489  
EMAIL: [jklasinski@leavenworthcounty.org](mailto:jklasinski@leavenworthcounty.org)

May 25, 2023

Lansing Historical Society & Museum  
115 East Kansas Ave.  
Lansing, KS 66043

The Board of County Commissioners of Leavenworth County has available funds in the County Museum budget for 2023.

This is to notify your organization that if you wish to request any of these funds please submit a written request to the Board of County Commissioners, c/o County Clerk's Office, on or before Friday, June 16<sup>th</sup>.

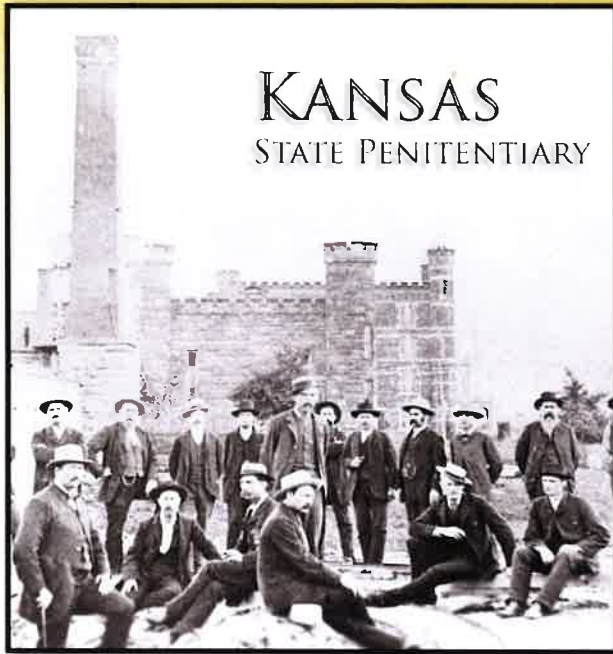
Please provide details and an explanation as to why your request for funding is necessary and what the funding will be used for. The Board will discuss the funding at a later Commission meeting.

If you have any questions, please contact the County Clerk's Office at 913-684-0422.

Sincerely,

*Janet Klasinski*

Leavenworth County Clerk



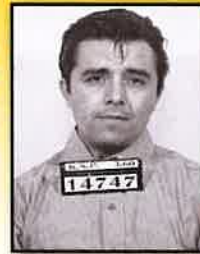
## KANSAS STATE PRISON

The Kansas Legislature authorized construction of the Kansas State Penitentiary at Lansing in 1859, but construction did not begin until 1864. Local Architect E.T. Carr designed the prison after the Illinois State Prison at Joliet. In the 1870's, Alexander Caldwell operated Kansas Manufacturing inside the walls of the prison where inmates produced thousands of farm wagons that shipped out all over the West. Caldwell became a wealthy man and would purchase the land south of the prison in 1880 naming it "Progress". Guards were expected to live next to the prison and Caldwell's town of Progress provided them with affordable homes.



Sen Alexander Caldwell

Executions of state, federal, and military prisoners were performed by hanging at KSP until 1965. Perry Smith and Richard Hickock, on November 15, 1959, murdered four members of the Herbert Clutter family of Holcomb, KS. Smith and Hickock were hanged in 1965. The story of the Clutter family murders and the executions of Smith and Hickock were the subject of Truman Capote novel, *In Cold Blood*.



Perry Smith



Richard Hickock

## THE COAL MINES

The discovery of coal in the area opened up three coal mines in Delaware Township: the Carr Mine, the Brighton Mine and the mine at the state prison. KSP would mine coal for years using this rich ore to fuel not only the prison, but many of the state buildings as well.



## HISTORY OF DELAWARE TOWNSHIP

Delaware Township includes the towns of Lansing, Progress, Brighton, Delaware, Richardson, Morgantown, Xavier, Wadsworth, and Bain City. It is the history of these communities we celebrate through our collections. In the 1880s, L.V. Harkness, vice-president of Standard Oil, began buying hundreds of acres of land in the area. He built the Brighton Mine, the Brighton Mine Railroad, and the town of Brighton because he said he saw the promise of a profitable future.



L.V. Harkness

Cattle farms and apple orchards flourished in the rolling hills that made up the countryside.



Matthew Ryan

One of those ranches was the Ryan Brothers Cattle Farm. The four brothers were nationally known as for their cattle ranches they owned in California, Texas, Montana and Kansas. Matt Ryan would die a tragic death while riding his horse on his farm, which is now the site of Lansing High School. His death changed the course of our history.

It was said that George C. Richardson was the first child born in Leavenworth. George would be a business success teaming up with the Ryan Family under the firm name of Ryan & Richardson with the Missouri Valley Orchard Company and the Carr Mine.



George C. Richardson

LANSING HISTORICAL SOCIETY

# CRUISE THE DEPOT

*Third Annual Auto Show*



A FUNDRAISER TO BE HELD AT THE  
LANSING HISTORICAL SOCIETY & MUSEUM  
115 EAST KANSAS AVENUE, LANSING, KS

*Lansing Homecoming Weekend*

★ 11 A.M. TO 3 P.M. ★

SEPT 23 2023

ENTRY FEE  
DONATION  
FOR INFORMATION  
CALL 913-683-5375

FIRST 50 CARS  
SCORE A  
FREE FRITO PIE

**A RESOLUTION OF THE COUNTY OF LEAVENWORTH, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE;**

**WHEREAS**, the Revenue Neutral Rate for the County of Leavenworth was calculated as 31.606 mills by the Leavenworth County Clerk; and

**WHEREAS**, the budget proposed by the Governing Body of Leavenworth County will require the levy of a property tax rate exceeding the Revenue Neutral Rate; and

**WHEREAS**, the Governing Body will hold a hearing on August 23, 2023 allowing all interested taxpayers desiring to be heard an opportunity to give oral testimony.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF LEAVENWORTH:**

Leavenworth County shall levy a property tax rate exceeding the Revenue Neutral Rate of 31.606 mills.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

**ADOPTED** this 12th day of July, 2023 and **SIGNED** by the Board of Leavenworth County Commissioners.

\_\_\_\_\_  
Vicky Kaaz, Chairman  
2nd District

\_\_\_\_\_  
Jeff Culbertson, Member  
1<sup>st</sup> District

\_\_\_\_\_  
Mike Smith, Member  
4th District

\_\_\_\_\_  
Doug Smith, Member  
3<sup>rd</sup> District

\_\_\_\_\_  
Mike Stieben, Member  
5<sup>th</sup> District

ATTEST:

\_\_\_\_\_  
Janet Klasinski, Leavenworth County Clerk



# TO: Leavenworth County Clerk's Office

Janet Klasinski

300 Walnut, Suite 106

Leavenworth, KS 66048

913-684-0422

[jklasinski@leavenworthcounty.gov](mailto:jklasinski@leavenworthcounty.gov)

## INDICATION OF REVENUE NEUTRAL RATE

PURSUANT TO K.S.A 79-1460, 79-1801, 79-2024, 79-2925c

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**The Governing body of Leavenworth County, Kansas hereby notifies the Leavenworth County Clerk of intent to exceed the Revenue Neutral Rate:**

  X   **Yes**, we intend to exceed the Revenue Neutral Rate:

Our proposed mill levy rate is: 35.924

The date of the hearing is: **August 23, 2023**

The time of our hearing is: 9:00 A.M.

The location of our hearing is: Leavenworth County Commissioner's Meeting Room,  
300 Walnut St., Leavenworth, Kansas

       **No**, we do not plan to exceed the Revenue Neutral Rate and will submit our budget to the County Clerk on or before August 23, 2023.

---

Signature

Date

---

Title

**A RESOLUTION OF THE COUNTY OF LEAVENWORTH, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE FOR LEAVENWORTH COUNTY SPECIAL-OTHER FUNDS FOR TAX YEAR 2023:**

**WHEREAS**, the Revenue Neutral Rate for Leavenworth County Special-Other Funds was calculated as 7.738 mills by the Leavenworth County Clerk; and

**WHEREAS**, the budget proposed by the Governing Body of Leavenworth County will require the levy of a property tax rate exceeding the Revenue Neutral Rate; and

**WHEREAS**, the Governing Body will hold a hearing on August 23, 2023 allowing all interested taxpayers desiring to be heard an opportunity to give oral testimony.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF LEAVENWORTH:**

Leavenworth County shall levy a property tax rate exceeding the Revenue Neutral Rate of 7.738 mills for Leavenworth County Special-Other Funds for tax year 2023.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

**ADOPTED** this 12th day of July, 2023 and **SIGNED** by the Board of Leavenworth County Commissioners.

\_\_\_\_\_  
Vicky Kaaz, Chairman  
2<sup>nd</sup> District

\_\_\_\_\_  
Jeff Culbertson, Member  
1<sup>st</sup> District

\_\_\_\_\_  
Mike Smith, Member  
4<sup>th</sup> District

\_\_\_\_\_  
Doug Smith, Member  
3<sup>rd</sup> District

\_\_\_\_\_  
Mike Stieben, Member  
5<sup>th</sup> District

ATTEST:

\_\_\_\_\_  
Janet Klasinski, Leavenworth County Clerk

# TO: Leavenworth County Clerk's Office

Janet Klasinski

300 Walnut, Suite 106

Leavenworth, KS 66048

913-684-0422

[jklasinski@leavenworthcounty.gov](mailto:jklasinski@leavenworthcounty.gov)

## INDICATION OF REVENUE NEUTRAL RATE

PURSUANT TO K.S.A 79-1460, 79-1801, 79-2024, 79-2925c

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**The Governing body of Leavenworth County, Kansas hereby notifies the Leavenworth County Clerk of intent to exceed the Revenue Neutral Rate for the Special Funds:**

X **Yes**, we intend to exceed the Revenue Neutral Rate:

Our proposed mill levy rate is: 9.000

The date of the hearing is: **August 23, 2023**

The time of our hearing is: 9:00 A.M.

The location of our hearing is: Leavenworth County Commissioner's Meeting Room,  
300 Walnut St., Leavenworth, Kansas

\_\_\_\_\_ **No**, we do not plan to exceed the Revenue Neutral Rate and will submit our budget to the County Clerk on or before August 23, 2023.

\_\_\_\_\_  
Signature

Date

\_\_\_\_\_  
Title

**Leavenworth County  
Request for Board Action**

**Date: July 6, 2023**

**To: Board of County Commissioners**

**From: Public Works**

**Department Head Review: Bill Noll, Reviewed**

**Additional Reviews as needed:**

**Budget Review  Administrator Review  Legal Review**

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**Action Requested:** Approval of KDOT agreement No. 457-23 for 10% of the total 20% Federal Safe Streets for All match requirement.

**Analysis:** Leavenworth County was awarded an 80/20 federal safety planning grant. We successfully applied to KDOT for 10% of the total 20% required match. This agreement states that KDOT will provide \$35,000 and the County will pay \$35,000. The total study cost will be \$350,000 with \$275,000 being paid for through the federal grant.

**Recommendation:** Approval.

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:**

NA

**Additional Attachments:** KDOT Agreement

PROJECT NO. C-5240-01  
SS4A GRANT PROGRAM  
LEAVENWORTH COUNTY, KANSAS

## AGREEMENT

This Agreement is between the Secretary of Transportation, Kansas Department of Transportation (KDOT) (the “Secretary”) and Leavenworth County, Kansas (“LPA”), collectively, the “Parties.”

## RECITALS

- A. The U.S. Department of Transportation’s Safe Streets and Roads for All (SS4A) discretionary grant program (the “Program”) provides support for planning, infrastructure, behavioral, and operational incentives that prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation, personal conveyance, and micromobility users; motorists; and commercial vehicle operators.
- B. The LPA is participating in the Program by undertaking an Action Plan project (the “Project”) to develop, complete, or supplement a comprehensive safety action plan.
- C. The Secretary desires to support the Project by reimbursing the LPA a portion of the costs the LPA incurs in performing Program Eligible Activities, as further described in this Agreement and in accordance with federal, state, and local laws and guidelines promulgated thereunder.

**NOW THEREFORE**, in consideration of these premises and the mutual covenants set forth herein, the Parties agree to the following terms and provisions.

## ARTICLE I: DEFINITIONS

The following terms as used in this Agreement have the designated meanings:

1. “**Agreement**” means this written document, including all attachments and exhibits, evidencing the legally binding terms and conditions of the agreement between the Parties.
2. “**Effective Date**” means the date the Secretary or the Secretary’s designee signs this Agreement.
3. “**Eligible Activities**” means the activities described as Eligible Activities in the U.S. Department of Transportation’s **SS4A Program Notice of Funding Opportunity** for FY 22, which is attached to and incorporated into this Agreement by this reference.

4. “**KDOT**” means the Kansas Department of Transportation, an agency of the State of Kansas, with its principal place of business located at 700 SW Harrison Street, Topeka, KS, 66603-3745.

5. “**Local Public Authority**” or “**LPA**” means Leavenworth County, Kansas, with its place of business at 300 Walnut Street, suite 007, Leavenworth, KS 66048.

6. “**Parties**” means the Secretary of Transportation and KDOT, individually and collectively, and the LPA.

7. “**Program**” means U.S. Department of Transportation’s Safe Streets and Roads for All (SS4A) discretionary grant program (the “Program”), which provides support for planning, infrastructure, behavioral, and operational incentives that prevent death and serious injury on roads and streets involving all roadways users, including pedestrians; bicyclists; public transportation, personal conveyance, and micromobility users; motorists; and commercial vehicle operators. Additional details about the Program can be found in the **SS4A Program Notice of Funding Opportunity** for FY 22, which is attached to and incorporated into this Agreement by this reference.

8. “**Project**” means the development, completion, or supplementation of a comprehensive safety action plan, as further described in the **SS4A Program Notice of Funding Opportunity** for FY 22, which is attached to and incorporated into this Agreement by this reference.

9. “**Secretary**” means the Secretary of Transportation of the State of Kansas, and the Secretary’s successors and assigns.

### ARTICLE III: SECRETARY RESPONSIBILITIES

1. **Authorization to Proceed.** The Secretary will issue a written Notice to Proceed to the LPA regarding the approved date for the LPA to begin work.

2. **Grant Payment.** The Secretary agrees to reimburse the LPA for Eligible Activities in an amount not to exceed **\$35,000.00** in accordance with this Agreement only after receipt of proper billing from the LPA..

3. **Monitoring and Evaluation.** The Secretary shall monitor, evaluate, and provide guidance and direction to the LPA in the conduct of performance under this Agreement. The Secretary has the responsibility to determine whether the LPA has spent funds in accordance with applicable laws, regulations, including the federal audit requirements and agreements and shall monitor the activities of the LPA to ensure that the LPA has met such requirements. The Secretary may require the LPA to take corrective action if deficiencies are found.

1. **Reimbursement Payments.** The Secretary agrees to make partial payments to the

LPA for amounts not less than \$1,000.00 and no more frequently than monthly. Such payments will be made only after receipt of verification of proper billing. Such verification shall consist of reimbursement requests submitted to and approved by the Federal Highway Administration (FHWA).

#### ARTICLE IV: LPA RESPONSIBILITIES

2. **Accounting.** Upon request by the Secretary and in order to enable the Secretary to report all costs of the Project to the legislature, the LPA shall provide the Secretary with an accounting of all costs incurred by the LPA in performing Program Eligible Activities.

3. **Audit.** The LPA shall participate and cooperate with the Secretary in an annual audit of the Project. The LPA shall make its records and books available to representatives of the Secretary for audit for a period of five (5) years after date of final payment under this Agreement. If any such audits reveal payments have been made with state funds by the LPA for activities that are not Program Eligible Activities, the LPA shall promptly reimburse the Secretary for such items upon notification by the Secretary.

4. **Authorization of Signatory.** The LPA shall authorize a duly appointed representative to sign for the LPA any or all routine reports as may be required or requested by the Secretary in the completion of the Project.

