



**GUAM**

***Commercial Vehicle Safety Plan***

**Federal Motor Carrier Safety Administration's  
Motor Carrier Safety Assistance Program**

**Fiscal Years 2020 - 2022  
Annual Update FY 2022**

**Date of Approval: September 15, 2022**

**FINAL CVSP**



**U.S. Department of Transportation  
Federal Motor Carrier Safety Administration**

## Part 1 - MCSAP Overview

### Part 1 Section 1 - Introduction

The Motor Carrier Safety Assistance Program (MCSAP) is a Federal grant program that provides financial assistance to States to help reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of the MCSAP is to reduce CMV-involved accidents, fatalities, and injuries through consistent, uniform, and effective CMV safety programs.

A State lead MCSAP agency, as designated by its Governor, is eligible to apply for grant funding by submitting a commercial vehicle safety plan (CVSP), in accordance with the provisions of [49 CFR 350.209, 350.211 and 350.213](#). The lead agency must submit the State's CVSP to the FMCSA Division Administrator on or before the due date each year. For a State to receive funding, the CVSP needs to be complete and include all required documents. Currently, the State must submit a performance-based plan or annual update each year to receive MCSAP funds.

The online CVSP tool (eCVSP) outlines the State's CMV safety objectives, strategies, activities and performance measures and is organized into the following five parts:

- Part 1: MCSAP Overview (FY 2020 - 2022)
- Part 2: Crash Reduction and National Program Elements (FY 2020 - 2022)
- Part 3: National Emphasis Areas and State Specific Objectives (FY 2020 - 2022)
- Part 4: Financial Information (FY 2022)
- Part 5: Certifications and Documents (FY 2022)

You will find that each of the five eCVSP parts listed above contains different subsections. Each subsection category will provide you with detailed explanation and instruction on what to do for completing the necessary tables and narratives.

The MCSAP program includes the eCVSP tool to assist States in developing and monitoring their grant applications. The eCVSP provides ease of use and promotes a uniform, consistent process for all States to complete and submit their plans. States and territories will use the eCVSP to complete the CVSP and to submit a 3-year plan or an Annual Update to a 3-year plan. As used within the eCVSP, the term 'State' means all the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands.

#### REMINDERS FOR FY 2022:

**Multi-Year plans**—All States will be utilizing the multi-year CVSP format. This means that objectives, projected goals, and activities in the plan will cover a full three-year period. The financial information and certifications will be updated each fiscal year.

**Annual Updates for Multi-Year plans**—States in Year 2 or Year 3 of a multi-year plan will be providing an Annual Update only. States will review the project plan submitted the previous year and indicate any updates for the upcoming fiscal year by answering the "Yes/No" question provided in each Section of Parts 1-3.

- If Yes is indicated selected, the information provided for Year 1 will be editable and State users can make any necessary changes to their project plan. (Note: Trend Analysis information that supports your current activities is not editable.) Answer carefully as there is only one opportunity to select "Yes" before the question is locked.
- If "No" is selected, then no information in this section will be editable and the user should move forward to the next section.

All multi-year and annual update plans have been pre-populated with data and information from their FY 2021 plans. States must carefully review and update this information to reflect FY 2022 activities prior to submission to FMCSA. The financial information and certifications will be updated each fiscal year.

- Any information that is added should detail major programmatic changes. Do not include minor modifications that reflect normal business operations (e.g., personnel changes).
- Add any updates to the narrative areas and indicate changes by preceding it with a heading (e.g., FY 2022 update). Include descriptions of the changes to your program, including how data tables were modified.
- The Trend Analysis areas in each section are only open for editing in Year 1 of a three-year plan. This data is not editable in Years 2 and 3.

**Personally Identifiable Information - PII** is information which, on its own or matched with other data, would permit identification of an individual. Examples of PII include: name, home address, social security number, driver's license number or State-issued identification number, date and/or place of birth, mother's maiden name, financial, medical, or educational

records, non-work telephone numbers, criminal or employment history, etc. PII, if disclosed to or altered by unauthorized individuals, could adversely affect the Agency's mission, personnel, or assets or expose an individual whose information is released to harm, such as identity theft.

States are reminded not to include any PII in their CVSP. The final CVSP approved by FMCSA is required to be posted to a public FMCSA website.

## Part 1 Section 2 - Mission/Goal Statement

Please review the description of your State's lead CMV agency's goals or mission. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

### Instructions:

*Briefly describe the mission or goal of the lead State commercial motor vehicle safety agency responsible for administering this Commercial Vehicle Safety Plan (CVSP) throughout the State.*

**NOTE:** Please do not include information on any other FMCSA grant activities or expenses in the CVSP.

Guam's Motor Carrier Safety Assistance Program's (MCSAP) primary mission is to remove unsafe drivers and vehicles from our highways in an effort to reduce crashes, property damage, and fatalities involving large trucks and buses.

This accomplishment is a result of joint activities conducted with our proactive partners, (i.e. Guam Police Department - Highway Patrol Division (GPD-HPD), Department of Public Works - Office of Highway Safety (DPW-OHS) and our MCSAP program. We each have pledged to work towards achieving our common goal to reduce the fatalities in large trucks and bus crashes by promoting the detection and correction of commercial motor vehicle (CMV) safety defects. CMV driver deficiencies resulting in a reduction in fatalities, non-fatal injuries, property damage and zero hazardous material incidents.

Based on statistics provided by the Guam Police Department Crash Report System during 2014 through 2018 there were a total of 47 reportable crashes involving CMV's which involved 20 non-fatal injuries, and 2 fatal crashes. Our goal is to continue focusing our inspection effort to reduce the number of non-fatal crashes during this fiscal year. We believe that through our partnerships supported by our driver/vehicle inspection program and safety workshops, our combined efforts will aid in reducing the number of crashes involving CMV's. We have committed to conducting a total of 2282 driver/vehicle inspections in an effort to support our goal.

Please take note: the MCSAP Coordinator inadvertently clicked on "yes" on the top of this page as there was no changes necessary made.

FY2022 update per BIL

Guam MCSAP experienced many challenges during the COVID19 periods on years 2021 thru 2022. There were many health restrictions implemented that prohibited or restricted MCSAP's ability to operate effectively. The Motor Carrier Division was declared nonessential as the State of Guam was declared lockdown by the Governor of Guam. As reopening of the Motor Carrier Division came slowly; it lost two employees. The Coordinator lost his battle from a Heart Attack and two other inspectors were removed due to employment violations. It was not until February of 2021 when the GDRT brought in a Special Projects Coordinator to act as the MCSAP Coordinator. Two other Inspector I employees were hired thereafter. Other setbacks included GDRT's inability to hire an Administrative Service Officer (ASO), as two people were hired and both have moved on for better jobs. This position is an important role with Motor carrier as this person handles all expenditures requested. Currently, GDRT hired an Acting ASO and Motor Carrier has 1 Coordinator, 3 Inspector I, 2 Inspector II, and 1 Financial Officer. One of the biggest challenges ahead: the GDRT procurement process is very slow with no anticipated improvements in the future. It took nearly 10 months for the correct Coordinator to obtain equipment, uniforms, supplies and multifunctional printer. The coordinator, with the help of the Financial Officer anticipate to continue and push for these resources in order to operate effectively.

### Part 1 Section 3 - MCSAP Structure Explanation

Please review your State's CMV enforcement program description. You must answer the questions about your grant activities. You must select "yes" to make changes.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

#### Instructions:

Answer the questions about your grant activities and briefly describe the State's commercial motor vehicle (CMV) enforcement program funded by the MCSAP grant. Please do not include activities or expenses associated with any other FMCSA grant program.

Complete the check boxes below if they affirmatively apply to this CVSP:

- ☐ Initiatives involving "rural roads" are specifically included in this CVSP.
- ☐ The State has voluntarily submitted an annual Training Plan to the National Training Center (NTC).

Guam's Motor Carrier Safety Assistance Program (MCSAP) falls under the purview of the Department of Revenue and Taxation which is the Lead Agency to administer the Commercial Vehicle Safety Plan.

MCSAP Inspectors salary and operational activities are 100% federally funded. They currently maintain twelve (12) designated roadside sites considered high traffic corridors.

Guam MCSAP has 2 certified Senior Inspectors to support and maintain inspection activities (i.e. NAS Level I Part, A & B, General HM, Cargo Tank, Other bulk packaging, and PV inspections Levels I, II, III, & V). The Program also has 2 new inspectors, one of which has been NAS Level I Parts A & B Certified and is currently scheduled to attend upcoming PV and General HM Courses. Lastly, 1 New Recruit has begun On the Job Training. The Program Coordinator unfortunately was unable to Retain his Inspection Certifications.

We no longer have at this time a Highway Patrol Officer trained and certified to conduct NAS inspections to help support our roadside inspection and traffic enforcement activities. Once a eligible officer/s is available, they will be scheduled to attend NAS Training.

The MCSAP Coordinator has one senior inspector periodically assisting with daily program activities ranging from office operations, SafetyNet and the quarterly reports. The inspector will act in the coordinators capacity when he is on leave.

Despite all recent changes in Personel, we strive to continue to perform our duties and responsibilities to fulfill our Program mandates.

#### FY 2021 Update

Guam MCSAP has 3 certified inspectors and 1 inspector awaiting certification. The previous program coordinator is no longer with the program. Our newest recruit has not been able to attend training classes due to travel restrictions caused by the global pandemic. In an effort to move forward FMCSA has started to host online classes that will allow new inspectors the opportunity to take the classes virtually. In the absence of the coordinator, the new recruit with assistance of a senior inspector continue to handle all administrative duties and responsibilities. In the near future the program is looking to add an additional inspector to our team. Our inspection goals are based on a team of 5 and although we have 3 certified inspectors, with the pandemic situation, one of our inspectors enlisted in the national reserve has been given orders to assist until the end of the year. It is imperative that we be certain that we will be able to perform and believe that adding to the team would be the smartest and most effective way to use our additional funds.