5. **Cancellation by LPA.** If the LPA ends its participation in the Program, it shall reimburse the Secretary for any costs incurred by the Secretary prior to ending its participation in the Program. The LPA agrees to reimburse the Secretary within thirty (30) days after receipt by the LPA of the Secretary's statement of the cost incurred by the Secretary prior to LPA ending its participation in the Program.

6. **Conformity with State, Local, and Federal Requirements.** The LPA shall perform the Program Eligible Activities in conformity with state, local, and federal law appropriate for the Program.

7. **Indemnification.**

- (a) **General Indemnification.** To the extent permitted by law and subject to the maximum liability provisions of the Kansas Tort Claims Act (K.S.A. § 75-6101, *et seq.*) as applicable, the LPA shall defend, indemnify, hold harmless, and save the Secretary and the Secretary's authorized representatives from any and all costs, liabilities, expenses, suits, judgments, damages to persons or property, or claims of any nature whatsoever arising out of or in connection with the provisions or performance of this Agreement by the LPA, the LPA's employees, agents, subcontractors or its consultants. The LPA shall not be required to defend, indemnify, or hold the Secretary harmless for negligent acts or omissions of the Secretary or the Secretary's authorized representatives or employees.

8. **Legal Authority.** The LPA agrees to adopt all necessary ordinances and/or resolutions and to take such administrative or legal steps as may be required to give full effect to the terms of this Agreement.

9. **Secretary Authorization.** The Secretary is authorized by the LPA to take such steps as deemed necessary or advisable by the Secretary to secure the benefits of state aid for this Agreement.

10. **Scope of Services.** The LPA shall furnish the necessary personnel, facilities, and such other professional services as may be required to perform the Program Eligible Activities.

11. **Authorization to Proceed.** The LPA may begin performance of the Program Eligible Activities upon receipt of the Secretary's written Notice to Proceed.

12. **Limitation on Incurred Expenditures.** The LPA shall not incur Project expenditures prior to the Effective Date of this Agreement and receipt of the Notice to Proceed.

13. **Reimbursement of Costs.** This is a reimbursement grant for which, after submitting a reimbursement claim to the Secretary, the LPA may be reimbursed for a portion of the costs it incurs in performing Program Eligible Activities. Reimbursement of the costs incurred by the LPA for performing Program Eligible Activities shall be made in accordance with this Agreement.

14. **Salary Expenditures.** The LPA shall not supplant any salary expenditure provided for by the LPA's current budget with any funds provided under this Agreement.

15. **Retention of Records.** The LPA shall maintain records relating to this Agreement and performance of Program Eligible Activities for a period of five (5) years from the end date of the completion of the Project. The LPA shall make all records, books, papers, and other documents that relate to this Agreement available at all reasonable times for inspection, review, and audit by the Secretary, the U.S. Department of Transportation, the U.S. Government Accountability Office, the Office of Inspector General, the Comptroller General of the United States, or each of their authorized representatives.

16. **Improper Payments.** Any item of expenditure by the LPA under the terms of this Agreement found by auditors, investigators, or other authorized representatives of the Secretary, the U.S. Government Accountability Office, or the Comptroller General of the United States to be improper, unallowable, in violation of federal or state law, or this Agreement, or involving any fraudulent, deceptive, or misleading representations or activities of the LPA, shall become the LPA's liability, to be paid by the LPA from funds other than those provided by the Secretary under this Agreement or any other agreements between the Secretary and the LPA. This provision shall survive the expiration or termination of this Agreement.



17. **Closeout.** Final payment request(s) under this Agreement must be received by the Secretary within (30) days from the earlier of the expiration of this Agreement or termination date of this Agreement. Untimely payment requests will not be accepted by the Secretary without authorization from the Secretary. The LPA's acceptance of final payment from the Secretary shall constitute an agreement by the LPA to release and forever discharge the Secretary, and the Secretary's agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action, or suits of any nature whatsoever, which the LPA has at the time of acceptance of final payment or may have thereafter, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this Agreement. The LPA's obligations to the Secretary under this Agreement shall not terminate until all closeout requirements are completed to the satisfaction of the Secretary. Such requirements include submitting final reports to the Secretary and providing any closeout-related information requested by the Secretary by the deadlines specified by the Secretary. This provision shall survive the expiration or termination of this Agreement.

18. **Prior Approval for Changes.** The LPA shall not transfer allocated funds among cost categories within a budgeted program account or make any changes, directly or indirectly, in the Project or the Program Eligible Activities without the prior written approval of the Secretary.

19. **Cooperation in Monitoring and Evaluation.** The LPA shall permit the Secretary to carry out monitoring and evaluation activities, including any performance measurement system required by applicable law, regulation, funding sources guidelines, or this Agreement, the LPA shall ensure, to the greatest extent possible, the cooperation of its agents, employees and board members in such monitoring and evaluation efforts. This provision shall survive the expiration or termination of this Agreement.

20. **Audit.**

(a) **Audit Requirements for Federal Awards.** The LPA shall comply with the Federal-Aid Transportation Act and the requirements of 2 C.F.R. Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (commonly known as the "Supercircular"). The Audit Standards set forth in 2 C.F.R. Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," and specifically the requirements in Subpart F, 2 C.F.R. §200.500 *et seq.*, require either a single or program specific audit be performed by an independent certified public accountant in accordance with these standards. All information audited and audit standards and procedures shall comply with 2 C.F.R. §200.500 *et seq.*

(b) **Agency Audit.** If the Audit Standards set forth in 2 C.F.R. Part 200 do not apply, the Secretary and/or the FHWA may request, in their sole discretion, to conduct an audit of the Project. Upon the request of the Secretary and/or the U.S. Department of Transportation for an audit, the LPA shall participate and cooperate with any reviews or audits of the activities under this Agreement; make its records and books

available to representatives of the requesting agency for a period of five (5) years from the date of final payment under this Agreement; and ensure to the extent possible the cooperation of its agents, employees, and board members in any such reviews and audits. If an audit reveals the LPA has expended grant funds in any manner not authorized under this Agreement, the LPA shall promptly reimburse the Secretary for such funds upon notification by the Secretary.

21. **Safety Belt Usage.** The LPA has and operates under, or within one year of this Agreement, shall have in place and operate under, a policy which requires its employees to comply with the Kansas Safety Belt Use (K.S.A. § 8-2501, *et seq.*) and Child Passenger Safety (K.S.A. § 8-1343, *et seq.*) Acts when engaged in official travel by public or private vehicle. The LPA may request a model policy from the Secretary.

22. **Certification Regarding Sexual Harassment.** The LPA shall comply with Executive Order 18-04 (February 5, 2018), by signing the **Policy Regarding Sexual Harassment Special Attachment**, which is attached to and made a part of this Agreement.

23. **Confidentiality; Protection of Personally Identifiable Information.** The LPA shall maintain as confidential all information and records relating to this Agreement and shall not disclose or otherwise release the same unless authorized under the Kansas Open Records Act (K.S.A. 45-215, *et seq.*), the Freedom of Information Act (5 U.S.C.A. § 552), or a current and valid court order.

24. **Prohibited Use of Certain Technologies.** The LPA shall comply with 2 CFR 200.216 and 2 CFR 200.471, which prohibit recipients and subrecipients of federal funds from obligating or expending loan or grant funds, if any, to 1) procure or obtain; 2) extend or renew a contract to procure or obtain, or; 3) or enter into a contract to procure or obtain telecommunication or video surveillance equipment, services, or systems produced by: Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); and Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). Any expenditures for such telecommunication or video surveillance equipment, services or systems are unallowable costs and will not be reimbursed.

25. **Covenant Against Contingent Fees.** The LPA represents and warrants that no person or entity has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. In the event of a breach or violation of this representation and warranty, the Secretary shall have the right to annul this Agreement without liability or, in its discretion, to offset against amounts it owes the LPA under this Agreement or otherwise recover from the LPA the full amount of such commission, percentage, brokerage, or contingent fee, and to seek any other legal remedies available to it as a result of such breach. The **Certification of the Contractor** is attached to and made a part of this Agreement.

26. **No Assignment.** The Program Eligible Activities to be performed under the terms of this Agreement shall be performed by the LPA and shall not be assigned, sublet, or transferred to any other party without the written consent of the Secretary.

27. **Accounting.** Upon the Secretary's request, the LPA shall provide the Secretary with an accounting of all actual Project costs to enable the Secretary to report all costs of the Project to the legislature.

## ARTICLE VI: GENERAL PROVISIONS

1. **Acceptance.** No contract provision or use of items by the Secretary shall constitute acceptance or relieve the LPA of liability in respect to any expressed or implied warranties.

2. **Amendment.** Any amendment to this Agreement shall be in writing and signed by the Parties.

3. **Binding Agreement.** This Agreement and all contracts entered into under the provisions of this Agreement shall be binding upon the Secretary and the LPA and their successors in office.

4. **Civil Rights Act.** The **Civil Rights Act Attachment** pertaining to the implementation of the Civil Rights Act of 1964, is attached and made a part of this Agreement.

5. **Compliance with Federal and State Laws.** The LPA shall comply with all applicable state and federal laws and regulations. The LPA represents and warrants that any Contractor and/or Consultant performing any services related to the Project shall also comply with all applicable state and federal laws and regulations.

6. **Contractual Provisions.** The provisions found in the current version of the "**Contractual Provisions Attachment (Form DA-146a)**," which is attached, are hereby incorporated into, and made a part of this Agreement.

7. **Correspondence.** Any notice required or submitted under this Agreement shall be deemed given if personally delivered or mailed by registered or certified mail, return receipt requested and postage prepaid, to the following addresses of the Parties or such other addresses as either party shall from time to time designate by written notice.

The Secretary:  
Kansas Department of Transportation  
ATTN: Maggie Wilcox  
Bureau of Transportation Safety  
700 SW Harrison Street  
Topeka, KS 66603-3754

The LPA:  
Leavenworth County, Kansas  
ATTN: William Noll  
300 Walnut Street, Suite 007  
Leavenworth, KS 66048

8. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute the same agreement.

9. **Debarment of State Contractors.** Any Contractor who defaults on delivery or does not perform in a satisfactory manner as defined in this Agreement may be barred for up to a period of three (3) years, pursuant to K.S.A. § 75-37,103, or have its work evaluated for pre-qualification purposes. Contractors retained by the LPA for the Project shall disclose any conviction or judgment for a criminal or civil offense of any employee, individual or entity which controls a company or organization or will perform work under this Agreement that indicates a lack of business integrity or business honesty. This includes (1) conviction of a criminal offense for obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract; (2) conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property; (3) conviction under state or federal antitrust statutes; and (4) any other offense to be so serious and compelling as to affect responsibility as a state contractor. An individual or entity shall be presumed to have control of a company or organization if the individual or entity directly or indirectly, or acting in concert with one or more individuals or entities, owns or controls 25 % or more of its equity, or otherwise controls its management or policies. Failure to disclose an offense may result in a breach of this Agreement for cause.

10. **Entire Agreement.** This Agreement, with all attached exhibits, expresses the entire agreement between the Parties with respect to the Project. No representations, promises, or warranties have been made by the Parties that are not fully expressed or incorporated by reference in this Agreement.

11. **Headings.** All headings in this Agreement have been included for convenience of reference only and are not to be deemed to control or affect the meaning or construction or the provisions herein.

12. **Independent Contractor Relationship.** The relationship of the Secretary and the LPA shall be that of an independent contractor, and nothing in this Agreement shall be construed to create a partnership, joint venture, or employee-employer relationship. The LPA is not the agent of the Secretary and is not authorized to make any representation, contract, or commitment on behalf of the Secretary. It is expressly understood that any individual performing services under this Agreement on behalf of the LPA shall not be deemed to be an employee or independent contractor of the Secretary, and such individual shall not be entitled to tax withholding, workers' compensation, unemployment compensation or any employee benefits, statutory or otherwise, from the Secretary. The LPA agrees that it is solely responsible for the reporting and payment of income, social security, and other employment taxes due to the proper taxing authorities with respect to such personnel. The LPA agrees to indemnify, defend and hold harmless the Secretary and its directors, officers, employees, and agents from and against any and all costs, losses, damages, liabilities, expenses, demands, and judgments, including court costs and attorney's fees, relating to the reporting and payment of income, social security, and other employment taxes and the provision of employee benefits (including but not limited to workers' compensation,

unemployment insurance, and health insurance coverage or assessable payments required under state or federal) with respect to such individual performing services under this Agreement on behalf of the LPA. This provision shall survive the expiration or termination of this Agreement.

13. **Industry Standards.** Where not otherwise provided in this Agreement, materials or work called for in this Agreement shall be furnished and performed in accordance with best established practice and standards recognized by the contracted industry and comply with all applicable federal, state, and local laws and rules and regulations promulgated thereunder.

14. **Integration.** This Agreement supersedes all oral agreements, negotiations, and representations between the Parties pertaining to the subject matter of this Agreement.

15. **No Third-Party Beneficiaries.** No third-party beneficiaries are intended to be created by this Agreement and nothing in this Agreement authorizes third parties to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

16. **Nondiscrimination and Workplace Safety.** The LPA shall comply with all federal, state, and local laws, and rules and regulations prohibiting discrimination in employment and controlling workplace safety. Any violations of applicable laws, rules, or regulations may result in termination of this Agreement.

17. **Restriction on State Lobbying.** Funds provided by the Secretary under this Agreement shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this Agreement shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

18. **Severability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Agreement shall not be affected, and each provision of this Agreement shall be enforced to the fullest extent permitted by law.

19. **Technical Advice and Assistance; Limitations.** Technical advice, assistance, or both, provided by the Secretary under this Agreement shall not be construed as an undertaking by the Secretary of the duties of the LPA or any other individual or entity hired by the LPA.

20. **Termination.** If, in the judgment of the Secretary, sufficient funds are not appropriated to continue the function performed in this Agreement and for the payment of the charges hereunder, the Secretary may terminate this Agreement at the end of its current fiscal year. The Secretary will participate in all costs approved by the Secretary incurred prior to the termination of the Agreement.

- (a) Termination by Either Party. Either Party may terminate this Agreement upon thirty (30) days written notice to the other party for any reason; provided, however, the LPA shall not be paid more than it would receive under the terms of the Agreement for that portion of Program Eligible Activities rendered to the date of termination.
- (b) Termination by the Secretary. If, in the judgment of the Secretary, sufficient funds are not appropriated to continue the function performed in this Agreement and for the payment of the charges hereunder, the Secretary may terminate this Agreement. The Secretary will participate in all costs approved by the Secretary incurred prior to the termination of the Agreement.

21. **Waiver.** A Party's failure to exercise or delay in exercising any right, power, or privilege under this Agreement shall not operate as a waiver. Further, no single or partial exercise of any right, power, or privilege shall preclude any other or further exercise thereof.

**IN WITNESS WHEREOF** the Parties have caused this Agreement to be signed by their duly authorized officers as of the Effective Date.

ATTEST:

LEAVENWORTH COUNTY, KANSAS

\_\_\_\_\_  
COUNTY CLERK (Date)

\_\_\_\_\_  
CHAIRPERSON

(SEAL)

\_\_\_\_\_  
MEMBER

\_\_\_\_\_  
MEMBER

Kansas Department of Transportation  
Secretary of Transportation

<p><b>Form Approved</b></p> <p>By _____</p> <p>Legal Dept. KDOT</p>
---

By: \_\_\_\_\_  
Greg M. Schieber, P.E. (Date)  
Interim Deputy Secretary and  
State Transportation Engineer

Index of Exhibits and Attachments

- SS4A Program Notice of Funding Opportunity
- Certification regarding Sexual Harassment
- Certification of the Contractor - Covenant Against Contingent Fees
- Contractual Provisions Attachment (Form DA – 146a)
- Civil Rights Act Attachment
- Certification Regarding Debarment, Eligibility, Indictments, Convictions, or Civil Judgements (if over \$25,000)
- Disclosure of Lobbying Activities (if over \$100,000)

**Office of the Secretary of Transportation**

**Notice of Funding Opportunity for the Safe Streets and Roads for All (SS4A) Discretionary Grant Opportunity**

**AGENCY:** Office of the Secretary of Transportation, U.S. Department of Transportation (DOT or the Department)

**ACTION:** Notice of Funding Opportunity (NOFO), Assistance Listing # 20.939

**SUMMARY:** The purpose of this notice is to solicit applications for Safe Streets and Roads for All (SS4A) grants. Funds for the fiscal year (FY) 2022 SS4A grant program are to be awarded on a competitive basis to support planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation, personal conveyance, and micromobility users; motorists; and commercial vehicle operators.<sup>1</sup>

**DATES:** Applications must be submitted by 5:00 PM EDT on Thursday, September 15, 2022. Late applications will not be accepted.

**ADDRESSES:** Applications must be submitted through <https://www.grants.gov/>.

**FOR FURTHER CONTACT INFORMATION:** Please contact the SS4A grant program staff via email at [SS4A@dot.gov](mailto:SS4A@dot.gov), or call Paul Teicher at 202-366-4114. A telecommunications device for the deaf (TDD) is available at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications, as well as schedule information regarding webinars providing additional guidance, on DOT’s website at <https://www.transportation.gov/SS4A>. The deadline to submit technical questions is August 15, 2022.

**SUPPLEMENTARY INFORMATION:** Each section of this notice contains information and instructions relevant to the application process for SS4A grants, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

N/A	SUMMARY INFORMATION
A	PROGRAM DESCRIPTION
B	FEDERAL AWARD INFORMATION
C	ELIGIBILITY INFORMATION
D	APPLICATION AND SUBMISSION INFORMATION
E	APPLICATION REVIEW INFORMATION
F	FEDERAL AWARD ADMINISTRATION INFORMATION
G	FEDERAL AWARDED AGENCY CONTACTS
H	OTHER INFORMATION

Section A (Program Description) describes the Department’s goals and purpose in making awards, and Section E (Application Review Information) describes how the Department will select from eligible

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<sup>1</sup>The term “pedestrians” is inclusive of all users of the pedestrian infrastructure, including persons with disabilities.



applications. To support applicants through the process, the Department will provide technical assistance and resources at <https://www.transportation.gov/SS4A>.

## DEFINITIONS

Term	Definition
Applicant’s Jurisdiction(s)	The U.S. Census tracts where the applicant operates or performs their safety responsibilities. If an applicant is seeking funding for multiple jurisdictions, all of the relevant Census tracts for the jurisdictions covered by the application should be included.
Complete Streets	Standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, personal conveyance and micromobility users, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles. <sup>2</sup>
Comprehensive Safety Action Plan	A comprehensive safety action plan (referred to as Action Plan) is aimed at preventing roadway fatalities and serious injuries in a locality, Tribe, or region. This can either be a plan developed with an Action Plan Grant, or a previously developed plan that is substantially similar and meets the eligibility requirements (e.g., a Vision Zero plan or similar plan).
Equity	The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.
High Injury Network	Identifies the highest concentrations of traffic crashes resulting in serious injuries and fatalities within a given roadway network or jurisdiction.
Micromobility	Any small, low-speed, human- or electric-powered transportation device, including bicycles, scooters, electric-assist bicycles, electric scooters (e-scooters), and other small, lightweight, wheeled conveyances. <sup>3</sup>
Personal Conveyance	A personal conveyance is a device, other than a transport device, used by a pedestrian for personal mobility assistance or recreation. These devices can be motorized or human powered, but not propelled by pedaling. <sup>4</sup>

<sup>2</sup> The definition is based on the “Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges,” <https://highways.dot.gov/newsroom/federal-highway-administration-details-efforts-advance-complete-streets-design-model>

<sup>3</sup> Source: FHWA, Public Roads Magazine Spring 2021 “Micromobility: a Travel Innovation.” Publication Number: FHWA-HRT-21-003

<sup>4</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813251>, see page 127 for the full definition as defined in the 2020 FARS/CRSS Coding and Validation Manual.

<b>Term</b>	<b>Definition</b>
Political Subdivision of a State	A unit of government created under the authority of State law. This includes cities, towns, counties, special districts, certain transit agencies, and similar units of local government. A transit district, authority, or public benefit corporation is eligible if it was created under State law, including transit authorities operated by political subdivisions of a State.
Rural	For the purposes of this NOFO, jurisdictions outside an Urbanized Area (UA) or located within Urbanized Areas with populations fewer than 200,000 will be considered rural. Lists of UAs are available on the U.S. Census Bureau website at <a href="http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/">http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/</a> .
Safe System Approach	A guiding principle to address the safety of all road users. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives. <sup>5, 6</sup>
Underserved Community	An underserved community as defined for this NOFO is consistent with the Office of Management and Budget’s Interim Guidance for the Justice40 Initiative and the Historically Disadvantaged Community designation, which includes: <ul style="list-style-type: none"> <li>• U.S. Census tracts identified in this table: <a href="https://datahub.transportation.gov/stories/s/tsyd-k6ij">https://datahub.transportation.gov/stories/s/tsyd-k6ij</a>;</li> <li>• Any Tribal land; or</li> <li>• Any territory or possession of the United States.</li> </ul>

## **A. Program Description**

### **1. Overview**

Section 24112 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021; also referred to as the “Bipartisan Infrastructure Law” or “BIL”) authorized and appropriated \$1 billion to be awarded by the Department of Transportation for FY 2022 for the SS4A grant program. This NOFO solicits applications for activities to be funded under the SS4A grant program. The FY22 funding will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64355).<sup>7</sup>

The purpose of SS4A grants is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators. The program provides funding

<sup>5</sup> See: <https://www.transportation.gov/NRSS/SafeSystem>

<sup>6</sup> Safety culture can be defined as the shared values, actions, and behaviors that demonstrate a commitment to safety over competing goals and demands.

<sup>7</sup> The priorities of Executive Order 14052, Implementation of the Infrastructure Investments and Jobs Act are: to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards and equal employment opportunity, strengthen infrastructure resilience to hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

to develop the tools to help strengthen a community’s approach to roadway safety and save lives and is designed to meet the needs of diverse local, Tribal, and regional communities that differ dramatically in size, location, and experience administering Federal funding.

## 2. Grant Types and Deliverables

The SS4A program provides funding for two types of grants: Action Plan Grants (for comprehensive safety action plans) and Implementation Grants. Action Plan Grants are used to develop, complete, or supplement a comprehensive safety action plan. To apply for an Implementation Grant, an eligible applicant must have a qualifying Action Plan. Implementation Grants are available to implement strategies or projects that are consistent with an existing Action Plan. Applicants for Implementation Grants can self-certify that they have in place one or more plans that together are substantially similar to and meet the eligibility requirements for an Action Plan.

### i. Action Plan Grants

An Action Plan is the foundation of the SS4A grant program. Action Plan Grants provide Federal funds to eligible applicants to develop or complete an Action Plan. Action Plan Grants may also fund supplemental Action Plan activities. The goal of an Action Plan is to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries in a locality, Tribe, or region. Further information on eligibility requirements is in Section C.

The primary deliverable for an Action Plan Grant is a publicly available Action Plan. For the purposes of the SS4A grant program, an Action Plan includes the components in Table 1. DOT considers the process of developing an Action Plan to be critical for success, and the components reflect a process-oriented set of activities.

**Table 1: Action Plan Components**

<b>Component</b>	<b>Description</b>
Leadership Commitment and Goal Setting	An official public commitment (e.g., resolution, policy, ordinance, etc.) by a high-ranking official and/or governing body (e.g., Mayor, City Council, Tribal Council, MPO Policy Board, etc.) to an eventual goal of zero roadway fatalities and serious injuries. The commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries achieved through one, or both, of the following: (1) the target date for achieving zero roadway fatalities and serious injuries, OR (2) an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries.
Planning Structure	A committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.

Component	Description
Safety Analysis	Analysis of existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region. Includes an analysis of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (motorists, people walking, transit users, etc.). Analysis of systemic and specific safety needs is also performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographic, and structural issues, etc.). To the extent practical, the analysis should include all roadways within the jurisdiction, without regard for ownership. Based on the analysis performed, a geospatial identification of higher-risk locations is developed (a High-Injury Network or equivalent).
Engagement and Collaboration	Robust engagement with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback. Information received from engagement and collaboration is analyzed and incorporated into the Action Plan. Overlapping jurisdictions are included in the process. Plans and processes are coordinated and aligned with other governmental plans and planning processes to the extent practical.
Equity Considerations	Plan development using inclusive and representative processes. Underserved communities are identified through data and other analyses in collaboration with appropriate partners. <sup>8</sup> Analysis includes both population characteristics and initial equity impact assessments of the proposed projects and strategies.
Policy and Process Changes	Assessment of current policies, plans, guidelines, and/or standards (e.g., manuals) to identify opportunities to improve how processes prioritize transportation safety. The Action Plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards, as appropriate.
Strategy and Project Selections	<p>Identification of a comprehensive set of projects and strategies, shaped by data, the best available evidence and noteworthy practices, as well as stakeholder input and equity considerations, that will address the safety problems described in the Action Plan. These strategies and countermeasures focus on a Safe System Approach, effective interventions, and consider multidisciplinary activities. To the extent practical, data limitations are identified and mitigated.</p> <p>Once identified, the list of projects and strategies is prioritized in a list that provides time ranges for when the strategies and countermeasures will be deployed (e.g., short-, mid-, and long-term timeframes). The list should include specific projects and strategies, or descriptions of programs of projects and strategies, and explains prioritization criteria used. The list should contain interventions focused on infrastructure, behavioral, and/or operational safety.</p>

<sup>8</sup> An underserved community as defined for this NOFO is consistent with the Office of Management and Budget’s Interim Guidance for the Justice40 Initiative (<https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>) and the Historically Disadvantaged Community designation, which includes U.S. Census tracts identified in this table <https://datahub.transportation.gov/stories/s/tsyd-k6ij>; any Tribal land; or any territory or possession of the United States.

Component	Description
Progress and Transparency	Method to measure progress over time after an Action Plan is developed or updated, including outcome data. Means to ensure ongoing transparency is established with residents and other relevant stakeholders. Must include, at a minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries, and public posting of the Action Plan online.

a) Supplemental Action Plan Activities:

Supplemental action plan activities support or enhance an existing Action Plan. To fund supplemental Action Plan activities through the SS4A program, an applicant must have an existing Action Plan, or a plan that is substantially similar and meets the eligibility requirements for having an existing plan. The plan components may be contained within several documents. Table 2 in Section C is a Self-Certification Eligibility Worksheet with instructions to determine whether an existing plan meets the eligibility requirements. Supplemental action plan activities could include, but are not limited to: a second round of analysis; expanded data collection and evaluation using integrated data; testing action plan concepts before project and strategy implementation; feasibility studies using quick-build strategies that inform permanent projects in the future (e.g., paint, plastic bollards, etc.); follow-up stakeholder engagement and collaboration; targeted equity assessments; progress report development; and complementary planning efforts such as speed management plans, accessibility and transition plans, racial and health equity plans, and lighting management plans. Additional information on supplemental action plan activities is located at <https://www.transportation.gov/SS4A>.

Applicants that have an existing plan that is substantially similar to and meets the eligibility requirements of an Action Plan may alternatively choose to fund supplemental Action Plan activities through an application for an Implementation Grant rather than an Action Plan Grant. See Section A.2.ii below.

ii. Implementation Grants

Implementation Grants fund projects and strategies identified in an Action Plan that address roadway safety problems. Implementation Grants may also fund associated planning and design and supplemental Action Plan activities in support of an existing Action Plan. DOT encourages Implementation Grant applicants to include supplemental Action Plan activities in their application to further improve and update existing plans. Applicants must have an existing Action Plan to apply for Implementation Grants or have an existing plan that is substantially similar and meets the eligibility requirements of an Action Plan. If applicants do not have an existing Action Plan, they should apply for Action Plan Grants and **NOT** Implementation Grants. The plan components may be contained within several documents. Table 2 in Section C is a Self-Certification Eligibility Worksheet with instructions to determine eligibility to apply for an Implementation Grant. Additional information on eligibility requirements and eligible activities is in Section C below.

**3. SS4A Grant Priorities**

This section discusses priorities specific to SS4A and those related to the Department’s overall mission, which are reflected in the selection criteria and NOFO requirements. Successful grant applications will demonstrate engagement with a variety of public and private stakeholders and seek to adopt innovative technologies and strategies to:

- Promote safety;
- Employ low-cost, high-impact strategies that can improve safety over a wider geographic area;
- Ensure equitable investment in the safety needs of underserved communities, which includes both underserved urban and rural communities;
- Incorporate evidence-based projects and strategies; and
- Align with the Department’s mission and with priorities such as equity, climate and sustainability, quality job creation, and economic strength and global competitiveness.

The Department seeks to award Action Plan Grants based on safety impact, equity, and other safety considerations. For Implementation Grants, DOT seeks to make awards to projects and strategies that save lives and reduce roadway fatalities and serious injuries; incorporate equity, engagement, and collaboration into how projects and strategies are executed; use effective practices and strategies; consider climate change, sustainability, and economic competitiveness in project and strategy implementation; and will be able to complete the full scope of funded projects and strategies within five years after the establishment of a grant agreement. Section D provides more information on the specific measures an application should demonstrate to support these goals.

The SS4A grant program aligns with both Departmental and Biden-Harris Administration activities and priorities. The National Roadway Safety Strategy (NRSS, issued January 27, 2022) commits the Department to respond to the current crisis in roadway fatalities by “taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation’s roadways,” in pursuit of the goal of achieving zero roadway deaths.<sup>9</sup> DOT recognizes that zero is the only acceptable number of deaths on our roads, and achieving that is our long-term safety goal. The outcomes that are anticipated from the SS4A program also support the FY 2022-2026 DOT Strategic Plan and the accompanying safety performance goals such as a medium-term goal of a two-thirds reduction in roadway fatalities by 2040.<sup>10</sup>

As part of the NRSS, the Department adopted the Safe System Approach as a guiding principle to advance roadway safety. The Safe System Approach addresses the safety of all road users. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives. For more information on the Safe System Approach, see the NRSS.

DOT encourages communities to adopt and implement Complete Streets policies that prioritize the safety of all users in transportation network planning, design, construction, and operations.<sup>11</sup> A full transition to a Complete Streets design model requires leadership, identification and elimination of barriers, and development of new policies, rules, and procedures to prioritize safety. A Complete Street includes, but is not limited to: sidewalks, curb ramps, bike lanes (or wide paved shoulders), special bus lanes, accessible public transportation stops, safe and accommodating crossing options, median islands, pedestrian signals, curb extensions, narrower travel lanes, and roundabouts.<sup>12</sup> Recipients of Federal financial assistance are required to ensure the accessibility of pedestrian facilities in the public right-of-way. See Section F.2 of this NOFO for program requirements.

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<sup>9</sup> <https://www.transportation.gov/NRSS>

<sup>10</sup> <https://www.transportation.gov/dot-strategic-plan>

<sup>11</sup> Complete Streets are defined in the Definitions table at the beginning of the document.

<sup>12</sup> More information on Complete Streets can be found at <https://highways.dot.gov/complete-streets>

The NOFO aligns with and considers Departmental policy priorities that have a nexus to roadway safety and grant funding. As part of the Department's implementation of Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619), the Department seeks to fund applications that, to the extent possible, target at least 40 percent of benefits towards low-income and underserved communities. DOT also seeks to award funds under the SS4A grant program that proactively address equity and barriers to opportunity, or redress prior inequities and barriers to opportunity. DOT supports the policies in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009), to pursue a comprehensive approach to advancing equity for all, including people of color, rural communities, and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. An important area for DOT's focus is the disproportionate, adverse safety impacts that affect certain groups on our roadways, particularly people walking and biking in underserved communities. See Section F.2.i of this NOFO for equity-related program requirements.