Please take note; the MCSAP Coordinator inadvertently clicked on "yes" on the top of this page as no changes were made.

**FY2022 update:**

Guam MCSAP currently has 5 inspectors (3 are certified and 2 inspectors awaiting certification), 1 MCSAP Coordinator, and 1 Financial Officer.

All Inspectors are dedicated 100% to the program, along with the Financial Officer.

The Coordinator handles all administrative programs . MCSAP coordinator is estimated to be 80% dedicated to the program. If this percentage changes, MCSAP coordinator will notify Division. In total we have 7 MCSAP personnel, inclusive of the MCSAP Coordinator.

**Part 1 Section 4 - MCSAP Structure**

Please review your State's MCSAP structure information. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

**Instructions:**

Complete the following tables for the MCSAP lead agency, each subrecipient and non-funded agency conducting eligible CMV safety activities.

The tables below show the total number of personnel participating in MCSAP activities, including full time and part time personnel. This is the total number of non-duplicated individuals involved in all MCSAP activities within the CVSP. (The agency and subrecipient names entered in these tables will be used in the National Program Elements—Roadside Inspections area.)

The national program elements sub-categories represent the number of personnel involved in that specific area of enforcement. FMCSA recognizes that some staff may be involved in more than one area of activity.

Lead Agency Information	
Agency Name:	DEPARTMENT OF REVENUE & TAXATION/MOTOR CARRIER SAFETY ASSISTANCE PROGRAM
Enter total number of personnel participating in MCSAP activities	6
<b>National Program Elements</b>	<b>Enter # personnel below</b>
Driver and Vehicle Inspections	5
Traffic Enforcement Activities	5
Investigations*	0
Public Education and Awareness	6
Data Collection and Reporting	2
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Subrecipient Information	
Agency Name:	GUAM POLICE DEPARTMENT/HIGHWAY PATROL DIVISION
Enter total number of personnel participating in MCSAP activities	1
<b>National Program Elements</b>	<b>Enter # personnel below</b>
Driver and Vehicle Inspections	1
Traffic Enforcement Activities	1
Investigations*	0
Public Education and Awareness	0
Data Collection and Reporting	0
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Non-funded Agency Information	
Total number of agencies:	0
Total # of MCSAP Participating Personnel:	0



## Part 2 - Crash Reduction and National Program Elements

### Part 2 Section 1 - Overview

*Part 2 allows the State to provide past performance trend analysis and specific goals for FY 2020 - 2022 in the areas of crash reduction, roadside inspections, traffic enforcement, audits and investigations, safety technology and data quality, and public education and outreach.*

**Note:** For CVSP planning purposes, the State can access detailed counts of its core MCSAP performance measures. Such measures include roadside inspections, traffic enforcement activity, investigation/review activity, and data quality by quarter for the most recent five fiscal years using the Activity Dashboard on the A&I Online website. The Activity Dashboard is also a resource designed to assist the State with preparing their MCSAP-related quarterly reports and is located at: <https://ai.fmcsa.dot.gov>. A user id and password are required to access this system.

*In addition, States can utilize other data sources available on the A&I Online website as well as internal State data sources. It is important to reference the data source used in developing problem statements, baselines and performance goals/objectives.*

## Part 2 Section 2 - CMV Crash Reduction

Please review the description of your State's crash reduction problem statement, goals, program activities and monitoring. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries and fatalities involving large trucks and buses. MCSAP partners also share the goal of reducing commercial motor vehicle (CMV) related crashes.

### Trend Analysis for 2014 - 2018

#### Instructions for all tables in this section:

Complete the tables below to document the State's past performance trend analysis over the past five measurement periods. All columns in the table must be completed.

- Insert the beginning and ending dates of the five most recent State measurement periods used in the Measurement Period column. The measurement period can be calendar year, Federal fiscal year, State fiscal year, or any consistent 12-month period for available data.
- In the Fatalities column, enter the total number of fatalities resulting from crashes involving CMVs in the State during each measurement period.
- The Goal and Outcome columns relate to each other and allow the State to show its CVSP goal and the actual outcome for each measurement period. The goal and outcome must be expressed in the same format and measurement type (e.g., number, percentage, etc.).
  - In the Goal column, enter the goal from the corresponding CVSP for the measurement period.
  - In the Outcome column, enter the actual outcome for the measurement period based upon the goal that was set.
- Include the data source and capture date in the narrative box provided below the tables.
- If challenges were experienced while working toward the goals, provide a brief narrative including details of how the State adjusted the program and if the modifications were successful.
- The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable in Years 2 and 3.

### ALL CMV CRASHES

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g. large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, or other). Other can include injury only or property damage crashes.

**Goal measurement as defined by your State:** Actual # Fatalities

If you select 'Other' as the goal measurement, explain the measurement used in the text box provided:

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2018	12/31/2018	1	0	1
01/01/2017	12/31/2017	0	0	0
01/01/2016	12/31/2016	0	0	0
01/01/2015	12/31/2015	1	0	1
01/01/2014	12/31/2014	0	0	0

**MOTORCOACH/PASSENGER CARRIER CRASHES**

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g. large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, other, or N/A).

**Goal measurement as defined by your State:** Actual # Fatalities

**If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:**

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2018	12/31/2018	1	0	1
01/01/2017	12/31/2017	0	0	0
01/01/2016	09/30/2016	0	0	0
01/01/2015	12/31/2015	1	0	1
01/01/2014	12/31/2014	0	0	0

## Hazardous Materials (HM) CRASH INVOLVING HM RELEASE/SPILL

Hazardous material is anything that is listed in the hazardous materials table or that meets the definition of any of the hazard classes as specified by Federal law. The Secretary of Transportation has determined that hazardous materials are those materials capable of posing an unreasonable risk to health, safety, and property when transported in commerce. The term hazardous material includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, and all other materials listed in the hazardous materials table.

For the purposes of the table below, HM crashes involve a release/spill of HM that is part of the manifested load. (This does not include fuel spilled from ruptured CMV fuel tanks as a result of the crash).

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g., large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, other, or N/A).

**Goal measurement as defined by your State:** Actual # Fatalities

If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2018	12/31/2018	0	0	0
01/01/2017	12/31/2017	0	0	0
01/01/2016	12/31/2016	0	0	0
01/01/2015	12/31/2015	0	0	0
01/01/2014	12/31/2014	0	0	0

**Enter the data sources and capture dates of the data listed in each of the tables above.**

Crash Report - Data source Guam Police Department Crash Report System captured as of December 29, 2018.

**Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.**

The crash statistics listed below was obtained from the Guam Police Department's Crash Report System (CRS). It reflects the total number of reportable crashes and fatalities for the past five years (FY2013 through FY2017):

- 2018 - 9 Reportable crashes of which 8 are non-fatal injuries + 1 fatal
- 2017 - 5 Reportable crashes of which 2 are non-fatal injuries
- 2016 - 13 Reportable crashes of which 7 are non-fatal injuries
- 2015 - 7 Reportable crashes of which 3 are non-fatal injuries + 1 fatal
- 2014 - 13 Reportable crashes of which 10 are non-fatal injuries

Based on these statistics it appears that our MCSAP inspection activities are having a positive impact in achieving our goal to reduce the number of CMV crashes and regain our zero fatality rate by placing those drivers/vehicles out-of-service when necessary.

Guam's historical data reflects that during the periods of 2011 - 2014 and 2016 - 2017 we were able to maintain a zero fatality rate for CMV's. During that timeframe, there were only two fatal crashes reported. One in February 15, 2015, involving a motorcycle operator and a commercial passenger vehicle (9-15 passenger van) on Route 1 Marine Corp Drive Asan. The second crash occurred on September 5, 2018, involving a Blue Bird Bus and a Chevrolet Pickup Truck.

Our roadside inspection activities complemented by our traffic citation program both contributing factors to a positive change in behavior of both CMV carriers and drivers. They have become more attentive to their driver/vehicle maintenance program, and overall responsibility to comply with safety regulations to avoid their drivers or vehicles being placed out-of-service, and costly traffic citations.

Through the years we have been monitoring tour and transportation company business activities and it appears that the use of 9-15 passenger vans continue to be the preferred choice of vehicles to support their operation. As such, the provision of 49 CFR 390.3(f)(6) and the Final Rules on safety requirements affecting operators of small carrying vehicles binds our inspection authority to ensure driver qualification and vehicle safety requirements for this vehicle class. This poses as an enforcement impediment that continues to adversely impact our crash rate.

To address this concern, we recommend that the Territories be exempted from 49 CFR 390.3(f)(6) and the Final Rule on the safety requirements for operators of small carrying vehicles to aid our efforts in reducing PV crashes.

In the meantime, we will continue to encourage a positive change in carrier and driver behavior to support our efforts in reducing the number of non-fatal crashes and regain our zero fatality status.