As part of the United States' commitment to a whole-of-government approach to reaching net-zero emissions economy-wide by 2050 and a 50–52 percent reduction in emissions from 2005 levels by 2030, BIL and its associated transportation funding programs permit historic investments to improve the resilience of transportation infrastructure, helping States and communities prepare for hazards such as wildfires, floods, storms, and droughts exacerbated by climate change. DOT's goal is to encourage the advancement of projects and strategies that address climate change and sustainability. To enable this, the Department encourages applicants to consider climate change and sustainability throughout the planning and project development process, including the extent to which projects and strategies under the SS4A grant program align with the President's greenhouse gas reduction, climate resilience, and environmental justice commitments.

The Department intends to use the SS4A grant program to support the creation of good-paying jobs with the free and fair choice to join a union, and the incorporation of strong labor standards and workforce programs, in particular registered apprenticeships, joint labor-management programs, or other high-quality workforce training programs, including high-quality pre-apprenticeships tied to registered apprenticeships, in project planning stages and program delivery. Grant applications that incorporate such considerations support a strong economy and labor market.

Consistent with the Department's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative, the Department seeks to award funding to rural applications that address disproportionately high fatality rates in rural communities. For applicants seeking to use innovative technologies and strategies, the Department's Innovation Principles serve as a guide to ensure innovations reduce deaths and serious injuries while committing to the highest standards of safety across technologies.<sup>13</sup>

## **B. Federal Award Information**

### **1. Total Funding Available**

The BIL established the SS4A program with \$5,000,000,000 in advanced appropriations in Division J, including \$1,000,000,000 for FY 2022. Therefore, this Notice makes available up to \$1 billion for FY 2022 grants under the SS4A program. Refer to Section D for greater detail on additional funding considerations and Section D.5 for funding restrictions.

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<sup>13</sup> <https://www.transportation.gov/priorities/innovation/us-dot-innovation-principles>. Released January 6, 2022.

## **2. Availability of Funds**

Grant funding obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements. Unless authorized by DOT in writing after DOT's announcement of FY 2022 SS4A grant awards, any costs incurred prior to DOT's obligation of funds for activities ("pre-award costs") are ineligible for reimbursement. All FY 2022 SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds.

## **3. Award Size and Anticipated Quantity**

In FY 2022, DOT expects to award hundreds of Action Plan Grants, and up to one hundred Implementation Grants. The Department reserves the right to make more, or fewer, awards. DOT reserves the discretion to alter minimum and maximum award sizes upon receiving the full pool of applications and assessing the needs of the program in relation to the SS4A grant priorities in Section A.3.

### **i. Action Plan Grants**

For Action Plan Grants, award amounts will be based on estimated costs, with an expected minimum of \$200,000 for all applicants, an expected maximum of \$1,000,000 for a political subdivision of a State or a federally recognized Tribal government, and an expected maximum of \$5,000,000 for a metropolitan planning organization (MPO) or a joint application comprised of a multijurisdictional group of entities that is regional in scope (e.g., a multijurisdictional group of counties, a council of governments and cities within the same region, etc.). The Department will consider applications with funding requests under the expected minimum award amount. DOT reserves the right to make Action Grant awards less than the total amount requested by the applicant.

Joint applications that engage multiple jurisdictions in the same region are encouraged, in order to ensure collaboration across multiple jurisdictions and leverage the expertise of agencies with established financial relationships with DOT and knowledge of Federal grant administration requirements. Applicants may propose development of a single Action Plan covering all jurisdictions, or several plans for individual jurisdictions, administered by the leading agency.

### **ii. Implementation Plan Grants**

For Implementation Grants, DOT expects the minimum award will be \$5,000,000 and the maximum award will be \$30,000,000 for political subdivisions of a State. For applicants who are federally recognized Tribal governments or applicants in rural areas, DOT expects the minimum award will be \$3,000,000 and the maximum award will be \$30,000,000. For an MPO or a joint application comprised of a multijurisdictional group of entities that is regional in scope, the expected maximum award will be \$50,000,000. For the purposes of the SS4A grant program award size minimum, rural is defined as an area outside an Urbanized Area (UA) or located within a UA with a population of fewer than 200,000.<sup>14</sup> DOT reserves the right to make Implementation Grant awards less than the total amount requested by the applicant.

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<sup>14</sup> Current lists of Urbanized Areas are available on the U.S. Census Bureau website at [http://www2.census.gov/geo/maps/dc10map/uau\\_refmap/ua/](http://www2.census.gov/geo/maps/dc10map/uau_refmap/ua/). For the purposes of the SS4A program, Urbanized Areas with populations fewer than 200,000 will be considered rural.



#### **4. Start Dates and Period of Performance**

DOT expects to obligate SS4A award funding via a signed grant agreement between the Department and the recipient, as flexibly and expeditiously as possible, within 12 months after awards have been announced. Applicants who have never received Federal funding from DOT before are encouraged to partner with eligible applicants within the same region, such as an MPO, that have established financial relationships with DOT and knowledge of Federal grant administration requirements. While States are not eligible applicants and cannot be a co-applicant, eligible applicants are encouraged to separately partner with States and other entities experienced with administering Federal grants, outside of the SS4A grant award process, to ensure effective administration of a grant award. The expected period of performance for Action Plan Grant agreements is between 12 and 24 months. The period of performance for Implementation Grant agreements may not exceed five years.

Because award recipients under this program may be first-time recipients of Federal funding, DOT is committed to implementing the program as flexibly as permitted by statute and to providing assistance to help award recipients through the process of securing a grant agreement and delivering both Action Plan activities and Implementation Grant projects and strategies.

#### **5. Data Collection Requirements**

Under the BIL, the Department shall post on a publicly available website best practices and lessons learned for preventing roadway fatalities and serious injuries pursuant to strategies or interventions implemented under SS4A. Additionally, DOT shall evaluate and incorporate, as appropriate, the effectiveness of strategies and interventions implemented under the SS4A grant program.<sup>15</sup> The Department intends to measure safety outcomes through a combination of grant agreement activities and data collections, DOT data collections already underway, and program evaluations separate from the individual grant agreements in accordance with Section F.3.iii. The grant data-collection requirements reflect the need to build evidence of noteworthy strategies and what works. The Department expects to use the data and outcome information collected as part of the SS4A in evaluations focused on before and after studies.

All award recipients shall submit a report that describes:

- The costs of each eligible project and strategy carried out using the grant;
- The roadway safety outcomes and any additional benefits (e.g., increased walking, biking, or transit use without a commensurate increase in crashes, etc.) that each such project and strategy has generated, as—
  - Identified in the grant application; and
  - Measured by data, to the maximum extent practicable; and
- The lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.

All recipients must provide aggregated annual crash data on serious injuries and fatalities for the duration of the period of performance for the jurisdiction or jurisdictions for which funds were awarded. These data will provide the information for metrics on changes in serious injuries and fatalities over time.

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<sup>15</sup> BIL specifically cites *Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition* or any successor document, but DOT also is to consider applied research focused on infrastructure and operational projects and strategies.

Implementation Grant recipients must also provide crash data on serious injury and fatalities in the locations where projects and strategies are implemented, which are expected to include crash characteristics and contributing factor information associated with the safety problems being addressed. Data that measure outcomes for the specific safety problems addressed are required and could include, but are not limited to, aggregated information by road user, safety issue, and demographic characteristics such as race and gender. For Implementation Grants that undertake projects and strategies to foster applied research and experimentation to inform project and strategy effectiveness, additional data collection requirements will be negotiated with the applicant before a grant agreement is established. Federally recognized Tribal governments receiving grants may request alternative data collection requirements during grant agreement formulation, as appropriate. This information will be gathered on a quarterly basis in a Performance Progress Report (SF-PPR).<sup>16</sup>

To fulfill the data collection requirements and in accordance with the U.S. DOT Public Access Plan, award recipients must consider, budget for, and implement appropriate data management, for data and information outputs acquired or generated during the course of the grant.<sup>17, 18</sup> Applicants are expected to account for data and performance reporting in their budget submission.

## **C. Eligibility Information**

### **1. Eligible Applicants**

Eligible applicants for SS4A grants are (1) a metropolitan planning organization (MPO); (2) a political subdivision of a State or territory; (3) a federally recognized Tribal government; and (4) a multijurisdictional group of entities described in any of the aforementioned three types of entities. A multijurisdictional group of entities described in (4) should identify a lead applicant as the primary point of contact. For the purposes of this NOFO, a political subdivision of a State under (2), above, is defined as a unit of government under the authority of State law. This includes cities, towns, counties, special districts, and similar units of local government. A transit district, authority, or public benefit corporation is eligible if it was created under State law, including transit authorities operated by political subdivisions of a State. States are not eligible applicants, but DOT encourages applicants to coordinate with State entities, as appropriate.

Eligible MPOs, transit agencies, and multijurisdictional groups of entities with a regional scope are encouraged to support subdivisions of a State such as cities, towns, and counties with smaller populations within their region. The Department strongly encourages such joint applications for Action Plan Grants, and for applicants who have never received Federal funding and can jointly apply with entities experienced executing DOT grants.

An eligible applicant for Implementation Grants must also meet at least one of these conditions: (1) have ownership and/or maintenance responsibilities over a roadway network; (2) have safety responsibilities that affect roadways; or (3) have agreement from the agency that has ownership and/or maintenance responsibilities for the roadway within the applicant's jurisdiction. For the purposes of this NOFO, an applicant's jurisdiction is defined as the U.S. Census tracts where the applicant operates or performs their safety responsibilities.

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<sup>16</sup> <https://www.sbir.gov/sites/default/files/SF%20PPR.pdf>

<sup>17</sup> <https://doi.org/10.21949/1520559>

<sup>18</sup> United States. Department of Transportation. (2022) *DOT Public Access* [Home page]. <https://doi.org/10.21949/1503647>

## 2. Cost Sharing or Matching

The Federal share of a SS4A grant may not exceed 80 percent of total eligible activity costs. Recipients are required to contribute a local matching share of no less than 20 percent of eligible activity costs. All matching funds must be from non-Federal sources. In accordance with 2 CFR § 200.306, grant recipients may use in-kind or cash contributions toward local match requirements so long as those contributions meet the requirements under 2 CFR § 200.306(b). Matching funds may include funding from the applicant, or other SS4A-eligible non-Federal sources partnering with the applicant, which could include, but is not limited to, funds from the State. Any in-kind contributions used to fulfill the cost-share requirement for Action Plan and Implementation Grants must: be in accordance with the cost principles in 2 CFR § 200 Subpart E; include documented evidence of completion within the period of performance; and support the execution of the eligible activities in Section C.4.

SS4A funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. Grant agreements are expected to be administered on a reimbursement basis, and at the Department's discretion alternative funding arrangements may be established on a case-by-case basis.

## 3. Grant Eligibility Requirements

If an applicant is eligible for both an Action Plan Grant and an Implementation Grant, the applicant may only apply for an Action Plan Grant **or** an Implementation Grant, not both. An eligible applicant may only submit one application to the funding opportunity. Action Plan Grant funding recipients are not precluded from applying for Implementation Grants in future funding rounds.

### i. Action Plan Grant Eligibility Requirements

The Action Plan Grant eligibility requirements are contingent on whether an applicant is requesting funds to develop or complete an Action Plan, or if the applicant is requesting funds for supplemental action plan activities. Applicants may not apply to develop or complete an Action Plan **and** fund supplemental action plan activities in the current round of funding.

#### a) Eligibility Requirements to Develop or Complete an Action Plan

Any applicant that meets the eligibility requirements may apply for an Action Plan Grant to develop or complete an Action Plan. Applicants with an existing Action Plan may also apply to develop a new Action Plan.

#### b) Eligibility Requirements for Supplemental Action Plan Activities

Applicants for Action Plan Grants to fund supplemental action plan activities must either have an established Action Plan with all components described in Table 1 in Section A, or an existing plan that is substantially similar and meets the eligibility requirements. Table 2 below provides instructions to determine eligibility for applicants that have a substantially similar plan. The components required for an established plan to be substantially similar to an Action Plan may be found in multiple plans. State-level action plans (e.g., a Strategic Highway Safety Plan required in 23 U.S. Code (U.S.C.) § 148, State Highway Safety Plans required in 23 U.S.C. § 402, etc.) or Public Transportation Agency Safety Plans in 49 U.S.C. § 5329 cannot be used as an established plan. It is recommended that applicants include this eligibility worksheet as part of their narrative submission. If this Self-Certification Eligibility Worksheet

is not used, applicants must describe how their established plan is substantially similar to an Action Plan as part of the Narrative, based on the criteria in Table 2 below.

**Table 2: Self-Certification Eligibility Worksheet**

<p><b>Worksheet instructions:</b> The purpose of the worksheet is to determine whether an applicant’s existing plan is substantially similar to an Action Plan, or not. For each question below, answer yes or no. For each yes, cite the specific page in your existing Action Plan or other plan/plans that corroborate your response, provide supporting documentation, or provide other evidence. Refer to Table 1 for further details on each component. <i>Note:</i> The term Action Plan is used in this worksheet; it covers either a stand-alone Action Plan or components of other plans that combined comprise an Action Plan.</p> <p><b>Instructions to affirm eligibility:</b> Based on the questions in this eligibility worksheet, an applicant is eligible to apply for an Action Plan Grant that funds supplemental action plan activities, or an Implementation Grant, if the following two conditions are met:</p> <ul style="list-style-type: none"> <li>• Questions 3, 7, and 9 are answered “yes.” If Question 3, 7, or 9 is answered “no,” the plan is not substantially similar and ineligible to apply for Action Plan funds specifically for a supplemental action plan activity, nor an Implementation Grant.</li> <li>• At least four of the six remaining Questions are answered “yes” (Questions 1, 2, 4, 5, 6, or 8).</li> </ul> <p>If both conditions are met, an applicant has a substantially similar plan.</p>	
Question	Response, Document and Page Number
<p>1. Are both of the following true:</p> <ul style="list-style-type: none"> <li>• Did a high-ranking official and/or governing body in the jurisdiction publicly commit to an eventual goal of zero roadway fatalities and serious injuries?</li> <li>• Did the commitment include either setting a target date to reach zero, OR setting one or more targets to achieve significant declines in roadway fatalities and serious injuries by a specific date?</li> </ul>	
<p>2. To develop the Action Plan, was a committee, task force, implementation group, or similar body established and charged with the plan’s development, implementation, and monitoring?</p>	
<p>3. Does the Action Plan include all of the following?</p> <ul style="list-style-type: none"> <li>• Analysis of existing conditions and historical trends to baseline the level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region;</li> <li>• Analysis of the location(s) where there are crashes, the severity, as well as contributing factors and crash types;</li> </ul>	

<ul style="list-style-type: none"> <li>• Analysis of systemic and specific safety needs is also performed, as needed (e.g., high risk road features, specific safety needs of relevant road users; and</li> <li>• A geospatial identification (geographic or locational data using maps) of higher risk locations.</li> </ul>	
<p>4. Did the Action Plan development include all of the following activities?</p> <ul style="list-style-type: none"> <li>• Engagement with the public and relevant stakeholders, including the private sector and community groups;</li> <li>• Incorporation of information received from the engagement and collaboration into the plan; and</li> <li>• Coordination that included inter- and intra-governmental cooperation and collaboration, as appropriate.</li> </ul>	
<p>5. Did the Action Plan development include all of the following?</p> <ul style="list-style-type: none"> <li>• Considerations of equity using inclusive and representative processes;</li> <li>• The identification of underserved communities through data; and</li> <li>• Equity analysis, in collaboration with appropriate partners, focused on initial equity impact assessments of the proposed projects and strategies, and population characteristics.</li> </ul>	
<p>6. Are both of the following true?</p> <ul style="list-style-type: none"> <li>• The plan development included an assessment of current policies, plans, guidelines, and/or standards to identify opportunities to improve how processes prioritize safety; and</li> <li>• The plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards.</li> </ul>	
<p>7. Does the plan identify a comprehensive set of projects and strategies to address the safety problems identified in the Action Plan, time ranges when the strategies and projects will be deployed, and explain project prioritization criteria?</p>	

8. Does the plan include all of the following? <ul style="list-style-type: none"> <li>• A description of how progress will be measured over time that includes, at a minimum, outcome data</li> <li>• The plan is posted publicly online.</li> </ul>	
9. Was the plan finalized and/or last updated between 2017 and 2022?	

ii. Implementation Grant Eligibility Requirements

To apply for an Implementation Grant, the applicant must certify that they have an existing plan which is substantially similar to an Action Plan. The plan or plans should be uploaded as an attachment to your application. Use Table 2, Self-Certification Eligibility Worksheet, from the previous section to determine eligibility. The existing plan must be focused, at least in part, on the roadway network within the applicant’s jurisdiction. The components required for an existing plan to be substantially similar to an Action Plan may be found in multiple plans. State-level action plans (e.g., a Strategic Highway Safety Plan required in 23 U.S.C. § 148, State Highway Safety Plans required in 23 U.S.C. § 402, Commercial Vehicle Safety Plans required in 49 U.S.C. § 31102, etc.) as well as Public Transportation Agency Safety Plans in 49 U.S.C. § 5329 cannot be used as an established plan to apply for an Implementation Grant.

**4. Eligible Activities and Costs**

i. Eligible Activities

Broadly, eligible activity costs must comply with the cost principles set forth in with 2 CFR, Subpart E (i.e., 2 CFR § 200.403 and § 200.405). DOT reserves the right to make cost eligibility determinations on a case-by-case basis. Eligible activities for grant funding include the following three elements:

- (A) developing a comprehensive safety action plan or Action Plan (i.e., the activities outlined in Section A.2.i in Table 1 and the list of supplemental Action Plan activities);
- (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan; and
- (C) carrying out projects and strategies identified in an Action Plan.

For Action Plan Grants, eligible activities and costs only include those that directly assist in the development of the Action Plan, element (A), and/or supplemental action plan activities in support of an existing Action Plan or plans.

For Implementation Grants, activities *must* include element (C) “carrying out projects and strategies identified in an Action Plan,” and *may* include element (B) “conducting planning, design, and development activities for projects and strategies identified in an Action Plan” and/or element (A) “supplemental action plan activities in support of an existing Action Plan.” Projects and strategies identified in element (C) must be either infrastructure, behavioral, or operational activities identified in the Action Plan, and must be directly related to addressing the safety problem(s) identified in the application and Action Plan. Examples of eligible Implementation Grant activities are listed on the SS4A website located at [www.transportation.gov/SS4A](http://www.transportation.gov/SS4A). The following activities are **not** eligible for element (C) “projects and strategies” funding:

- Projects and strategies whose primary purpose is not roadway safety.
- Projects and strategies exclusively focused on non-roadway modes of transportation, including air, rail, marine, and pipeline. Roadway intersections with other modes of transportation (e.g., at-grade highway rail crossings, etc.) are eligible activities.
- Capital projects to construct new roadways used for motor vehicles. New roadways exclusively for non-motorists is an eligible activity if the primary purpose is safety-related.
- Infrastructure projects primarily intended to expand capacity to improve Levels of Service for motorists on an existing roadway, such as the creation of additional lanes.
- Maintenance activities for an existing roadway primarily to maintain a state of good repair. However, roadway modifications on an existing roadway in support of specific safety-related projects identified in an Action Plan are eligible activities.
- Development or implementation of a public transportation agency safety plan (PTASP) required by 49 U.S.C. § 5329. However, a PTASP that identifies and addresses risks to pedestrians, bicyclists, personal conveyance and micromobility users, transit riders, and others may inform Action Plan development.

All projects and strategies must have equity—the consistent, fair, just, and impartial treatment of all people—at their foundation. This includes traffic enforcement strategies. As part of the Safe System Approach adopted in the USDOT’s National Roadway Safety Strategy, any activities related to compliance or enforcement efforts to make our roads safer should affirmatively improve equity outcomes as part of a comprehensive approach to achieve zero roadway fatalities and serious injuries. The SS4A program can be used to support safety projects and strategies that address serious safety violations of drivers (e.g., speeding, alcohol and drug-impaired driving, etc.), so long as the proposed strategies are data-driven and demonstrate a process in alignment with goals around community policing and in accordance with Federal civil rights laws and regulations.<sup>19</sup>

Funds may not be used, either directly or indirectly, to support or oppose union organizing.

ii. Project and Strategy Location

For Implementation Grants, applications must identify the problems to be addressed, the relevant geographic locations, and the projects and strategies they plan to implement, based on their Action Plan or established plan. This should include specific intervention types to the extent practicable. To provide flexibility in the implementation of projects and strategies that involve systemic safety strategies or bundling of similar countermeasures, an applicant may wait to specify specific site locations and designs for the projects and strategies as part of executing the grant agreement, if necessary, upon approval of the Department and so long as the identified site locations and designs remain consistent with the intent of the award.

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<sup>19</sup> For one such example see <https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>.

## D. Application and Submission Information

### 1. Address to Request Application Package

All grant application materials can be accessed at [grants.gov](https://grants.gov). Applicants must submit their applications via [grants.gov](https://grants.gov) under the Notice of Funding Opportunity Number cited herein. Potential applicants may also request paper copies of materials at:

Telephone: (202)-366-4114  
Mail: U.S. Department of Transportation  
1200 New Jersey Avenue SE  
W84-322  
Washington, DC 20590

### 2. Content and Form of Application Submission

The Action Plan Grant and Implementation Grant have different application submission and supporting document requirements.

#### i. Action Plan Grant Application Submissions

All Action Plan Grant applications must submit the following Standard Forms (SFs):

- Application for Federal Assistance (SF-424)
- Budget Information for Non-Construction Programs (SF-424A)
- Assurances for Non-Construction Programs (SF-424B)
- Disclosure of Lobbying Activities (SF-LLL)

In addition to the SFs above, the applicant must provide: a) Key Information; b) Narrative; c) Self-Certification Eligibility Worksheet, if applying for action plan supplemental activities; d) Map; and e) Budget. While it is not required to conform to the recommended templates below, it is strongly encouraged to provide the information using the specific structure provided in this NOFO.

#### a) Key Information Table

Lead Applicant	
If Multijurisdictional, additional eligible entities jointly applying	
Total jurisdiction population	
Count of motor-vehicle-involved roadway fatalities from 2016 to 2020	
Fatality rate	
Population in Underserved Communities	
States(s) in which projects and strategies are located	
Costs by State (if project spans more than one State)	

Instructions for a):

- The lead applicant is the primary jurisdiction, and the lead eligible entity applying for the grant.



- If the application is multijurisdictional, list additional eligible entities within the multijurisdictional group of entities. If a single applicant, mark as not applicable.
- Total jurisdiction population is based on 2020 U.S. Census data and includes the total population of all Census tracts where the applicant operates or performs their safety responsibilities.
- The count of roadway fatalities from 2016 to 2020 in the jurisdiction based on DOT’s Fatality Analysis Reporting System (FARS) data, an alternative traffic fatality dataset, or a comparable data set with roadway fatality information.<sup>20</sup> This should be a number. Cite the source, if using a dataset different from FARS, with a link to the data if publicly available.
- The fatality rate, calculated using the average from the total count of fatalities from 2016 to 2020 based on FARS data, an alternative traffic fatality dataset, or a comparable data set with roadway fatality information, which is divided by the population of the applicant’s jurisdiction based on 2020 U.S. Census population data. This should be a number. Cite the source, if using a dataset different from FARS.
- Check one of the three available boxes to the right of the column with the three Action Plan types: new Action Plan; Action Plan completion; or supplemental action plan activities.
- The population in underserved communities should be a percentage obtained by dividing the population living in Census tracts with an Underserved Community designation divided by the total population living in the jurisdiction.<sup>21</sup> For multi-jurisdictional groups, provide this information for each jurisdiction in the group.
- Note the State(s) of the applicants. If a federally recognized Tribal government, mark as not applicable.
- Allocate funding request amounts by State based on where the funds are expected to be spent. If the projects and strategies are located in only one State, put the full funding request amount.

c) Narrative

In narrative form, the applicant should respond to the Action Plan Grant selection criteria described in Section E.1.i to affirm whether the applicant has considered certain activities that will enhance the implementation of an Action Plan once developed or updated. The narrative must be no longer than 300 words.

d) Self-Certification Eligibility Worksheet

If applying for Action Plan Grant funding supplemental action plan activities, attach the filled out Table 2 Self-Certification Eligibility Worksheet. If applying to develop or complete an Action Plan, do not include Table 2.

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<sup>20</sup> <https://www.nhtsa.gov/research-data/fatality-analysis-reporting-system-fars>. To query the FARS data see <https://cdan.dot.gov/query>. To query the FARS data see <https://cdan.dot.gov/query>. For the Census data visit <https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html>

<sup>21</sup> <https://datahub.transportation.gov/stories/s/tsyd-k6ij>

e) Map

The applicant must submit a map that shows the location of the jurisdiction and highlights the roadway network under the applicant’s jurisdiction. The permissible formats include: map web link (e.g., Google, Bing, etc.), PDF, image file, vector file, or shapefile.

f) Budget

Applicants are required to provide a brief budget summary and a high-level overview of estimated activity costs, as organized by all major cost elements. The budget only includes costs associated with the eligible activity (A) developing a comprehensive safety action plan and may include supplemental action plan activities. Funding sources should be grouped into two categories: SS4A Funding Federal share, and non-Federal share funds. The costs or value of in-kind matches should also be provided. This budget should not include any previously incurred expenses, or costs to be incurred before the time of award. DOT requires applicants use SF-424A to provide this information.

ii. Implementation Grant Application Submissions

Implementation Grant applications must submit the following Standard Forms (SFs):

- Application for Federal Assistance (SF-424)
- Budget Information for Construction Programs (SF-424C)
- Assurances for Construction Programs (SF-424D)
- Disclosure of Lobbying Activities (SF-LLL)

In addition to the SFs above, the applicant must provide: a) Key Information; b) Narrative; c) Self-Certification Eligibility Worksheet; and d) Budget. While it is not required to conform to the recommended template in the Key Information Table below, it is strongly encouraged to provide the information using the specific structure provided in this NOFO.

a) Key Information Table

Application Name	
Lead Applicant	
If Multijurisdictional, additional eligible entities jointly applying	
Roadway safety responsibility	Ownership and/or maintenance responsibilities over a roadway network
	Safety responsibilities that affect roadways
	Have an agreement from the agency that has ownership and/or maintenance responsibilities for the roadway within the applicant’s jurisdiction
Population in Underserved Communities	
States(s) in which activities are located	
Costs by State	
Funds to Underserved Communities	

Cost total for eligible activity (A) supplemental action plan activities in support of an existing Action Plan	
Cost total for eligible activity (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan	
Cost total for eligible activity (C) carrying out projects and strategies identified in an Action Plan	
Action Plan or Established Plan Link	

Instructions for a)

- Provide a grant application name to accompany the grant application.
- The lead applicant is the primary jurisdiction, and the lead eligible entity applying for the grant.
- If the application is multijurisdictional, list additional eligible entities within the multijurisdictional group of entities. If a single applicant, leave blank.
- The roadway safety responsibility response should check one of the three answers to meet eligibility conditions.
- The population in Underserved Community Census Tracts should be a percentage number obtained by dividing the population living in Underserved Community Census tracts within the jurisdiction divided by the total population living in the jurisdiction.
- Identify State(s) in which the applicant is located in. If a federally recognized Tribal government, leave blank.
- The total amount of funds to underserved communities is the amount of spent in, and provide safety benefits to, locations in census tracts designated as underserved communities.
- For each State, allocate funding request amounts divided up by State based on where the funds are expected to be spent. If the applicant is located in only one State, put the full funding request amount only.
- Provide a weblink to the plan that serves as the Action Plan or established plan that is substantially similar. This may be attached as a supporting PDF document instead; if so please write “See Supporting Documents.”

b) Narrative

The Department recommends that the narrative follows the outline below to address the program requirements and assist evaluators in locating relevant information. The narrative may not exceed 10 pages in length, excluding cover pages and the table of contents. Key information, the Self-Certification Eligibility Worksheet, and Budget sections do not count towards the 10-page limit. Appendices may include documents supporting assertions or conclusions made in the 10-page narrative and also do not count towards the 10-page limit. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the narrative the relevance of each supporting document.

I. Overview	See D.2.ii.b.I
II. Location	See D.2.ii.b.II
III. Response to Selection Criteria	See D.2.ii.b.III and Section E.1.ii
IV. Project Readiness	See D.2.ii.b.IV

### I. Overview

This section should provide an introduction, describe the safety context, jurisdiction, and any high-level background information that would be useful to understand the rest of the application.

### II. Location

This section of the application should describe the jurisdiction’s location, the jurisdiction’s High-Injury Network or equivalent geospatial identification (geographic or locational data using maps) of higher risk locations, and potential locations and corridors of the projects and strategies. Note that the applicant is not required to provide exact locations for each project or strategy; rather, the application should identify which geographic locations are under consideration for projects and strategies to be implemented and what analysis will be used in a final determination.

### III. Response to Selection Criteria

This section should respond to the criteria for evaluation and selection in Section E.1.ii of this Notice and include compelling narrative to highlight how the application aligns with criteria #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; and #4 Climate Change and Sustainability, and Economic Competitiveness. Note, criterion #1 Safety Impact assesses “implementation cost” information, which will be described in SF-424C and the d) Budget of the narrative and does not need to be duplicated in this portion of the narrative.

The applicant must respond to each of the four criteria. Applicants are not required to follow a specific format, but the organization provided, which addresses each criterion separately, promotes a clear discussion that assists evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application. To the extent practical, DOT encourages applicants to use and reference existing content from their Action Plan/established plan(s) to demonstrate their comprehensive, evidence-based approach to improving safety.

### IV. Project Readiness

The applicant must provide information to demonstrate the applicant’s ability to substantially execute and complete the full scope of work in the application proposal within five years of when the grant is executed, with a particular focus on design and construction, as well as environmental, permitting, and approval processes. Applicants should indicate if they will be seeking permission to use roadway design standards that are different from those generally applied by the State in which the project is located. As part of this portion of the narrative, the applicant must include a detailed activity schedule that identifies all major project and strategy milestones. Examples of such milestones include: State and local planning approvals; start and completion of National Environmental Policy Act and other Federal environmental

reviews and approvals including permitting; design completion; right of way acquisition; approval of plans, specifications, and estimates; procurement; State and local approvals; public involvement; partnership and implementation agreements; and construction. Environmental review documentation should describe in detail known project impacts, and possible mitigation for those impacts. When a project results in impacts, it is expected an award recipient will take steps to engage the public. For additional guidance and resources, visit [www.transportation.gov/SS4A](http://www.transportation.gov/SS4A).

c) Self-Certification Eligibility Worksheet

Attach a completed Table 2: Self-Certification Eligibility Worksheet.

d) Budget

This section of the application should describe the budget for the SS4A proposal. Applicants are required to provide a brief budget summary and provide a high-level overview of estimated activity costs, as organized by all major cost elements. The budget should provide itemized estimates of the costs of the proposed projects and strategies at the individual component level. This includes capital costs for infrastructure safety improvements and costs associated with behavioral and operational safety projects and strategies. The section should also distinguish between the three eligible activity areas: (A) supplementing action plan activities in support of an existing Action Plan; (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan; and (C) carrying out projects and strategies identified in an Action Plan.

Funding sources should be grouped into two categories: SS4A funding Federal share, and non-Federal share funds. Estimated costs or value of in-kind matches should also be provided. The budget should show how each source of funds will be spent. This budget should not include any previously incurred expenses, or costs to be incurred before the time of award and obligation because these expenses are not eligible for reimbursement or cost-sharing. If non-Federal share funds or in-kind contributions are from entities who are not the applicant, include commitment letters or evidence of allocated cost share as a supporting document. DOT requires applicants use form SF-424C, and the applicant must also provide the information in Table 3 below.