**Narrative Overview for FY 2020 - 2022****Instructions:**

*The State must include a reasonable crash reduction goal for their State that supports FMCSA's mission to reduce the national number of crashes, injuries and fatalities involving commercial motor vehicles. The State has flexibility in setting its goal and it can be based on raw numbers (e.g., total number of fatalities or CMV crashes), based on a rate (e.g., fatalities per 100 million VMT), etc.*

**Problem Statement Narrative: Describe the identified problem, include baseline data and identify the measurement method.**

In FY 2019 Guam's MCSAP conducted a total of **97** passenger vehicle inspections. The breakdown of inspections are as follows: Level 1 - **20**, Level 2 - **4**, Level 3 - **13** and Level 5 - **60**. Of those inspections conducted **2** out-of-service violations were cited, **4** passenger vehicles were placed out-of-service.

Based on the productivity level of inspection performed, it appears that the strategies and activities established in our FY2010 Passenger Transportation Plan, that provided for an increase in terminal inspections continues to work in identifying

unsafe vehicles that should be out-of-service, pending repairs and/or re-inspection. It also provided the opportunity to identify and inspect vehicles that operate after normal business hours averting our roadside inspection sites. The added benefit in performing more terminal inspections gives our inspectors the opportunity to observe and record the carrier's attentiveness to their vehicle maintenance program.

With the established inspection activities we anticipate meeting our objective of reducing the number of PV crashes by 5% within a five (5) year period.

This past year our Program has noticed an increase activity of 9-15 passenger carrying vehicle utilized by major bus transportation companies along with smaller shuttle/tour service providers. They have resorted to using this vehicle type as a cost saving measure with fuel consumption, vehicle maintenance, and personnel cost.

The provisions of 49 CFR 390.3(f)(6) and the Final Rule on the safety requirements for operators of small passenger carrying vehicles stifles our inspection authority to conduct driver/vehicle inspections. We are not able to ascertain whether or not the driver or vehicle meet federal safety standards. But, we are obligated to report crashes involving this vehicle class which negatively impact our safety performance goals.

#### FY2021 UPDATE

After evaluating our crash data, the program has determined that workzone safety enforcement is not an issue.

The program has used the FMCSA migrant worker data in hand with our local data to determine that there is no need for migrant carrier enforcement on island.

Our roadside inspections have not seen carriers use Electronic Logging Devices and believe the island's carriers use the short haul exemption. That being said, EOD transfers are not an issue in the territory.

#### ***Enter the data source and capture date:***

Guam Police crash reporting system, August 12, 2019.

#### **Projected Goal for FY 2020 - 2022:**

**In the table below, state the crash reduction goal for each of the three fiscal years. The method of measurement should be consistent from year to year. For example, if the overall crash reduction goal for the three year period is 12 percent, then each annual goal could be shown as 4 percent.**

<b>Fiscal Year</b>	<b>Annual Crash Reduction Goals</b>
2020	5
2021	5
2022	5

Reduce non-fatal crashes involving PV's by 5%.

#### ***Program Activities for FY 2020 - 2022: States must indicate the activities, and the amount of effort (staff hours, inspections, traffic enforcement stops, etc.) that will be resourced directly for the program activities purpose.***

The proposed activities for FY20 is geared towards conducting roadside and terminal inspections to ensure adherence to driver qualifications and vehicle maintenance program. We currently have two full time certified Inspectors to achieve this task. Inspection activities will increase once our new inspectors are fully trained and certified. One of two (2) new inspectors has since been NAS Level 1 A & B certified in April of 2018. He is currently scheduled to attend upcoming PV & General HM Training. Lastly one New recruit has begun On the Job Training and will be scheduled for NAS Level I Parts A & B upon completion of OJT.

#### FY2021 Update

The program now has 3 full time certified inspectors all of which are certified in General HM. Unfortunately due to the global pandemic, the new recruit's trainings have been pushed back. He currently continues to support the program by focusing on the completion of federal documents needed to move the program forward. The program looks to schedule training for certifications via online courses in the near future. As far as crash reduction goals and activities there are no significant changes to this section.

***Performance Measurements and Monitoring: The State will monitor the effectiveness of its CMV Crash Reduction Goal quarterly and annually by evaluating the performance measures and reporting results in the required Standard Form - Performance Progress Reports (SF-PPRs).***

***Describe how the State will conduct ongoing monitoring of progress in addition to quarterly reporting.***

Guam's MCSAP will evaluate crash reports from prior years to determine common crash causation factors and actual locations where they occurred. Information will be shared with the Office of Highway Safety (OHS) for review to determine if roadway conditions are contributing factors (i.e. insufficient turning ratio, insufficient lighting for night time driving, etc.) that need to be addressed by highway engineers.

The monitoring of our progress will be captured by the number of communications and/or corrective actions made by OHS, results will be incorporated in our quarterly SF-PPR's.

**Part 2 Section 3 - Roadside Inspections**

Please review the description of your State's overall inspection program and identify if changes are needed for the upcoming fiscal year. You must also update the projected roadside inspection goals for the upcoming fiscal year. You must select "yes" to make changes.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

In this section, provide a trend analysis, an overview of the State's roadside inspection program, and projected goals for FY 2020 - 2022. The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

**Note:** In completing this section, do NOT include border enforcement inspections. Border Enforcement activities will be captured in a separate section if applicable.

**Trend Analysis for 2014 - 2018**

Inspection Types	2014	2015	2016	2017	2018
Level 1: Full	1315	1234	1189	1052	1054
Level 2: Walk-Around	622	539	522	259	83
Level 3: Driver-Only	428	272	370	301	335
Level 4: Special Inspections	0	0	0	0	0
Level 5: Vehicle-Only	266	389	384	427	192
Level 6: Radioactive Materials	0	0	0	0	0
<b>Total</b>	<b>2631</b>	<b>2434</b>	<b>2465</b>	<b>2039</b>	<b>1664</b>

**Narrative Overview for FY 2020 - 2022****Overview:**

Describe components of the State's general Roadside and Fixed-Facility Inspection Program. Include the day-to-day routine for inspections and explain resource allocation decisions (i.e., number of FTE, where inspectors are working and why).

**Enter a narrative of the State's overall inspection program, including a description of how the State will monitor its program to ensure effectiveness and consistency.**

Guam's MCSAP has three full time certified Inspectors and one new recruit also a full time employee, whom has started On the Job Training and will be scheduled for upcoming Trainings as well. Roadside inspections are conducted at high traffic corridors and the Truck Enforcement Screening Station targeting CMV's with expired safety decals or visible safety defects. Despite the MCSAP Coordinator and our GPD officer being recently decertified. The projected goal of 2282 inspections we feel is obtainable. We are looking at getting the same GPD officer recertified for NAS Level 1 A&B.

To maintain productivity field leaders have been trained to monitor CMV traffic flow and make a judgement call to relocate to alternate site in cases of inactivity.

**FY2021**

The program currently has 3 certified inspectors and 1 new recruit. We are also looking in to getting another inspector on board. Although we are going through some unprecedented times through this pandemic, the program believes that the inspection goals for 2021 is still attainable.

FY2022 updates per BIL



Currently MCSAP has 5 Inspectors: 3 who are Certified as Inspector II status: 1 Inspector I level who is now certified to conduct Level 3 inspections: with this we anticipate an increase in inspections. We still have 1 Inspector I who will need to retake the NAS Part A and NAS Part B this coming months.

## Projected Goals for FY 2020 - 2022

### Instructions for Projected Goals:

Complete the following tables in this section indicating the number of inspections that the State anticipates conducting during Fiscal Years 2020 - 2022. For FY 2022, there are separate tabs for the Lead Agency, Subrecipient Agencies, and Non-Funded Agencies—enter inspection goals by agency type. Enter the requested information on the first three tabs (as applicable). The Summary table totals are calculated by the eCVSP system.

To modify the names of the Lead or Subrecipient agencies, or the number of Subrecipient or Non-Funded Agencies, visit [Part 1, MCSAP Structure](#).

**Note:** Per the [MCSAP Comprehensive Policy](#), States are strongly encouraged to conduct at least 25 percent Level 1 inspections and 33 percent Level 3 inspections of the total inspections conducted. If the State opts to do less than these minimums, provide an explanation in space provided on the Summary tab.

### MCSAP Lead Agency

**Lead Agency is:** DEPARTMENT OF REVENUE & TAXATION/MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

**Enter the total number of certified personnel in the Lead agency:** 3

Projected Goals for FY 2022 - Roadside Inspections					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	1302	55	30	1387	60.12%
Level 2: Walk-Around	150	15	30	195	8.45%
Level 3: Driver-Only	295	20	60	375	16.25%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	20	80	250	350	15.17%
Level 6: Radioactive Materials	0	0	0	0	0.00%
<b>Sub-Total Lead Agency</b>	<b>1767</b>	<b>170</b>	<b>370</b>	<b>2307</b>	

**MCSAP subrecipient agency**

**Complete the following information for each MCSAP subrecipient agency. A separate table must be created for each subrecipient.**

GUAM POLICE  
DEPARTMENT/HIGHWAY PATROL

**Subrecipient is:** DIVISION

**Enter the total number of certified personnel in this funded agency:** 1

Projected Goals for FY 2022 - Subrecipients					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	32			32	100.00%
Level 2: Walk-Around				0	0.00%
Level 3: Driver-Only				0	0.00%
Level 4: Special Inspections				0	0.00%
Level 5: Vehicle-Only				0	0.00%
Level 6: Radioactive Materials				0	0.00%
<b>Sub-Total Funded Agencies</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>32</b>	

**Non-Funded Agencies**

Total number of agencies:	0
Enter the total number of non-funded certified officers:	0
Enter the total number of inspections projected for FY 2022:	

**Summary**

## Projected Goals for FY 2022 - Roadside Inspections Summary

Projected Goals for FY 2022 Summary for All Agencies					
<b>MCSAP Lead Agency: DEPARTMENT OF REVENUE &amp; TAXATION/MOTOR CARRIER SAFETY ASSISTANCE PROGRAM</b>					
<b># certified personnel: 3</b>					
<b>Subrecipient Agencies: GUAM POLICE DEPARTMENT/HIGHWAY PATROL DIVISION</b>					
<b># certified personnel: 1</b>					
<b>Number of Non-Funded Agencies: 0</b>					
<b># certified personnel: 0</b>					
<b># projected inspections:</b>					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	1334	55	30	1419	60.67%
Level 2: Walk-Around	150	15	30	195	8.34%
Level 3: Driver-Only	295	20	60	375	16.03%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	20	80	250	350	14.96%
Level 6: Radioactive Materials	0	0	0	0	0.00%
<b>Total MCSAP Lead Agency &amp; Subrecipients</b>	<b>1799</b>	<b>170</b>	<b>370</b>	<b>2339</b>	

**Note:** If the minimum numbers for Level 1 and Level 3 inspections are less than described in the [MCSAP Comprehensive Policy](#), briefly explain why the minimum(s) will not be met.