**Table 3: Supplemental Estimated Budget**

<b>Subtotal Budget for (A) supplemental action plan activities;</b>	<b>\$0.00</b>
<b>Itemized Estimated Costs of the (A) supplemental action plan activities</b>	
<b>Item #1</b>	<b>\$0.00</b>
<b>Item #2</b>	<b>\$0.00</b>
<b>Subtotal Budget for (B) conducting planning, design, and development activities</b>	<b>\$0.00</b>
<b>Itemized Estimated Costs of the (B) planning, design, and development activities</b>	
<b>Item #1</b>	<b>\$0.00</b>
<b>Item #2</b>	<b>\$0.00</b>

<b>Item #3</b>	<b>\$0.00</b>
<b>Subtotal Budget for (C) carrying out projects and strategies</b>	<b>\$0.00</b>
<b>Itemized Estimated Costs of the (C) proposed projects and strategies</b>	
<b>Item #1</b>	<b>\$0.00</b>
<b>Item #2</b>	<b>\$0.00</b>
<b>Item #3</b>	<b>\$0.00</b>
<b>Item #4</b>	<b>\$0.00</b>
<b>Subtotal Funds to Underserved Communities</b>	<b>\$0.00</b>

### **3. Unique Entity Identifier and System for Award Management (SAM)**

Each applicant is required to: (i) be registered in SAM (<https://sam.gov/content/home>) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. DOT may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOT is ready to make an award, DOT may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant.

### **4. Submission Dates and Times**

Applications must be submitted by 5:00 PM EDT on Thursday, September 15, 2022.

### **5. Funding Restrictions**

Per BIL requirements, not more than 15 percent of the funds made available to carry out the SS4A program in FY22 may be awarded to eligible applicants in a single State.<sup>22</sup> In addition, 40 percent of the total FY22 funds made available must be for developing and updating a comprehensive safety action plan, or supplemental action plan activities.

### **6. Other Submission Requirements**

The format of the Section D.2 application submission should be in PDF format, with font size no less than 12-point Times New Roman, margins a minimum of 1 inch on all sides, and include page numbers.

The complete application must be submitted via [grants.gov](https://grants.gov). In the event of system problems or the applicant experiences technical difficulties, contact [grants.gov](https://grants.gov) technical support via telephone at 1-800-518-4726 or email at [support@grants.gov](mailto:support@grants.gov).

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<sup>22</sup> Funding for Tribal lands will be treated as their own State and will not count toward a State's 15% limit.

## E. Application Review Information

### 1. Selection Criteria

This section specifies the criteria DOT will use to evaluate and select applications for SS4A grant awards. The Department will review merit criteria for all applications. Each of the two grant types to be made available through the SS4A grant program, Action Plan Grant and Implementation Grant, will have its own set of application review and selection criteria.

#### i. Action Plan Grant Selection Criteria

For Action Plan Grants, the Department will use three evaluation criteria. The Department will evaluate quantitative data in two selection criteria areas: #1 Safety Impact; and #2 Equity. The Department will also assess the narrative for #3 Additional Safety Considerations. Costs will also be considered.

**Selection Criterion #1: Safety Impact.** The activities are in jurisdictions that will likely support a significant reduction or elimination of roadway fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, personal conveyance and micromobility users, motorists, and commercial operators, within the timeframe proposed by the applicant. The Department will assess safety impact using two quantitative ratings:

- The count of roadway fatalities from 2016 to 2020 based on DOT's FARS data, an alternative traffic crash dataset, or a comparable data set with roadway fatality information.<sup>23</sup>
- The fatality rate, which is calculating using the average from the total count of fatalities from 2016 to 2020 (based on FARS data or an alternative traffic crash dataset) divided by the 2020 population of the applicant's jurisdiction based on 2020 U.S. Census population data.

**Selection Criterion #2: Equity.** The activities will ensure equitable investment in the safety needs of underserved communities in preventing roadway fatalities and injuries, including rural communities. The Department will assess the equity criterion using one quantitative rating:

- The percentage of the population in the applicant's jurisdiction that resides in an Underserved Community Census tract.<sup>24</sup> Population of a Census tract, either a tract that is Underserved Community or not, must be based on 2020 U.S. Census population data.

**Selection Criterion #3: Additional Safety Considerations.** The Department will assess whether the applicant has considered any of the following in the development of the Action Plan:

- Employ low-cost, high-impact strategies that can improve safety over a wider geographical area;
- Engage with a variety of public and private stakeholders (e.g., inclusive community engagement, community benefit agreements, etc.);
- Seek to adopt innovative technologies or strategies to promote safety and equity; and
- Include evidence-based projects or strategies.

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<sup>23</sup> <https://cdan.dot.gov/query>

<sup>24</sup> <https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a>

The applicant must address these considerations in narrative form.

### **Additional Consideration: Budget Costs**

The Department will assess the extent to which the budget and costs to perform the activities required to execute the Action Plan Grant are reasonable based on 2 CFR § 200.404.

#### ii. Implementation Grant Selection Criteria

Implementation Grants have four merit criteria: #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; and #4 Climate Change and Economic Competitiveness. Two additional considerations will also be used in the selection process: Project Readiness, and Funds to Underserved Communities. The response to each criterion, to the extent practicable, should be aligned with the applicant's Action Plan. Below describes the specific content the applicant should respond to for each of these criteria.

**Selection Criterion #1: Safety Impact.** DOT will assess whether the proposal is likely to: significantly reduce or eliminate roadway fatalities and serious injuries; employ low-cost, high-impact strategies over a wide geographic area; and include evidence-based projects and strategies. Safety impact is the most important criterion and will be weighed more heavily in the review and selection process. The Department will assess the applicant's description of the safety problem, safety impact assessment, and costs as part of the Safety Impact criterion:

- Description of the safety problem. DOT will assess the extent to which:
  - The safety problem is described, including historical trends, fatal and serious injury crash locations, contributing factors, and crash types by category of road user.
  - Crashes and/or crash risk are displayed in a High-Injury Network, hot spot analysis, or similar geospatial risk visualization.
  - Safety risk is summarized from risk models, hazard analysis, the identification of high-risk roadway features, road safety audits/assessments, and/or other proactive safety analyses.
- Safety impact assessment. DOT will assess the extent to which projects and strategies:
  - Align with and address the identified safety problems.
  - Are supported by evidence to significantly reduce or eliminate roadway fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, personal conveyance and micromobility users, motorists, and commercial vehicle operators.
  - Use low-cost, high-impact strategies and projects that can improve safety over a wider geographical area.
  - Measure safety impact through models, studies, reports, proven noteworthy practices, Crash Modification Factors (CMF), and other information on project and strategy effectiveness.
  - Include a multi-disciplinary, systemic approach that relies on redundancies to reduce safety risks.
  - Will have safety benefits that persist over time.



- Implementation Costs. DOT will assess the extent to which projects and strategies are itemized and summarized, including capital costs for infrastructure, behavioral, and operational safety improvements.

**Selection Criterion #2: Equity, Engagement, and Collaboration.** This criterion supports the legislative requirements to assess the extent to which the application ensures the equitable investment in the safety needs of underserved communities, and demonstrates engagement with a variety of public and private stakeholders. The response to this criterion should focus on equity, engagement, and collaboration in relation to the implementation of the projects and strategies. DOT will assess the extent to which projects and strategies:

- Ensure equitable investment in underserved communities in preventing roadway fatalities and serious injuries, including rural communities.
- Are designed to decrease existing disparities identified through equity analysis.
- Consider key population groups (e.g., people in underserved communities, children, seniors, Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, other persons of color, persons with disabilities, persons who live in rural areas, and persons otherwise adversely affected by persistent poverty or inequality) to ensure the impact to these groups is understood and addressed.
- Include equity analysis, both quantitative and qualitative, and stakeholder engagement in underserved communities as part of the development and implementation process.
- Include meaningful engagement with the public, including public involvement for underserved communities, community benefit agreements, and relevant stakeholders such as private sector and community groups, as part of implementation.
- Leverage partnerships within their jurisdiction, with other government entities, non-governmental organizations, the private sector, academic institutions, and/or other relevant stakeholders to achieve safety benefits while preventing unintended consequences for persons living in the jurisdiction.
- Inform representatives from areas impacted on implementation progress and meaningfully engage over time to evaluate the impact of projects and strategies on persons living in the jurisdiction.
- Align with the equity analysis performed as part of the development of an existing Action Plan.

**Selection Criterion #3: Effective Practices and Strategies.** DOT will assess the extent to which the application employs low-cost, high-impact strategies that can improve safety over a wide geographical area, includes evidence-based projects or strategies that improve safety, and seeks to adopt innovative technologies or strategies to promote safety and equity. The response to this criterion needs to address, at a minimum, one of the four effective practices and strategies from the list below, which includes: create a safer community; Safe System Approach; Complete Streets; and innovative practices and technologies. If the applicant responds to more than one of the four options, the option that is rated highest in the review process will be used for the rating of this criterion.

- Create a safer community. DOT will assess the extent to which the projects and strategies:
  - Establish basic, evidence-based roadway safety infrastructure features, including but not limited to sidewalks and separated bicycle lanes.

- Improve safety for all road users along a roadway network using proposed Public-Rights-of-Way Accessibility Guidelines (PROWAG).<sup>25</sup>
  - Use evidence-based, proven, and effective safety countermeasures to significantly improve existing roadways.<sup>26</sup>
  - Use evidence-based Countermeasures that Work with four or five stars to address persistent behavioral safety issues and consider equity in their implementation.<sup>27</sup>
  - Apply systemic safety practices that involve widely implemented improvements based on high-risk roadway features correlated with particular severe crash types.
- Safe System Approach. DOT will assess the extent to which the projects and strategies:
    - Encompass at least two of the five safety elements in the National Roadway Safety Strategy (Safer People, Safer Roads, Safer Speeds, Safer Vehicles, and Post-Crash Care). This may include a mix of infrastructure, behavioral, and operational safety projects and strategies.
    - Create a transportation system that accounts for and mitigates human mistakes.
    - Incorporate data-driven design features that are human-centric, limit kinetic energy, and are selected based on the physical limits of people’s crash tolerances before injury or death occurs.
    - Support actions and activities identified in the Department’s National Roadway Safety Strategy that are evidence-based.
- Complete Streets. DOT will assess the extent to which the projects and strategies:
    - Account for the safety of all road users in their implementation through evidence-based activities.
    - Are supported by an existing Complete Streets Policy that prioritizes safety in standard agency procedures and guidance or other roadway safety policies that have eliminated barriers to prioritizing the safety of all users, or includes supplemental planning activities to achieve this. Consider the management of the right of way using a data-driven approach (e.g., delivery access, features that promote biking and micromobility, electric vehicle charging infrastructure, etc.).
    - Improve accessibility and multimodal networks for people outside of a motor vehicle, including people who are walking, biking, rolling, public transit users, and have disabilities.
    - Incorporate the proposed PROWAG, and any actions in an established the American with Disabilities Act Transition Plan to correct barriers to individuals with disabilities.
- Innovative practices and technologies. DOT will assess the extent to which the projects and strategies:
    - Incorporate practices that promote efficiency within the planning and road management lifecycle (e.g., dig once, etc.).
    - Integrate additional data beyond roadway and crash information to inform implementation and location, such as data on the built environment.

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<sup>25</sup> <https://www.access-board.gov/prowag/>

<sup>26</sup> <https://safety.fhwa.dot.gov/provencountermeasures/>

<sup>27</sup> [https://www.nhtsa.gov/sites/nhtsa.gov/files/2021-09/Countermeasures-10th\\_080621\\_v5\\_tag.pdf](https://www.nhtsa.gov/sites/nhtsa.gov/files/2021-09/Countermeasures-10th_080621_v5_tag.pdf)

- Foster applied, data-driven research and experimentation to inform project and strategy effectiveness, including but not limited to participation in a sanctioned Manual on Uniform Traffic Control Devices experimentation, research to inform Proven Safety Countermeasures or Countermeasures that Work, and/or research that measures the effectiveness of multidisciplinary activities.
- Adopt innovative technologies or practices to promote safety and equity. These could include infrastructure, behavioral, operational, or vehicular safety-focused approaches.

**Selection Criterion #4: Climate Change and Sustainability, and Economic Competitiveness.** This program's focus on equity and safety are also advanced by considerations of how applications address climate and sustainability considerations, as well as whether applications support economic competitiveness. DOT will assess the extent to which the projects and strategies use safety strategies to support the Departmental strategic goals of climate change and sustainability, and economic strength and global competitiveness, and the extent to which the proposal is expected to:

- Reduce motor vehicle-related pollution such as air pollution and greenhouse gas emissions.
- Increase safety of lower-carbon travel modes such as transit and active transportation.
- Incorporate lower-carbon pavement and construction materials.
- Support fiscally responsible land use and transportation efficient design that reduces greenhouse gas emissions.
- Includes storm water management practices and incorporates other climate resilience measures or feature, including but not limited to nature-based solutions that improve built and/or natural environment while enhancing resilience.
- Lead to increased economic or business activity due to enhanced safety features for all road users.
- Increase mobility and expand connectivity for all road users to jobs and business opportunities, including people in underserved communities.
- Improve multimodal transportation systems that incorporate affordable transportation options such as public transit and micromobility.
- Demonstrate a plan or credible planning activities and project delivery actions to advance quality jobs, workforce programs, including partnerships with labor unions, training providers, education institutions, and hiring policies that promote workforce inclusion.
- Result in high-quality job creation by supporting good-paying jobs with a free and fair choice to join a union, incorporate strong labor standards (e.g., wages and benefits at or above prevailing; use of project labor agreements, registered apprenticeship programs, pre-apprenticeships tied to registered apprenticeships, etc.), and/or provide workforce opportunities for historically underrepresented groups (e.g., workforce development program, etc.).

#### **Additional Consideration: Project Readiness**

Applications rated as “Highly Recommended” or “Recommended” based on the selection Criteria 1 through 4 will be reviewed for Project Readiness, which will be a consideration for application selection. Project Readiness focuses on the extent to which the applicant will be able to substantially execute and complete the full scope of work in the Implementation Grant application within five (5) years of when the grant is executed. This includes information related to required design and construction standards, as well

as environmental, permitting, and approval processes. DOT will evaluate the extent to which the application:

- Documents all applicable local, State, and Federal requirements.
- Includes information on activity schedule, required permits and approvals, the National Environmental Policy Act (NEPA) class of action and status, State Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) status, public involvement, right-of-way acquisition plans, procurement schedules, multi-party agreements, utility relocation plans and risk and mitigation strategies, as appropriate.
- Is reasonably expected to begin any construction-related projects in a timely manner consistent with all applicable local, State, and Federal requirements.

### **Additional Consideration: Funds to Underserved Communities.**

The percentage of Implementation Grant funds that will be spent in, and provide safety benefits to, locations in census tracts designated as underserved communities as defined by this NOFO will be considered as part of application selection.<sup>28</sup> DOT will use this information in support of the legislative requirement to ensure equitable investment in the safety needs of underserved communities in preventing roadway fatalities and injuries. Higher percentages of funding to underserved communities will be generally viewed favorably by DOT, and the Department encourages applicants to leverage project and strategy activities to the extent practical and in alignment with the safety problems identified in an Action Plan.

## **2. Review and Selection Process**

This section addresses the BIL requirement to describe the methodology for evaluation in the NOFO, including how applications will be rated according to selection criteria and considerations, and how those criteria and considerations will be used to assign an overall rating. The SS4A grant program review and selection process consists of eligibility reviews, merit criteria review, and Senior Review. The Secretary makes the final selections.

### **i. Action Plan Grant Review and Selection Process**

The process for the application plan review is described below:

- Teams of Department and contractor support staff review all applications to determine eligibility based on the eligibility information in Section C.
- Eligible Action Plan applications received by the deadline will be reviewed for their merit based on the selection criteria in Section E.1.i.
- Applications are scored numerically based on Merit Criteria #1 Safety Impact and #2 Equity Criteria.

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<sup>28</sup> An underserved community as defined for this NOFO is consistent with the Office of Management and Budget's Interim Guidance for the Justice40 Initiative and the Historically Disadvantaged Community designation, which includes: U.S. Census tracts identified in this table <https://datahub.transportation.gov/stories/s/tsyd-k6ij>; any Tribal land; or any territory or possession of the United States.

- The #3 Additional Safety Considerations criterion narrative will be reviewed and assessed as either “qualified,” meaning the application addresses the criterion at least in part, or “not qualified,” meaning the application does not address the criterion. Applications that do not address the #3 Additional Safety Considerations and are deemed “not qualified” will not be considered.
- Action Plan Grant applications to develop or complete a new Action Plan will be noted and prioritized for funding.
- In order to ensure that final selections will meet the statutory requirement that no more than 15 percent of program funds may be awarded to eligible applicants in one State, applications will have their State location denoted. Tribal awards are not counted towards this 15 percent maximum.
- The Teams will examine the locations of the applicants to identify if multiple applicants requested funding for the same jurisdiction. DOT reserves the right to request applicants with duplicative funding requests consolidate their efforts as one multijurisdictional group prior to receiving an award, and may decline to fund duplicative applications irrespective of their individual merits.

ii. Implementation Grant Review and Selection Process

a) Overall Selection Process and Ratings

Teams of Department and contractor support staff review all applications to determine whether they are eligible applicants based on the eligibility information in Section C. All eligible Implementation Grant applications received by the deadline will be reviewed and receive ratings for each of these criteria: #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; #4 Climate Change and Sustainability, and Economic Competitiveness. Based on the criteria ratings, an overall application rating of “Highly Recommended,” “Recommended,” “Acceptable,” or “Not Recommended” will be assigned. Criterion #1, Safety Impact, will be weighted most heavily.

Overall “Highly Recommended” Application Rating Scenarios

<b>Selection Criteria</b>	<b>Scenario (a) Criteria Rating</b>	<b>Scenario (b) Criteria Rating</b>
#1 Safety Impact	High	Medium
#2 Equity, Engagement, and Collaboration	Medium or High	High
#3 Effective Practices and Strategies	Medium or High	High
#4 Climate Change Sustainability, and Economic Competitiveness	Low, Medium, or High	High
Overall Rating	Highly Recommended	Highly Recommended

Overall “Recommended” Rating Scenarios

Selection Criteria	Scenario (c) Criteria Rating	Scenario (d) Criteria Rating
#1 Safety Impact	High	Medium
#2 Equity, Engagement, and Collaboration	At least one Low	One Medium and One High or Two Medium
#3 Effective Practices and Strategies		
#4 Climate Change and Sustainability, and Economic Competitiveness	Low, Medium, or High	Low, Medium, or High
Overall Rating	Recommended	Recommended

Overall “Acceptable” and “Not Recommended” Rating Scenarios

Selection Criteria	Scenario (e) Criteria Rating	Scenario (f) Criteria Rating
#1 Safety Impact	Low	Any are determined Non-Responsive
#2 Equity, Engagement, and Collaboration	Low, Medium, or High	
#3 Effective Practices and Strategies		
#4 Climate Change and Sustainability, and Economic Competitiveness	Low, Medium, or High	
Overall Rating	Acceptable	Not Recommended

b) Safety Impact Criterion Rating Methodology

For the #1 Safety Impact criterion, the Department will assess three subcomponents to determine a result in an overall rating of “high,” “medium,” and “low,” or “non-responsive.” The three subcomponents are: the description of the safety problem; the safety impact assessment; and the implementation costs.

The description of the safety problem sub-rating will use the guidelines below:

	High	Medium	Low	Non-responsive
Rating Scale	The narrative and supporting information demonstrate the proposal is addressing a substantial safety problem. The narrative is well-articulated and is strongly supported by data and analysis.	The narrative and supporting information demonstrate the proposal is addressing an existing safety problem. Narrative articulates the description, is generally supporting by data and analysis.	The narrative and supporting information demonstrate the proposal is addressing a safety problem more minor in scope. The narrative is not well-articulated, and the supporting data and analysis are limited.	The narrative and supporting information do not address a safety problem.

The safety impact assessment sub-rating will use the guidelines below:

	High	Medium	Low	Non-responsive
Rating Scale	The projects and strategies have strong potential to address the safety problem. The projects and strategies proposed are highly effective, based on evidence, use a systemic approach, and have benefits that persist over time.	The projects and strategies address the safety problem. Most of the projects and strategies proposed are effective measures, based on evidence, use a systemic approach, and have benefits that persist over time.	The projects and strategies address the safety problem to a limited degree. Some or none of the projects and strategies proposed are effective measures, based on evidence, use a systemic approach, or have benefits that persist over time.	The projects and strategies do not address the safety problem.

The implementation costs sub-rating will use the guidelines below:

	High	Medium	Low	Non-responsive
Rating Scale	The costs for the implementation of the projects and strategies are clearly articulated and summarized. Future costs are well-described. The quantity and quality of the projects and strategies in relation to the cost amounts strongly indicate the costs are reasonable.	The costs for the implementation of the projects and strategies are summarized. Future costs are described. The quantity and quality of the projects and strategies in relation to the cost amounts seem to indicate the costs are reasonable.	The costs for the implementation of the projects and strategies are not well-articulated or missing key details. Future costs are minimally or not described. Based on the limited quantity and/or quality of the projects and strategies in relation to the cost amounts, the cost reasonableness is uncertain.	Cost information is not provided.

The three sub-ratings for the #1 Safety Criterion (the description of the safety problem; the safety impact assessment; and the implementation costs) will be combined and scored using the following rating system to determine if the overall rating for the Safety Criterion is “High,” “Medium,” “Low,” or “Non-Responsive.”

Safety Criterion Sub-Rating Scores	Overall Safety Criterion Rating
At least two “high”, no “low”, no “non-responsive”	High
No “low”, no “non-responsive,” or does not meet the High criterion	Medium
No “high”, at least one “low”, no “non-responsive,” or does not meet the Medium criterion	Low
Any “non-responsive”	Non-Responsive

c) Other Criteria Rating Methodology

For the merit criteria #2 Equity, Engagement, and Collaboration, #3 Effective Practices and Strategies, and #4 Climate Change and Economic Competitiveness, the Department will consider whether the application narrative is clear, direct, responsive to the selection criterion focus areas, and logical, which will result in a rating of “high, “medium,” “low,” or “non-responsive.”

	High	Medium	Low	Non-Responsive
Rating Scale	The application is substantively responsive to the criteria, with clear, direct, and logical narrative.	The application is moderately responsive to the criteria, with mostly clear, direct, and logical narrative.	The application is minimally responsive to the criteria and is somewhat addressed in the narrative.	The narrative indicates the proposal is counter to the criteria, or does not contain sufficient information

“Highly Recommended” and “Recommended” applications will receive a Project Readiness evaluation, as described below. The reviewers will use the application materials outlined in Section D to assess the applicant’s Project Readiness and will provide a rating of either “Very Likely,” “Likely,” or “Unlikely.”

	Very Likely	Likely	Unlikely
Rating Scale	Based on the information provided in the application and the proposed scope of the projects and strategies, it is very likely the applicant can complete all projects and strategies within a five-year time horizon.	Based on the information provided in the application and the proposed scope of the projects and strategies, it is probable the applicant can complete all projects and strategies within a five-year time horizon.	Based on the information provided in the application and the proposed scope of the projects and strategies, it is uncertain whether the applicant can complete all projects and strategies within a five-year time horizon.

iii. Senior Review Team Phase

a) Action Plan Grant Senior Review Team Phase

For the Action Plan Grants, the Secretary will set thresholds for each of the three quantitative criteria ratings based on their distribution, the number of applicants, and the availability of funds. Eligible applicants who meet or exceed the threshold in any of the three criteria will be offered Action Plan Grant award funding. A composite rating of the three criteria will not be made, and each criterion will be considered separately. Based on the overall application pool, available funding, and legislative requirements, the Secretary reserves the discretion to set the threshold(s) most advantageous to the U.S. Government’s interest. The Secretary will consult with a Senior Review Team (SRT) to make the threshold determinations. Additionally, the Secretary may choose to prioritize Action Plan Grants that are developing or completing an Action Plan over Action Plan Grant applications focused on supplemental action plan activities because an Action Plan is a prerequisite to applying for Implementation Grants in future NOFOs.



## b) Implementation Grant Senior Review Team Phase

Once every Implementation Grant application has been assigned an overall rating based on the methodology above, all “Highly Recommended” applications will be included in a list of Applications for Consideration. The SRT will review whether the list of “Highly Recommended” applications is sufficient to ensure that no more than 15 percent of the FY 2022 funds made available are awarded to eligible applicants in a single State. “Recommended” applications may be added to the proposed list of Applications for Consideration until a sufficient number of applications are on the list to ensure that all the legislative requirements can be met and funding would be fully awarded. “Recommended” applications with a “High” Safety Impact Criterion rating will be prioritized and considered first. If that produces an insufficient list, “Recommended” applications with a “Medium” Safety Impact Criterion rating and a “High” rating for the Equity, Engagement, and Collaboration Criterion will also be considered. The SRT will also review all “Highly Recommended” applications that received an “Unlikely” project readiness rating, and either remove those applicants from the Applications for Consideration, OR recommend a reduced scope to minimize the risk the applicant will not complete the scope of work within five years of the grant agreement execution.

Additionally, to ensure the funding awards align to the extent practicable to the program goal of equitable investment in the safety needs of underserved communities, the SRT may review “Recommended” applications and set a threshold based on the percentage of funds that will be spent in, and provide safety benefits to, locations within underserved communities. Any “Recommended” applications at or above that threshold will be included in the proposed list of Applications for Consideration.

For each grant type, the SRT will present the list of Applications for Consideration to the Secretary, either collectively or through a representative of the SRT. The SRT may advise the Secretary on any application on the list of Applications for Consideration, including options for reduced awards, and the Secretary makes final selections. The Secretary’s selections identify the applications that best address program requirements and are most worthy of funding.

### **3. Additional Information**

Prior to entering into a grant agreement, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

Because award recipients under this program may be first-time recipients of Federal funding, DOT is committed to implementing the program as flexibly as permitted by statute and to providing assistance to help award recipients through the process of securing a grant agreement and delivering both Action Plan activities and Implementation Grant projects and strategies. Award recipients are encouraged to identify any needs for assistance in delivering the Implementation Grant projects and strategies so that DOT can provide directly, or through a third party, sufficient support and technical assistance to mitigate potential execution risks.

## **F. Federal Award Administration Information**

### **1. Federal Award Notices**

Following the evaluation outlined in Section E, the Secretary will announce awarded applications by posting a list of selected recipients at [www.transportation.gov/SS4A](http://www.transportation.gov/SS4A). The posting of the list of selected award recipients will not constitute an authorization to begin performance. Following the announcement, the Department will contact the point of contact listed in the SF-424 to initiate negotiation of a grant agreement.

### **2. Administrative and National Policy Requirements**

#### **i. Equity and Barriers to Opportunity**

Each applicant selected for SS4A grant funding must demonstrate effort to improve equity and reduce barriers to opportunity as described in Section A. Award recipients that have not sufficiently addressed equity and barriers to opportunity in their planning, as determined by the Department, will be required to do so before receiving funds, consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009).<sup>29</sup>

#### **ii. Labor and Workforce**

Each applicant selected for SS4A grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards as described in Section A. To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, the applicants will be required to do so before receiving funds, consistent with Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

As expressed in section A, equal employment opportunity is an important priority. The Department wants to ensure that sponsors have the support they need to meet requirements under EO 11246, Equal Employment Opportunity (30 FR 12319, and as amended). All Federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color.<sup>30</sup> Projects over \$35 million shall meet the requirements in Executive Order 14063, Use of Project Labor Agreements for Federal Construction Projects (87 FR 7363).

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. Through the program, OFCCP offers contractors and subcontractors extensive compliance assistance, conducts compliance evaluations, and helps to build partnerships between the project sponsor, prime contractor, subcontractors, and relevant stakeholders. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of federally assisted projects over which OFCCP has jurisdiction and that have a project cost above

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<sup>29</sup> An illustrative example of how these requirements are applied to recipients can be found here:

<https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions>

<sup>30</sup> <https://www.dol.gov/sites/dolgov/files/ofccp/ParticipationGoals.pdf>

\$35 million. DOT will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award. Under that partnership, OFCCP will ask these project sponsors to make clear to prime contractors in the pre-bid phase that project sponsor's award terms will require their participation in the Mega Construction Project Program. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under "Scheduling" on the Department of Labor website: <https://www.dol.gov/agencies/ofccp/faqs/construction-compliance>.

iii. Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for SS4A grant funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the activities. Award recipients that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving Implementation Grant funds for construction, consistent with Presidential Policy Directive 21, Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Additionally, funding recipients must be in compliance with 2 CFR § 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.

Award recipients shall also consider whether projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030, Climate-Related Financial Risk (86 FR 27967), and Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (80 FR 6425).

iv. National Environmental Policy Act of 1969 (NEPA)

Funding recipients must comply with NEPA under 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality's NEPA implementing regulations at 40 CFR §§ 1500-1508, where applicable.

v. Other Administrative and Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR § 200, Subpart F, as adopted by the Department at 2 CFR § 1201. Additionally, as permitted under the requirements described above, applicable Federal laws, rules, and regulations of the relevant operating administration (e.g., the Federal Highway Administration, etc.) administering the activities will apply to the activities that receive SS4A grants, including planning requirements, Stakeholder Agreements, and other requirements under the Department's other highway and transit grant programs. DOT anticipates grant recipients to have varying levels of experience administering Federal funding agreements and complying with Federal requirements, and DOT will take a risk-based approach to SS4A program grant agreement administration to ensure compliance with all applicable laws and regulations.

The Department will also provide additional technical assistance and support resources to first-time DOT funding recipients and those who request additional support, as appropriate. With respect to highway projects, except as otherwise noted in this NOFO, please note that these grants are not required

to be administered under Title 23 of the U.S.C., which establishes requirements that are generally applicable to funding that is provided by formula to State departments of transportation<sup>31</sup>. Therefore, the administration and implementation of SS4A grants should be more streamlined for the entities that are eligible for SS4A awards.

As expressed in Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Infrastructure projects are subject to the Build America, Buy America Act (Pub. L. No 117–58, div. G §§ 70901–70927) as clarified in OMB Memorandum M-22-11.<sup>32</sup> The Department expects all recipients to be able to complete their projects without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Projects under this notice will be subject to the domestic preference requirements at § 70914 of the Build America, Buy America Act, as implemented by OMB, and any awards will contain the award terms specific in M-22-11.

SS4A award recipients should demonstrate compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements. Additionally, to the extent practicable, Implementation Grants must adhere to the proposed Public Rights-of-Way Accessibility Guidelines.<sup>33</sup> The Department's and the applicable Operating Administrations' Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

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<sup>31</sup> Please note that some title 23 requirements apply regardless of funding source. In particular, projects involving routes on the National Highway System must meet the applicable design standards at 23 CFR part 625.

<sup>32</sup> Pub. L. No. 117-58, division. G, Title IX, Subtitle A, 135 Stat. 429, 1298 (2021). For additional information on § 70914, see OMB-22-11. <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>

<sup>33</sup> <https://www.access-board.gov/prowag/>

### 3. Reporting

#### i. Progress Reporting on Grant Activity

Reporting responsibilities include quarterly program performance reports using the Performance Progress Report (SF-PPR) and quarterly financial status using the SF-425 (also known as the Federal Financial Report or SF-FFR).<sup>34</sup>

#### ii. Post Award Reporting Requirements/Reporting of Matters Related to Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported in SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Pub. L. No. 110–417, as amended (41 U.S.C. § 2313). As required by section 3010 of Pub. L. No. 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available. Additionally, if applicable funding recipients must be in compliance with the audit requirements in 2 CFR § 200, Subpart F.