We find that we maximize our inspection efforts when we perform 84.67% Levels 1, 2 and 5 roadside/terminal inspections on all vehicle types including passenger vehicles and 15% Level 3 driver focused inspections. Despite the decrease in Level 3 inspections conducted the difference is made up during 1 and 2 inspections where driver qualifications are also verified, particularly because Guam's driver population is limited to one island. Our program elected not to follow FMCSA's requirement of 33% Level 3 because it was not to our advantage. For the most part, drivers do not prepare Records of Duty Status (RODS) because of the exceptions of the 100 air mile radius, which means timecards cannot be checked at roadside to determine compliance of the Hours of Service rules.

**Note:** The table below is created in Year 1. It cannot be edited in Years 2 or 3 and should be used only as a reference when updating your plan in Years 2 and 3.

Projected Goals for FY 2021 Roadside Inspections	Lead Agency	Subrecipients	Non-Funded	Total
Enter total number of projected inspections	2282	32	0	2314
Enter total number of certified personnel	4	1	0	5
Projected Goals for FY 2022 Roadside Inspections				
Enter total number of projected inspections	2282	32	0	2314
Enter total number of certified personnel	4	1	0	5

**Part 2 Section 4 - Investigations**

**Please review your State's investigation goals, program activities and monitoring. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.**

- ☐ **Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.**
- ☐ **No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.**

*Describe the State's implementation of FMCSA's interventions model for interstate carriers. Also describe any remaining or transitioning compliance review program activities for intrastate motor carriers. Include the number of personnel assigned to this effort. Data provided in this section should reflect interstate and intrastate investigation activities for each year. The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.*

☒ **The State does not conduct investigations. If this box is checked, the tables and narrative are not required to be completed and won't be displayed.**

## Part 2 Section 5 - Traffic Enforcement

Please review the description of your State's traffic enforcement program, projected goals and monitoring. You must answer the questions about your traffic enforcement activities in the Projected Goals area. You must select "yes" to make changes.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

*Traffic enforcement means documented enforcement activities of State or local officials. This includes the stopping of vehicles operating on highways, streets, or roads for moving violations of State or local motor vehicle or traffic laws (e.g., speeding, following too closely, reckless driving, and improper lane changes). The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.*

### Trend Analysis for 2014 - 2018

#### Instructions:

Please refer to the [MCSAP Comprehensive Policy](#) for an explanation of FMCSA's traffic enforcement guidance. Complete the tables below to document the State's safety performance goals and outcomes over the past five measurement periods.

1. Insert the beginning and end dates of the measurement period being used, (e.g., calendar year, Federal fiscal year, State fiscal year or any consistent 12-month period for which data is available).
2. Insert the total number CMV traffic enforcement stops with an inspection, CMV traffic enforcement stops without an inspection, and non-CMV stops in the tables below.
3. Insert the total number of written warnings and citations issued during the measurement period. The number of warnings and citations are combined in the last column.

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented CMV Traffic Enforcement Stops with an Inspection	Number of Citations and Warnings Issued
Begin Date	End Date		
01/01/2018	12/31/2018	15	15
01/01/2017	12/31/2017	57	57
01/01/2016	12/31/2016	29	29
01/01/2015	12/31/2015	27	27
01/01/2014	12/31/2014	121	121

☒ The State does not conduct CMV traffic enforcement stops without an inspection. If this box is checked, the "CMV Traffic Enforcement Stops without an Inspection" table is not required to be completed and won't be displayed.

☒ The State does not conduct documented non-CMV traffic enforcement stops and was not reimbursed by the MCSAP grant (or used for State Share or MOE). If this box is checked, the "Non-CMV Traffic Enforcement Stops" table is not required to be completed and won't be displayed.

Enter the source and capture date of the data listed in the tables above.

MCSAP citation log book - August 12, 2019

**Narrative Overview for FY 2020 - 2022****Instructions:**

Describe the State's proposed level of effort (number of personnel) to implement a statewide CMV (in conjunction with and without an inspection) and/or non-CMV traffic enforcement program. If the State conducts CMV and/or non-CMV traffic enforcement activities only in support of the overall crash reduction goal, describe how the State allocates traffic enforcement resources. Please include number of officers, times of day and days of the week, specific corridors or general activity zones, etc. Traffic enforcement activities should include officers who are not assigned to a dedicated commercial vehicle enforcement unit, but who conduct eligible commercial vehicle/driver enforcement activities. If the State conducts non-CMV traffic enforcement activities, the State must conduct these activities in accordance with the [MCSAP Comprehensive Policy](#).

Guam's traffic enforcement program is currently supported by three certified MCSAP Inspectors. One New Recruit has begun On the Job Training and will be scheduled to attend NAS Level 1 and all other corresponding trainings. Lastly we are looking to Identify an available Police Officer to undergo NAS Level 1 training as well.

Inspection activities are typically conducted during normal business hours at high risk and high traffic corridors and focused strictly on CMV's.

**Projected Goals for FY 2020 - 2022**

Using the radio buttons in the table below, indicate the traffic enforcement activities the State intends to conduct in FY 2020 - 2022. The projected goals are based on the number of traffic stops, not tickets or warnings issued. These goals are NOT intended to set a quota.

**Note: If you answer "No" to "Non-CMV" traffic enforcement activities, the State does not need to meet the average number of 2014/2015 safety activities because no reimbursement will be requested. If you answer "No" and then click the SAVE button, the Planned Safety Activities table will no longer be displayed.**

			Enter Projected Goals (Number of Stops only)		
Yes	No	Traffic Enforcement Activities	FY 2020	FY 2021	FY 2022
<input checked="" type="radio"/>	<input type="radio"/>	CMV with Inspection	32	32	32
<input type="radio"/>	<input checked="" type="radio"/>	CMV without Inspection	0	0	0
<input type="radio"/>	<input checked="" type="radio"/>	Non-CMV	0	0	0
<input checked="" type="radio"/>	<input type="radio"/>	Comprehensive and high visibility in high risk locations and corridors (special enforcement details)	7	7	7

In order to be eligible to utilize Federal funding for Non-CMV traffic enforcement, States must maintain an average number of safety activities which include the number of roadside inspections, carrier investigations, and new entrant safety audits conducted in the State for Fiscal Years 2014 and 2015.

The table below displays the information you input into this plan from the roadside inspections, investigations, and new entrant safety audit sections. Your planned activities must at least equal the average of your 2014/2015 activities.

FY 2022 Planned Safety Activities				
Inspections	Investigations	New Entrant Safety Audits	Sum of FY 2022 Activities	Average 2014/15 Activities
2339	0	0	2339	2716

The sum of your planned FY 2022 safety activities must equal or exceed the average number of 2014/2015 activities. To be reimbursed for non-CMV traffic enforcement activities, update the number of FY 2022 roadside inspections, investigations,

and/or new entrant safety audits to reflect the allowable amount.

***Describe how the State will report on, measure and monitor its traffic enforcement efforts to ensure effectiveness, consistency, and correlation to FMCSA's national traffic enforcement priority.***

All traffic enforcement activities will be conducted at high risk locations and high traffic corridors. Driver/Vehicle inspection reports prepared and submitted by Inspectors will be reviewed by MCSAP Coordinator to determine the number of OOS violations and the need to schedule a carrier workshop and/or intervention to serve as a deference for potential crashes.



## Part 2 Section 6 - Safety Technology

Please verify your State's safety technology compliance levels, responsible agencies, and narrative overview. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

*Performance and Registration Information Systems Management (PRISM) is a condition for MCSAP eligibility in [49 CFR 350.207\(27\)](#). States must maintain, at a minimum, full PRISM participation. FMCSA defines "fully participating" in PRISM for the purpose of determining eligibility for MCSAP funding, as when a State's or Territory's International Registration Plan (IRP) or CMV registration agency suspends or revokes and denies registration if the motor carrier responsible for safety of the vehicle is under any Federal OOS order and denies registration if the motor carrier possess an inactive or de-active USDOT number for motor carriers operating CMVs in commerce that have a Gross Vehicle Weight (GVW) of 26,001 pounds or more. Further information regarding full participation in PRISM can be found in the MCP Section 4.3.1.*

*PRISM, Operations and Maintenance (O&M) costs are eligible expenses subject to FMCSA approval. For Innovative Technology Deployment (ITD), if the State has an approved ITD Program Plan/Top-Level Design (PP/TLD) that includes a project that requires ongoing O&M, this is an eligible expense so long as other MCSAP requirements have been met. O&M expenses must be included and described both in this section and in the Financial Information Part per the method these costs are handled in the State's accounting system (e.g., contractual costs, other costs, etc.).*

### Safety Technology Compliance Status

Please verify the current level of compliance for your State in the table below using the drop-down menu. If the State plans to include O&M costs in this year's CVSP, please indicate that in the table below. Additionally, details must be in this section and in your Spending Plan.

Technology Program	Current Compliance Level	Include O & M Costs?
ITD	Not Active	No
PRISM	Less Than Full Participation	No

Available data sources:

- [FMCSA ITD website](#)
- [PRISM Data and Activity Safety Hub \(DASH\) website](#)

Enter the agency name responsible for ITD in the State: N/A

Enter the agency name responsible for PRISM in the State: N/A

### Narrative Overview for FY 2020 - 2022

#### Problem Statement Narrative and Projected Goal:

**If the State's PRISM compliance is less than full participation, describe activities your State plans to implement to achieve full participation in PRISM.**

As a Territory FMCSA has exempted Guam from PRISM compliance until such time as legislation, rule making, or a territorial action requires compatibility with the PRISM program. Under the "Current Compliance Level" above there is no selection for Not Active in the drop down menu.

#### Program Activities for FY 2020 - 2022: Describe any actions that will be taken to implement full participation in PRISM.

See narrative above.

***Performance Measurements and Monitoring: Describe all performance measures that will be used and include how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.***

N/A

## Part 2 Section 7 - Public Education and Outreach

Please review the description of your State's public education and outreach activities, projected goals and monitoring. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

A public education and outreach program is designed to provide information on a variety of traffic safety issues related to CMVs and non-CMV's that operate around large trucks and buses. The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

### Trend Analysis for 2014 - 2018

In the table below, provide the number of public education and outreach activities conducted in the past 5 years.

Public Education and Outreach Activities	2014	2015	2016	2017	2018
Carrier Safety Talks	4	0	1	0	2
CMV Safety Belt Education and Outreach	8	3	3	0	0
State Trucking Association Meetings	6	0	0	0	0
State-Sponsored Outreach Events	0	0	0	0	0
Local Educational Safety Events	0	0	0	0	0
Teen Safety Events	0	0	0	0	0

### Narrative Overview for FY 2020 - 2022

**Performance Objective:** To increase the safety awareness of the motoring public, motor carriers and drivers through public education and outreach activities such as safety talks, safety demonstrations, etc.

**Describe the type of activities the State plans to conduct, including but not limited to passenger transportation, hazardous materials transportation, and share the road safety initiatives. Include the number of personnel that will be participating in this effort.**

Our MCSAP continues to strive to improve the administration of our public education and awareness activities. Placing emphasis on the prevention and avoidance of distracting driving while operating a CMV which is the leading crash causation factor in prior years. Addressing this performance objective, will be a priority to help reduce the number of non-fatal crashes involving CMV's. Our partners in safety (DPW-OHS & GPD-OHS) will be joining forces with us promoting distraction free driving activities to support our common goal in roadway safety.

#### FY2021 Update

The program plans to conduct carrier safety talks through hosting carriers as well as visiting carriers with presentations as well as handouts to further educate them on rules and regulations.

To support the special emphasis on prospective and mature drivers, the program will include local education safety events and teen safety events. We see this being done through outreach such as contact with drivers here at the DMV, hosting driver work shops at our MCSAP office as well as participating in school carrier days.

The program would like to team up with local law enforcements during their safety campaigns to also include carrier safety awareness.

The program has decided to shift a focus from state trucking association meetings to allow for our special emphasis on prospective and mature drivers as there is no current trucking association on island.

FY2022 update per BIL

This past several years (2020, 2021, and 2022) the health restrictions due to CoVID19 caused many setbacks that prevented the MCSAP Program to work effectively. It is highly probable that most CMV vendors have chosen to ignore safety items for their drivers as well as their equipment. With most health restrictions lifted, we anticipate to bring the Outreach and Education Program back into a classroom environment for the CMV Vendors.

### **Projected Goals for FY 2020 - 2022**

**In the table below, indicate if the State intends to conduct the listed program activities, and the estimated number, based on the descriptions in the narrative above.**

			Performance Goals		
Yes	No	Activity Type	FY 2020	FY 2021	FY 2022
<input checked="" type="radio"/>	<input type="radio"/>	Carrier Safety Talks	4	4	6
<input checked="" type="radio"/>	<input type="radio"/>	CMV Safety Belt Education and Outreach	4	4	6
<input type="radio"/>	<input checked="" type="radio"/>	State Trucking Association Meetings	1	0	0
<input checked="" type="radio"/>	<input type="radio"/>	State-Sponsored Outreach Events	0	1	1
<input checked="" type="radio"/>	<input type="radio"/>	Local Educational Safety Events	0	1	3
<input checked="" type="radio"/>	<input type="radio"/>	Teen Safety Events	0	1	2

**Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct monitoring of progress. States must report the quantity, duration and number of attendees in their quarterly SF-PPR reports.**

Guam's MCSAP will re-evaluate crash reports from prior years to determine which CMV carriers are repeated violators of crashes attributed to driver error (i.e. distracted driving).

The information gathered will be shared with our partners in safety to plan and conduct joint activities (i.e. carrier workshops, mall exhibits, and distribution of safety brochures during roadside inspections).

The monitoring of our progress for each outreach activity conducted will be incorporated in our quarterly SF-PPR's.

Guam is currently getting back on track with continuing outreach/workshop programs. With the retirement of the Coordinator in August 2017, newly appointed Coordinator is still learning the ropes with the Program. Guam MCSAP conducted two (2) Carrier Safety Workshops in April of the FY 2019.

To meet the CMV Safety Belt Education/Outreach activity, each MCSAP Inspector gives a brief talk on the safety of seatbelt usage to the drivers on each roadside inspection. To meet the Public Education Outreach, each Inspector will be trained on how to conduct the activity. The Program may conduct more Public Education and Outreach depending on time and man power availability.

#### **FY 2021 Update**

The program plans to conduct one carrier safety talk and CMV safety belt activity per quarter.

Withing the first quarter of projecting implimenation we will schedule a local educational safety event, teen safety event, and state sponosred event to meet our goals. The program may conduct additional activites under this section, provided that there are sufficient resources available and time permitting.

#### **FY2022 updates per BIL**

The program plans to conduct and complete 6 Carrier Safety Talks, 6 CMV Seat Belt Education & Outreach, 3 Local Educational Safety Events, and 2 Teen Safety Events. The program may conduct additional activities under this section, provided that there are sufficient resources available and time permitting.

### Part 3 - National Emphasis Areas and State Specific Objectives

*FMCSA establishes annual national priorities (emphasis areas) based on emerging or continuing issues, and will evaluate CVSPs in consideration of these national priorities. Part 3 allows States to address the national emphasis areas/priorities outlined in the Notice of Funding Opportunity (NOFO) and any State-specific objectives as necessary. Specific goals and activities must be projected for the three fiscal year period (FYs 2020 - 2022).*

#### Part 3 Section 1 - Enforcement of Federal OOS Orders during Roadside Activities

Please review your State's Federal OOS catch rate during roadside enforcement activities, projected goals, program activities and monitoring. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

#### Instructions:

*FMCSA has established an Out-of-Service (OOS) catch rate of 85 percent for carriers operating while under an OOS order. In this part, States will indicate their catch rate is at least 85 percent by using the check box or completing the problem statement portion below.*

#### Check this box if:

☒ As evidenced by the data provided by FMCSA, the State identifies at least 85 percent of carriers operating under a Federal IH or UNSAT/UNFIT OOS order during roadside enforcement activities and will not establish a specific reduction goal. However, the State will maintain effective enforcement of Federal OOS orders during roadside inspections and traffic enforcement activities.

### Part 3 Section 2 - Passenger Carrier Enforcement

Please review your State's passenger carrier transportation goals, problem statement narrative, program activities and monitoring. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

#### Instructions:

*FMCSA requests that States conduct enhanced investigations for motor carriers of passengers and other high risk carriers. Additionally, States are asked to allocate resources to participate in the enhanced investigations training being offered by FMCSA. Finally, States are asked to continue partnering with FMCSA in conducting enhanced investigations and inspections at carrier locations.*

#### Check this box if:

☒ As evidenced by the trend analysis data, the State has not identified a significant passenger transportation safety problem. Therefore, the State will not establish a specific passenger transportation goal in the current fiscal year. However, the State will continue to enforce the Federal Motor Carrier Safety Regulations (FMCSRs) pertaining to passenger transportation by CMVs in a manner consistent with the [MCSAP Comprehensive Policy](#) as described either below or in the roadside inspection section.

### Part 3 Section 3 - State Specific Objectives – Past

No updates are required for this section.

#### Instructions:

*Describe any State-specific CMV problems that were addressed with FY 2019 MCSAP funding. Some examples may include hazardous materials objectives, Electronic Logging Device (ELD) implementation, and crash reduction for a specific segment of industry, etc. Report below on year-to-date progress on each State-specific objective identified in the FY 2019 CVSP.*

#### **Progress Report on State Specific Objectives(s) from the FY 2019 CVSP**

*Please enter information to describe the year-to-date progress on any State-specific objective(s) identified in the State's FY 2019 CVSP. Click on "Add New Activity" to enter progress information on each State-specific objective.*

#### Activity #1

##### **Activity: Describe State-specific activity conducted from previous year's CVSP.**

In support of our State Objective, Titled "MEC Compliance" we diligently review of drivers' documents, remind drivers of upcoming expiration dates, and notify clinics of updates and changed made to MECs.