#### iii. Program Evaluation

As a condition of grant award, SS4A grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. The Department may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and sub-recipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115–435 (2019) urges Federal awarding agencies and Federal assistance recipients and sub-recipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency” (codified at 5 U.S.C. § 311). For grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR §200).

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<sup>34</sup> <https://www.grants.gov/forms/post-award-reporting-forms.html>

## **G. Federal Awarding Agency Contacts**

For further information concerning this notice, please contact the Office of the Secretary via email at [SS4A@dot.gov](mailto:SS4A@dot.gov). In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on the Department's website at [www.transportation.gov/SS4A](http://www.transportation.gov/SS4A). To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact the Department directly, rather than through intermediaries or third parties, with questions. Department staff may also conduct briefings on the SS4A grant selection and award process upon request.

## **H. Other Information**

### **1. Publication of Application Information**

Following the completion of the selection process and announcement of awards, the Department intends to publish a list of all applications received along with the names of the applicant organizations. The Department may share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

### **2. Department Feedback on Applications**

The Department will not review applications in advance, but Department staff are available for technical questions and assistance. The deadline to submit technical questions is August 15, 2022. The Department strives to provide as much information as possible to assist applicants with the application process. Unsuccessful applicants may request a debrief up to 90 days after the selected funding recipients are publicly announced on [transportation.gov/SS4A](http://transportation.gov/SS4A). Program staff will address questions to [SS4A@dot.gov](mailto:SS4A@dot.gov) throughout the application period.

### **3. Rural Applicants**

User-friendly information and resources regarding DOT's discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at [www.transportation.gov/rural](http://www.transportation.gov/rural).

**Policy Regarding Sexual Harassment**

**WHEREAS**, sexual harassment and retaliation for sexual harassment claims are unacceptable forms of discrimination that must not be tolerated in the workplace; and

**WHEREAS**, state and federal employment discrimination laws prohibit sexual harassment and retaliation in the workplace; and

**WHEREAS**, officers and employees of the State of Kansas are entitled to working conditions that are free from sexual harassment, discrimination, and retaliation; and

**WHEREAS**, the Governor and all officers and employees of the State of Kansas should seek to foster a culture that does not tolerate sexual harassment, retaliation, and unlawful discrimination.

**NOW THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order as follows:

1. All Executive Branch department and agency heads shall have available, and shall regularly review and update at least every three years or more frequently as necessary, their sexual harassment, discrimination, and retaliation policies. Such policies shall include components for confidentiality and anonymous reporting, applicability to intern positions, and training policies.
2. All Executive Branch department and agency heads shall ensure that their employees, interns, and contractors have been notified of the state’s policy against sexual harassment, discrimination, or retaliation, and shall further ensure that such persons are aware of the procedures for submitting a complaint of sexual harassment, discrimination, or retaliation, including an anonymous complaint.
3. Executive Branch departments and agencies shall annually require training seminars regarding the policy against sexual harassment, discrimination, or retaliation. All employees shall complete their initial training session pursuant to this order by the end of the current fiscal year.
4. Within ninety (90) days of this order, all Executive Branch employees, interns, and contractors under the jurisdiction of the Office of the Governor shall be provided a written copy of the policy against sexual harassment, discrimination, and retaliation, and they shall execute a document agreeing and acknowledging that they are aware of and will comply with the policy against sexual harassment, discrimination, and retaliation.
5. Matters involving any elected official, department or agency head, or any appointee of the Governor may be investigated by independent legal counsel.
6. The Office of the Governor will require annual mandatory training seminars for all staff, employees, and interns in the office regarding the policy against sexual harassment, discrimination, and retaliation, and shall maintain a record of attendance.
7. Allegations of sexual harassment, discrimination, or retaliation within the Office of the Governor will be investigated promptly, and violations of law or policy shall constitute grounds for disciplinary action, including dismissal.
8. This Order is intended to supplement existing laws and regulations concerning sexual harassment and discrimination, and shall not be interpreted to in any way diminish such laws and regulations. The Order provides conduct requirements for covered persons, and is not intended to create any new right or benefit enforceable against the State of Kansas.
9. Persons seeking to report violations of this Order, or guidance regarding the application or interpretation of this Order, may contact the Office of the Governor regarding such matters.

**Agreement to Comply with the Policy Against Sexual Harassment, Discrimination, and Retaliation.**

I hereby acknowledge that I have read the above State of Kansas Policy Against Sexual Harassment, Discrimination, and Retaliation established by Executive Order 18-04 and agree to comply with the provisions of this policy.

\_\_\_\_\_  
Contractor Name (Type or Print)

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

CERTIFICATION OF CONTRACTOR

I hereby certify that I am \_\_\_\_\_ and duly authorized representative of \_\_\_\_\_ (CONTRACTOR) and that neither I nor the above agency I here represent has:

- (a) employed or retained for the payment of a commission, percentage, brokerage, contingent fee, or other consideration, any person (other than a bona fide employee working solely for me or the CONTRACTOR) to solicit or secure this Agreement,
- (b) agreed, as an express or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the agreement, or
- (c) paid, or agreed to pay, to any firm, organization of persons (other than a bona fide employee working solely for me or the CONTRACTOR) any fee, contribution, donation, or consideration of any kind, for, or in connection with, procuring or carrying out the Agreement;

except as here expressly stated (if any):

I acknowledge that this certificate is to be furnished to the Secretary of Transportation of the State of Kansas in connection with this Agreement and is subject to applicable State and Federal laws, both criminal and civil.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



### CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.*) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.*) (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to

comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) Contractor agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) Contractor agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if it is determined that the contractor has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the contract may be canceled, terminated, or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

6. **Acceptance of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority to Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility for Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq.*
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

**KANSAS DEPARTMENT OF TRANSPORTATION  
CIVIL RIGHTS ATTACHMENT**

**PREAMBLE**

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d to 2000d-4) and other nondiscrimination requirements and the Regulations, hereby notifies all contracting parties that it will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, color, national origin, sex, age, disability, income-level or Limited English Proficiency (“LEP”).

**CLARIFICATION**

Where the term “contractor” appears in the following “Nondiscrimination Clauses”, the term “contractor” is understood to include all parties to contracts or agreements with the Secretary of Transportation, Kansas Department of Transportation. This Special Attachment shall govern should this Special Attachment conflict with provisions of the Document to which it is attached.

**ASSURANCE APPENDIX A**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”), agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in its Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration (FHWA), the Federal Transit Administration (“FTA”) or the Federal Aviation Administration (“FAA”) as they may be amended from time to time which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, Including Procurements of Material and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA, Federal Transit Administration (“FTA”), or Federal Aviation Administration (“FAA”) to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or, the FHWA, FTA, or FAA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA, FTA, or FAA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of the paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any

subcontract or procurement as the Recipient or the FHWA, FTA, or FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

### **ASSURANCE APPENDIX E**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- The Federal Aid Highway Act of 1973 (23 U.S.C. § 324 et. seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et. seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et. seq.), prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL No. 100-259), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with LEP, and resulting agency guidance, national origin discrimination includes discrimination because of LEP. To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681)

CERTIFICATION BY PARTICIPANTS AS TO CURRENT HISTORY  
REGARDING DEBARMENT, ELIGIBILITY, INDICTMENTS, CONVICTIONS, OR  
CIVIL JUDGMENTS

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By signing this certificate, the Participant certifies that neither it nor its principals (owner, partner, director, officer, principal investigator, project director, manager, auditor, or any other position involving the administration of federal funds) is:

- (1) not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
- (2) has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three years;
- (3) does not have a proposed debarment pending;
- (4) and has not been indicted, convicted, or had a civil judgment rendered against (it) by a court of competent jurisdiction in any manner involving fraud or official misconduct within the past three years.

List any exceptions here: \_\_\_\_\_

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Exceptions will not necessarily result in denial of award, but will be considered in determining bidder or respondent responsibility. For any exceptions noted, indicate below to whom it applies, initiating agency, and dates of action.

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Providing false information may result in criminal prosecution or administrative sanctions.

Participant/Firm's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Authorized Company Official's Name and Title: \_\_\_\_\_  
(Typed or Printed)

Signature of Authorized Representative: \_\_\_\_\_  
(Date)

**Certification -- Federal Funds -- Lobbying  
Required Contract Provision**

Definitions

1. **Designated Entity:** An officer or employee of any agency, a Member of Congress or any state legislature, an officer or employee of Congress or any state legislature, or an employee of a Member of Congress or any state legislature
2. **Federal Grant:** An award of financial assistance by the Federal government (Federal Aid Highway Program is considered a grant program)
3. **Influencing (or attempt):** Making, with the intent to influence, any communication to or appearance before any designated entity in connection with the making of any Federal grant
4. **Person:** An individual, corporation, company, association, authority, firm, partnership, society, state or local government
5. **Recipient:** All contractors, subcontractors or subgrantees, at any tier, of the recipient of fund received in connection with a Federal grant.

Explanation

As of December 23, 1989, Title 31 U.S.C. (new) Section 1352 limits the use of appropriated Federal funds to influence Federal contracting. Under this new section no appropriated funds may be used by the recipient of a Federal grant to pay any person to influence or attempt to influence a designated entity in connection with the naming of a Federal grant or the extension, renewal, amendment or modification of any grant. These restrictions apply to grants in excess of \$100,000.00. Submission of this Certification is required for participation in this Project by Federal Law. For each failure to file, a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 may be imposed.

**Note:** If funds other than appropriated Federal funds have or will be paid to influence or attempt to influence a designated entity it must be reported. If required, the reporting shall be made on KDOT Form No. 401, "Disclosure of Lobbying Activities", in accordance with its instructions. KDOT Form No. 401 is available through the Bureau of Design.

**THE ABOVE DEFINITIONS, EXPLANATION AND NOTE ARE ADOPTED AND INCORPORATED BY REFERENCE IN THIS CERTIFICATION FOR ALL PURPOSES THE SAME AS IF SET OUT IN FULL IN IT.**

The maker of this Certification states that it has been signed on the maker's behalf or, if on behalf of some other person, that the maker is vested with legal right and authority to bind and obligate the other person in the making of this Certification submitted in regard to this Agreement.

The maker certifies that: No Federal appropriated funds have been paid or will be paid by or on behalf of the maker, to any person, for influencing or attempting to influence any designated person in connection with the awarding of any Federal grant or the extension, continuation, renewal, amendment or modification of any Federal grant.

In the event that the maker subcontracts work in this Agreement, the maker will provide to and require the signing of this Certification by the subcontractor, and shall keep and maintain the original signed form as part of the contract with the subcontractor.

The maker understands that this Certification is a material representation of fact upon which reliance was placed as part of this transaction.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
By: \_\_\_\_\_

# Leavenworth County Request for Board Action

**Date:** July 7, 2023  
**To:** Board of County Commissioners  
**From:** Mark Loughry

## Additional Reviews as needed:

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Approve a policy providing for County provided short term disability insurance for all eligible employees.

**Recommendation:** Approval.

**Analysis:** Working with the County's benefits administrator staff received proposals to make changes to voluntary benefits available to County staff. As part of that process we evaluated group Short Term Disability coverage options versus individual plans.

Currently employees cover any short-term disability through a self-funded plan, personal paid leave, a combination of self-funding and paid leave or elect no coverage. After six months of disability employees eligible for KPERS or KP&F are covered under those plans long term disability coverage.

One of the primary concerns of workers is income stability. Unfortunately, some employees are not able to afford any unpaid time off for unforeseen health issues that make it impossible to work. This not only creates stress about unpaid bills but forces many employees to try and come to work when they shouldn't.

Through some adjustments to our current coverages and negotiations with providers the County is able to offer this coverage without any increase in budgetary impact. This will not only provide an increased benefit for all eligible employees but it also provides a combined savings of approximately \$100,000.00 per year for those employees currently buying their own coverage.

**Alternatives:** Leave as is.

## **Budgetary Impact:**

- Budgeted expenditure
- Non-budgeted covered through reprioritization

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
<b>Short Term Disability Policy</b>	BOCC	10-1-2023	

**STATEMENT:**

The Leavenworth Board of County Commissioners (BOCC) are committed to hiring and retaining quality employees. They recognize that employee pay security is an important part of recruitment and retention of employees.

The Board recognizes that employees are more likely to stay with employers who offer comprehensive benefits and pay stability.

Therefore, the BOCC wishes to implement the following policy. Any current policy or practice in place that would be in conflict with this policy is repealed.

**POLICY:**

The County will provide group Short Term Disability benefits to cover any fulltime employee's base salary, after six months of employment, who is eligible for County benefits. For each qualifying event the first 14 days or 10 working days, of a qualifying disability absence, will be covered by the employee's use of the employee's banked leave. In the event the employee does not have sufficient leave, then the employee will be on unpaid leave subject to FMLA eligibility. The next 16 days will be covered by the County. After 30 days the employee will be covered under the County's selected provider's Short-Term Disability insurance that may last for up to 6 months of a qualified disability. The employee must follow all required guidelines of the provider.

The premium will be paid by the County but the employee will pay taxes on the premium amount. This is done so the employee is not taxed on the benefit amount. Any fraudulent claims or an attempt to receive benefits through misinformation will result in corrective action which may include termination.

\_\_\_\_\_  
Chairmen, Board of County Commissioners

\_\_\_\_\_  
Date of Adoption



# Leavenworth County Request for Board Action

**Date:** July 7, 2023  
**To:** Board of County Commissioners  
**From:** Mark Loughry

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Approve an amendment to the Insurance Opt out policy placing a cap on the maximum payout amount.

**Recommendation:** Approval.

**Analysis:** In 2020 the County implemented the Insurance Opt Out incentive. The policy was put in place to encourage employees to utilize other health insurance coverage if they were eligible under another plan. Currently there are 71 employees that participate in the opt out election during health insurance enrollment.

As insurance costs increase and other employees are being asked to increase their monthly contribution for health coverage this policy was reviewed as well. Staff believes that there should be a maximum incentive amount placed on this coverage. After reviewing participation and intent of the policy we believe that the proposed change is reasonable and still a good incentive.

**Alternatives:** Leave as is.

**Budgetary Impact:**

Budgeted expenditure

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
<b>Health Insurance Opt-Out Policy</b>	BOCC	10-1-2023	

**STATEMENT:**

The Leavenworth Board of County Commissioners (BOCC) are committed to hiring and retaining quality employees. They recognize that health insurance is an important part of recruitment and retention of employees. However, they also recognize that often employees are already covered under another policy or are eligible to be. Sometimes those policies may offer preferred benefits to the County offered plan.

The Board recognizes that employees are more likely to stay with employers who offer flexibility in coverage options. Furthermore, the BOCC understands that there is a savings to the County when employees utilize other options for health coverage.

The BOCC wishes to encourage employees to manage their health care options in a way that best fits their individual needs. They also wish to share some of the savings with employees who are proactive in their approach to health care.

Therefore, the BOCC wishes to implement the following policy. Any current policy or practice in place that would be in conflict with this policy is repealed.

**POLICY:**

Any fulltime employee eligible for the County’s health insurance plan may choose to opt-out of the county provided health plan during open enrollment or when first eligible for benefits. The employee will receive an amount equal to ½ of the employee only premium paid by the County for the base plan during the plan year but not to exceed \$300 per month. The benefit will be calculated and paid on the employees first two pay checks of the month as a taxable benefit.

To be eligible the employee must provide documentation that they are enrolled in a qualifying health care plan elsewhere. Enrollment and any necessary documentation is required to be renewed annually. If at any time during the plan year the employee drops or loses coverage under the other provider they are required to notify the County HR Department.

\_\_\_\_\_  
Chairmen, Board of County Commissioners

\_\_\_\_\_  
Date of Adoption