##### **Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).**

To achieve 80% compliance or more by the end of the fiscal year.

##### **Actual: Insert year to date progress (#, %, etc., as appropriate).**

MCSAP Coordinator will review all inspections done each quarter and record the total number of inspections with an MEC violation to come up with a compliance percentage for the quarter. Progress of compliance will be reported on the quarterly PPR's. The program will adjust our education and enforcement efforts to drivers and clinics depending on the rate of compliance. / Although, the Coordinator has yet to establish and provide the records stated above, our Inspectors roadside have seen an increase in compliance. Guam MCSAP has reached out to both clinics and businesses to inform them of updates and changes made to MECs. It is rare to come across a driver who has failed to provide an updated and valid MEC consecutively. Our roadside Inspectors have observed a drop in percentage of drivers driving without an MEC. The Inspectors also make efforts to educate drivers on sight. I

##### **Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.**

Many drivers inspected roadside were found to have been using outdated cards. / Although we have made efforts to inform all clinics and businesses of the updates to MEC forms we are not able to fully confirm that they are complying as requested. Many of the MECs we receive although valid, are still using outdated forms. These encounters have allowed us to inform and educate drivers. Through our data retrieved through Safety Net we have met our goal of bring our MEC related violations down to 80% (124/156) of all driver violations. The program sees this as a direct influence of our roadside inspections and ability to educate drivers while they are on the field.

### Part 3 Section 4 - State Specific Objectives – Future

Please review your State specific objectives and narrative overview. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

#### Instructions:

*The State may include additional objectives from the national priorities or emphasis areas identified in the NOFO as applicable. In addition, the State may include any State-specific CMV problems identified in the State that will be addressed with MCSAP funding. Some examples may include hazardous materials objectives, Electronic Logging Device (ELD) implementation, and crash reduction for a specific segment of industry, etc.*

*Describe any State-specific objective(s) identified for FY 2020 - 2022. Click on "Add New Activity" to enter information on each State-specific objective. This is an optional section and only required if a State has identified a specific State problem planned to be addressed with grant funding.*

#### State Objective #1

**Enter the title of your State-Identified Objective.**

Improving Carrier Responsibility and Compliance:

#### **Narrative Overview for FY 2020 - 2022**

**Problem Statement Narrative: Describe problem identified by performance data including baseline data.**

In compliance with FMCSA, all carriers must obtain a USDOT number. The program recognizes that although many of the island's carriers have registered they have not maintained their registration with the FMCSA. Many of the carriers have failed to maintain their accounts and when the time comes to update they are unaware of how to do so. Many of the carriers receive third party notices to update their accounts and cite that they will be fined. Because the carriers are unaware that this is something they should be doing for themselves, many have paid third party companies posing as FMCSA to complete their updates. After realizing this is their responsibility and something they can do when talking with the program, we recognize the need to help them be better informed.

#### **Projected Goals for FY 2020 - 2022:**

**Enter performance goal.**

As part of the objective, Guam MCSAP aims to educate all Motor Carriers on how to be accountable for their operations and knowledgeable of commercial safety regulations. Through this we can improve the island's roadway safety.

**Program Activities for FY 2020 - 2022: Describe the activities that will be implemented including level of effort.**

Through our local outreach, the Program plans to host classes for carriers and prospecting carriers both in house and if possible onsite. The program would like to host at least one class a quarter in support of this objective. The classes will emphasize commercial safety regulations as well as the responsibility of all carriers to maintain and update their registration with FMCSA. Through this the carriers will understand how to update and how to navigate the FMCSA website for any motor carrier inquiries.

**Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.**

Because there is no true base line of measurement for this objective the program has looked for alternate ways of monitoring carrier performance. The implementation of a



questionnaire before and after each class would help to gauge the class' understanding of the information presented to them. We would also look to show the effort of contact to each carrier as well as toward the later half of the objective, see if there is substantial difference in compliance and understanding of all carriers.

## Part 4 - Financial Information

### Part 4 Section 1 - Overview

The Spending Plan is an explanation of each budget component, and should support the cost estimates for the proposed work. The Spending Plan should focus on how each item will achieve the proposed project goals and objectives, and explain how costs are calculated. The Spending Plan must be clear, specific, detailed, and mathematically correct. Sources for assistance in developing the Spending Plan include [2 CFR part 200](#), [2 CFR part 1201](#), [49 CFR part 350](#) and the [MCSAP Comprehensive Policy](#).

Before any cost is billed to or recovered from a Federal award, it must be allowable ([2 CFR §200.403](#), [2 CFR §200 Subpart E – Cost Principles](#)), reasonable and necessary ([2 CFR §200.403](#) and [2 CFR §200.404](#)), and allocable ([2 CFR §200.405](#)).

- **Allowable** costs are permissible under the OMB Uniform Guidance, DOT and FMCSA regulations and directives, MCSAP policy, and all other relevant legal and regulatory authority.
- **Reasonable and Necessary** costs are those which a prudent person would deem to be judicious under the circumstances.
- **Allocable** costs are those that are charged to a funding source (e.g., a Federal award) based upon the benefit received by the funding source. Benefit received must be tangible and measurable.
  - For example, a Federal project that uses 5,000 square feet of a rented 20,000 square foot facility may charge 25 percent of the total rental cost.

#### Instructions

The Spending Plan should include costs for FY 2022 only. This applies to States completing a multi-year CVSP or an Annual Update to their multi-year CVSP.

The Spending Plan data tables are displayed by budget category (Personnel, Fringe Benefits, Travel, Equipment, Supplies, Contractual and Subaward, and Other Costs). You may add additional lines to each table, as necessary. Please include clear, concise explanations in the narrative boxes regarding the reason for each cost, how costs are calculated, why they are necessary, and specific information on how prorated costs were determined.

The following definitions describe Spending Plan terminology.

- **Federal Share** means the portion of the total project costs paid by Federal funds. The budget category tables use 85.01 percent in the federal share calculation.
- **State Share** means the portion of the total project costs paid by State funds. The budget category tables use 14.99 percent in the state share calculation. A State is only required to contribute 14.99 percent of the total project costs of all budget categories combined as State share. A State is NOT required to include a 14.99 percent State share for each line item in a budget category. The State has the flexibility to select the budget categories and line items where State match will be shown.
- **Total Project Costs** means total allowable costs incurred under a Federal award and all required cost sharing (sum of the Federal share plus State share), including third party contributions.
- **Maintenance of Effort (MOE)** means the level of effort Lead State Agencies are required to maintain each fiscal year in accordance with [49 CFR § 350.301](#). The State has the flexibility to select the budget categories and line items where MOE will be shown. Additional information regarding MOE can be found in the MCSAP Comprehensive Policy (MCP) in section 3.6.

#### On Screen Messages

The system performs a number of edit checks on Spending Plan data inputs to ensure calculations are correct, and values are as expected. When anomalies are detected, alerts will be displayed on screen.

- Calculation of Federal and State Shares

Total Project Costs are determined for each line based upon user-entered data and a specific budget category formula. Federal and State shares are then calculated by the system based upon the Total Project Costs and are added to each line item.

The system calculates an 85.01 percent Federal share and 14.99 percent State share automatically and populates

these values in each line. Federal share is the product of Total Project Costs x 85.01 percent. State share equals Total Project Costs minus Federal share. It is important to note, if Total Project Costs are updated based upon user edits to the input values, the share values will not be recalculated by the system and should be reviewed and updated by users as necessary.

States may edit the system-calculated Federal and State share values at any time to reflect actual allocation for any line item. For example, States may allocate a different percentage to Federal and State shares. States must ensure that the sum of the Federal and State shares equals the Total Project Costs for each line before proceeding to the next budget category.

An error is shown on line items where Total Project Costs does not equal the sum of the Federal and State shares. Errors must be resolved before the system will allow users to 'save' or 'add' new line items.

Territories must insure that Total Project Costs equal Federal share for each line in order to proceed.

- **MOE Expenditures**

States may enter MOE on individual line items in the Spending Plan tables. The Personnel, Fringe Benefits, Equipment, Supplies, and Other Costs budget activity areas include edit checks on each line item preventing MOE costs from exceeding allowable amounts.

- If "Percentage of Time on MCSAP grant" equals 100%, then MOE must equal \$0.00.
- If "Percentage of Time on MCSAP grant" equals 0%, then MOE may equal up to Total Project Costs as expected at 100%.
- If "Percentage of Time on MCSAP grant" > 0% AND < 100%, then the MOE maximum value cannot exceed "100% Total Project Costs" minus "system-calculated Total Project Costs".

An error is shown on line items where MOE expenditures are too high. Errors must be resolved before the system will allow users to 'save' or 'add' new line items.

The Travel and Contractual budget activity areas do not include edit checks for MOE costs on each line item. States should review all entries to ensure costs reflect estimated expenditures.

- **Financial Summary**

The Financial Summary is a summary of all budget categories. The system provides warnings to the States on this page if the projected State Spending Plan totals are outside FMCSA's estimated funding amounts. States should review any warning messages that appear on this page and address them prior to submitting the eCVSP for FMCSA review.

The system will confirm that:

- Overtime value does not exceed the FMCSA limit.
- Planned MOE Costs equal or exceed FMCSA limit.
- States' proposed Federal and State share totals are each within \$5 of FMCSA's Federal and State share estimated amounts.
- Territories' proposed Total Project Costs are within \$5 of \$350,000.

ESTIMATED Fiscal Year Funding Amounts for MCSAP		
	100% Federal Share	Total Estimated Funding
Total	\$800,603.00	\$800,603.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (14.99% of MCSAP Award Amount):	\$120,090.00
MOE Baseline:	\$0.00

**Part 4 Section 2 - Personnel**

Personnel costs are salaries for employees working directly on a project.

**Note: Do not include any personally identifiable information (PII) in the CVSP. The final CVSP approved by FMCSA is required to be posted to a public FMCSA website.**

Salary and Overtime project costs must be separated when reporting to FMCSA, regardless of the Lead MCSAP Agency or Subrecipient pay structure.

List grant-funded staff who will complete the tasks discussed in the narrative descriptive sections of the CVSP. Positions may be listed by title or function. It is not necessary to list all individual personnel separately by line. The State may use average or actual salary and wages by personnel category (e.g., Trooper, Civilian Inspector, Admin Support, etc.). Additional lines may be added as necessary to capture all your personnel costs.

The percent of each person's time must be allocated to this project based on the amount of time/effort applied to the project. For budgeting purposes, historical data is an acceptable basis.

**Note:** Reimbursement requests must be based upon documented time and effort reports. Those same time and effort reports may be used to estimate salary expenses for a future period. For example, a MCSAP officer's time and effort reports for the previous year show that he/she spent 35 percent of his/her time on approved grant activities. Consequently, it is reasonable to budget 35 percent of the officer's salary to this project. For more information on this item see [2 CFR §200.430](#).

In the salary column, enter the salary for each position.

Total Project Costs equal the Number of Staff x Percentage of Time on MCSAP grant x Salary for both Personnel and Overtime (OT).

If OT will be charged to the grant, only OT amounts for the Lead MCSAP Agency should be included in the table below. If the OT amount requested is greater than the 14.99 percent limitation in the MCSAP Comprehensive Policy (MCP), then justification must be provided in the CVSP for review and approval by FMCSA headquarters.

Activities conducted on OT by subrecipients under subawards from the Lead MCSAP Agency must comply with the 14.99 percent limitation as provided in the MCP. Any deviation from the 14.99 percent limitation must be approved by the Lead MCSAP Agency for the subrecipients.

Summary of MCSAP Funding Limitations	
Allowable amount for Lead MCSAP Agency Overtime without written justification (14.99% of MCSAP Award Amount):	\$120,090.00

Allowable amount for Lead MCSAP Agency Overtime without written justification (14.99% of MCSAP Award Amount):	\$120,090.00
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Personnel: Salary and Overtime Project Costs						
Salary Project Costs						
Position(s)	# of Staff	% of Time on MCSAP Grant	Salary	Total Project Costs (Federal)	Federal Share	MOE
MCSAP Coordinator	1	80.0000	\$56,268.00	\$45,014.40	\$45,014.40	\$0.00
Financial Officer	1	100.0000	\$45,014.00	\$45,014.00	\$45,014.00	\$0.00
Inspector I	1	100.0000	\$34,439.00	\$34,439.00	\$34,439.00	\$0.00
Inspector II	2	100.0000	\$44,015.00	\$88,030.00	\$88,030.00	\$0.00
Inspector I - Entry Level	2	100.0000	\$29,679.00	\$59,358.00	\$59,358.00	\$0.00
<b>Subtotal: Salary</b>				<b>\$271,855.40</b>	<b>\$271,855.40</b>	<b>\$0.00</b>
Overtime Project Costs						
<b>Subtotal: Overtime</b>				<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL: Personnel</b>				<b>\$271,855.40</b>	<b>\$271,855.40</b>	<b>\$0.00</b>
<b>Accounting Method:</b>	<b>Accrual</b>					

Position(s)	# of Staff	% of Time on MCSAP Grant	Salary	Total Project Costs (Federal)	Federal Share	MOE
MCSAP Coordinator	1	80.0000	\$56,268.00	\$45,014.40	\$45,014.40	\$0.00
Financial Officer	1	100.0000	\$45,014.00	\$45,014.00	\$45,014.00	\$0.00
Inspector I	1	100.0000	\$34,439.00	\$34,439.00	\$34,439.00	\$0.00
Inspector II	2	100.0000	\$44,015.00	\$88,030.00	\$88,030.00	\$0.00
Inspector I - Entry Level	2	100.0000	\$29,679.00	\$59,358.00	\$59,358.00	\$0.00
<b>Subtotal: Salary</b>				<b>\$271,855.40</b>	<b>\$271,855.40</b>	<b>\$0.00</b>

<b>Subtotal: Overtime</b>				<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL: Personnel</b>				<b>\$271,855.40</b>	<b>\$271,855.40</b>	<b>\$0.00</b>
<b>Accounting Method:</b>	<b>Accrual</b>					

***Enter a detailed explanation of how the personnel costs were derived and allocated to the MCSAP project.***

The personnel cost is based on five (5) full time MCSAP Inspectors, one (1) MCSAP Coordinator who conduct and perform MCSAP eligible activities. Full time equivalent is 2080 hours per year and is based on the latest pay schedule provided by the Administrative Services Officer.

The MCSAP Coordinator is dedicated to the program approximately 80% and is responsible for the day to day responsibilities of the program to include quarterly reporting PPR and invoicing while the inspectors are responsible for carrying out program activities to include but not limited to roadside inspections, traffic enforcement, public education and outreach activities.

**FY2022 updates per BIL**

The appropriated funding for salary increases under the personnel indicated is pursuant to Public Law 32-068, the Competitive Wage Act of 2014. These recommendations were developed after a thorough analysis of the current compensation environment of Guam's government as a whole. The unclassified positions of inspectors I and II were included and certified in this Public Law and the personnel cost indicated on the above table are based on the years of service and approved pay scale. With regards to the unclassified positions; any salary increase is approved by the GDRT Director and does not require legislative approval. Any personnel and fringe reimbursement for the grant is based on the actual approved schedule. One of the major benefits of a salary increase helps supports the employees moral and ensures job security, longevity, and dedication to the program.

The personnel cost is based on five (5) full-time MCSAP Inspectors, one (1) MCSAP Financial Officer, and one (1) MCSAP Coordinator.

MCSAP Inspectors are dedicated to the program approximately 100% and is assigned day to day MCSAP activities.

MCSAP Coordinator is dedicated to complete and oversee a variety of professional assignments to evaluate, assess, plan, develop and implement various transportation system programs and activities by ensuring the inspection of CMV's for compliance to specifications and conducting islandwide random inspections under the Federal Motor Carrier Safety Assistance Program. MCSAP Coordinator is dedicated to the program approximately 80% and is responsible for the day to day responsibilities of the program. Develops, implements and monitors Outreach and Educational programs to CMV vendors and public. Monitor implementation of program policies and practices. Works to keep programs on schedule. Analyses operating practices, procedures, and equipment of bus and vehicle transportation systems to ensure efficient and safe operation. Reviews operating records and reports to assess the quality and adequacy of preventive maintenance being performed on CMV's. Meets with MCSAP Inspectors weekly on daily inspection activities and monitors developments

The Financial Officer is dedicated to the program approximately 100% and is responsible for the day to day financial responsibilities of the program on all expenditures. This is inclusive of Travel Project Costs, Equipment, Supplies Project Costs, Contractual and Subaward Project Costs, Indirect Costs, Funding Limitations, and, Other Project Costs. Monitors and tracks the Federal Financial Reports along with the Request for Reimbursement to ensure it is properly filed onto Grant Solutions and Delphi.

Develops and maintains financial systems.

Plans, directs, and controls accounting and financial operations.

Prepares reports and documents covering accounting transactions for the MCSAP Coordinator to review.

Ensures that accurate accounting records are kept by standard practices.

### Part 4 Section 3 - Fringe Benefits

Fringe costs are benefits paid to employees, including the cost of employer's share of FICA, health insurance, worker's compensation, and paid leave. Only non-Federal grantees that use the **accrual basis** of accounting may have a separate line item for leave, and is entered as the projected leave expected to be accrued by the personnel listed within Part 4.2 – Personnel. Reference [2 CFR §200.431\(b\)](#).

Show the fringe benefit costs associated with the staff listed in the Personnel section. Fringe costs may be estimates, or based on a fringe benefit rate. If using an approved rate by the applicant's Federal cognizant agency for indirect costs, a copy of the indirect cost rate agreement must be provided in the "My Documents" section in eCVSP and through grants.gov. For more information on this item see [2 CFR §200.431](#).

Show how the fringe benefit amount is calculated (i.e., actual fringe rate, rate approved by HHS Statewide Cost Allocation or cognizant agency, or an aggregated rate). Include a description of the specific benefits that are charged to a project and the benefit percentage or total benefit cost.

**Actual Fringe Rate:** a fringe rate approved by your cognizant agency or a fixed rate applied uniformly to each position.

**Aggregated Rate:** a fringe rate based on actual costs and not a fixed rate (e.g. fringe costs may vary by employee position/classification).

Depending on the State, there are fixed employer taxes that are paid as a percentage of the salary, such as Social Security, Medicare, State Unemployment Tax, etc. For more information on this item see the [Fringe Benefits Job Aid below](#).

**Fringe costs method:** Aggregated Rate - documentation added to 'My Documents' to describe rate calculation

**Total Project Costs equal the Fringe Benefit Rate x Percentage of Time on MCSAP grant x Base Amount divided by 100.**

**Fringe Benefit Rate:** The rate that has been approved by the State's cognizant agency for indirect costs; or a rate that has been calculated based on the aggregate rates and/or costs of the individual items that your agency classifies as fringe benefits.

**Base Amount:** The salary/wage costs within the proposed budget to which the fringe benefit rate will be applied.

Fringe Benefits Project Costs						
Position(s)	Fringe Benefit Rate	% of Time on MCSAP Grant	Base Amount	Total Project Costs (Federal)	Federal Share	MOE
MCSAP Coordinator	30.9820	100.0000	\$56,268.00	\$17,432.95	\$17,432.95	\$0.00
MCSAP Financial Officer	44.0660	100.0000	\$44,015.00	\$19,395.64	\$19,395.64	\$0.00
Inspector II (Alvin)	42.7330	100.0000	\$44,015.00	\$18,808.92	\$18,808.92	\$0.00
Inspector II (Oscar)	61.2950	100.0000	\$44,015.00	\$26,978.99	\$26,978.99	\$0.00
Inspector I (Jaimen)	31.7480	100.0000	\$34,439.00	\$10,933.69	\$10,933.69	\$0.00
Inspector I - Entry (John)	45.5670	100.0000	\$29,679.00	\$13,523.82	\$13,523.82	\$0.00
Inspector I - Entry (Anthony)	49.8020	100.0000	\$29,679.00	\$14,780.73	\$14,780.73	\$0.00
<b>TOTAL: Fringe Benefits</b>				<b>\$121,854.74</b>	<b>\$121,854.74</b>	<b>\$0.00</b>

**Enter a detailed explanation of how the fringe benefit costs were derived and allocated to the MCSAP project.**

FY2022 Update:

The Fringe benefits are based on 5 inspectors, 1 Financial Officer and 1 MCSAP Coordinator.

Fringe Benefits breakdown provided by the Administrative Service Officer current as of June 2022. The fringe benefit rate percentage is the total benefits for each position and includes, Retirement, Retire (DDI) Social Security, Medicare, Life, Medical, and Dental. The benefit listing and breakdown is also uploaded in the my documents section. The Aggregate Fringe Benefit rate was calculated by taking the Total Benefits divided by Salary.

Retirement - Salary x 28.32%

Retire (DDI) - \$19.01 x 26 PPE  
Social Security - Salary x 6.2%  
Medicare - Salary x 1.45%  
Life - Depends on elections  
Medical (Premium) - Depends on elections  
Dental (Premium) Depends on elections

## Part 4 Section 4 - Travel

Itemize the positions/functions of the people who will travel. Show the estimated cost of items including but not limited to, airfare, lodging, meals, transportation, etc. Explain in detail how the MCSAP program will directly benefit from the travel.

Travel costs are funds for field work or for travel to professional meetings.

List the purpose, number of persons traveling, number of days, percentage of time on MCSAP Grant, and total project costs for each trip. If details of each trip are not known at the time of application submission, provide the basis for estimating the amount requested. For more information on this item see [2 CFR §200.474](#).

Total Project Costs should be determined by State users, and manually input in the table below. There is no system calculation for this budget category.

Travel Project Costs						
Purpose	# of Staff	# of Days	% of Time on MCSAP Grant	Total Project Costs (Federal)	Federal Share	MOE
HM/PV Training	2	5	100.0000	\$9,000.00	\$9,000.00	\$0.00
MCSAP Planning Meeting	2	5	100.0000	\$9,000.00	\$9,000.00	\$0.00
CVSA Data Management	2	5	100.0000	\$9,000.00	\$9,000.00	\$0.00
NAS Part A & B	3	100	100.0000	\$18,250.00	\$18,250.00	\$0.00
<b>TOTAL: Travel</b>				<b>\$45,250.00</b>	<b>\$45,250.00</b>	<b>\$0.00</b>

**Enter a detailed explanation of how the travel costs were derived and allocated to the MCSAP project.**

During this unprecedented time, with the global pandemic, much of our travel is up in the air. Although we are under a government travel restriction, we still want to stay locked in with future MCSAP and FMCSA meetings and trainings to include:

### HM / PV Training

HM and PV training is for a new recruit or for refresher training. Total cost is based on \$3600 airfare + \$3000 per diem + \$260.12 car rental x 2 personnel = \$6860.12

### CVSA Data Management, Quality, and FMCSA Systems Training

Guam MCSAP would like to attend the CVSA Data Management, Quality, and FMCSA Systems Training to improve our knowledge of SafetyNet and ensuring we are providing quality data to FMCSA. The training will allow us to better understand FMCSA Systems and facilitate more effective and efficient data recording thereby assisting FMCSA with reaching its safety goals. Total costs for 2 personnel is \$3600 airfare + \$3000 per diem + \$220 car rental = \$6820.

### MCSAP Planning Meeting

For MCSAP Coordinator and MCSAP officer who is assisting with reporting to attend to keep abreast of current MCSAP policies and procedures and CVSP updates. Total costs for 2 personnel is \$3600 airfare + \$3000 per diem + \$220 car rental = \$6820.00.

### NAS AB / Refresher Training

This training is necessary for a new recruit to learn how to conduct inspections on commercial motor vehicles. This may also be utilized as refresher training for current officers.

Travel for 3 officers. \$5400 airfare + \$5625 per diem + 450 car rental = \$11,475.00.

The listed travel costs are based on previous travel expenses.

At this time with the ongoing pandemic and local travel restriction as well as limitations to funding, we do not anticipate travelling to the CMV Safety Summit. If CMV Safety Summit is offered as a Virtual Conference, we will surely attend.

FY2022 update per BIL

It appears airfare from Guam to Stateside has increased: therefore, the following travel expenses has increased based on the following:

HV/PV Training: \$2,000.00 (airfare) + \$1,750.00 (per diem) = \$3,750 x 2 staff = \$7,500.00 + \$1,500.00 (car rental) = \$9,000.00 Total of 5 days roundtrip to U.S. Mainland from Guam.

MCSAP Planning Meeting: \$2,000.00 (airfare) + \$1,750.00 (per diem) = \$3,750.00 x 2 staff = \$7,500.00 + \$1,500.00 (car rental) = \$9,000.00 Total of 5 days roundtrip to U.S. Mainland from Guam.



CVSA Data Management Meeting: \$2,000.00 (airfare) + \$1,750.00 (per diem) = \$3,750.00 x 2 staff = \$7,500.00 + \$1,500.00 (car rental) = \$9,000.00 Total of 5 days roundtrip to U.S. Mainland from Guam.

NAS A&B Training: 3 staff travelling to U.S. Mainland for 10 days roundtrip from Guam: \$2,500.00 (airfare) + \$3,000.00 (per diem) = \$5,500.00 x 3 staff = \$16,500.00 + \$1,750.00 (car rental) = \$18,250.00

## Part 4 Section 5 - Equipment

Equipment is tangible or intangible personal property. It includes information technology systems having a useful life of more than one year, and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the non-Federal entity (i.e., the State) for financial statement purposes, or \$5,000.

- If your State's equipment capitalization threshold is below \$5,000, check the box below and provide the threshold amount. See [§200.12](#) Capital assets, [§200.20](#) Computing devices, [§200.48](#) General purpose equipment, [§200.58](#) Information technology systems, [§200.89](#) Special purpose equipment, and [§200.94](#) Supplies.

Show the total cost of equipment and the percentage of time dedicated for MCSAP related activities that the equipment will be billed to MCSAP. For example, you intend to purchase a server for \$5,000 to be shared equally among five programs, including MCSAP. The MCSAP portion of the total cost is \$1,000. If the equipment you are purchasing will be capitalized (depreciated), you may only show the depreciable amount, and not the total cost ([2 CFR §200.436](#) and [2 CFR §200.439](#)). If vehicles or large IT purchases are listed here, the applicant must disclose their agency's capitalization policy.

Provide a description of the equipment requested. Include the quantity, the full cost of each item, and the percentage of time this item will be dedicated to MCSAP grant.

Total Project Costs equal the Number of Items x Full Cost per Item x Percentage of Time on MCSAP grant.

Equipment Project Costs						
Item Name	# of Items	Full Cost per Item	% of Time on MCSAP Grant	Total Project Costs (Federal)	Federal Share	MOE
SUV/Mini Van	1	\$75,000.00	100	\$75,000.00	\$75,000.00	\$0.00
Office Cubicles	10	\$9,119.00	100	\$91,190.00	\$91,190.00	\$0.00
<b>TOTAL: Equipment</b>				<b>\$166,190.00</b>	<b>\$166,190.00</b>	<b>\$0.00</b>
<b>Equipment threshold is unavailable.</b>						

**Enter a detailed explanation of how the equipment costs were derived and allocated to the MCSAP project.**

FY 2022 Updates per BIL funding

SUV/MiniVan Vehicle: The program recognizes the division's concern for our inspectors in regards to safety belts. Currently our two vans that were outfitted to be mobile offices, only have a safety belt for the front passenger and driver. With our current personnel structure, the program recognizes the need for an additional vehicle. We plan to assign two inspectors per vehicle as well as in the event that we need to transport more than two members we will be able to use the additional vehicle. Previously the program had an SUV as part of our fleet. The program believes that a U.S. Make & Model SPORT BASE 4WD SUV/MiniVan or comparable vehicle will be suitable for our team. Currently this vehicle is estimated at \$75,000.00. The program has also included the additional funds for modifications needed for the vehicle to include but not limited to a light bar and a public announcement system. This vehicle will strictly be used for MCSAP activities. The program believes that the addition of the vehicle will increase our productivity with inspection goals, enforcement, and special interest areas most importantly education and outreach. With our fleet at 2 vans and 1 SUV/MiniVan the program will feel more comfortable with increased presence as well as mobility to respond to our roadways as well as carrier assistance. We carried over this equipment from our FY2021 CVSP as the deadline to submit pending procurement request expired July 1, 2022, and the Grant expires 09/30/2022.

OFFICE CUBICLES: This is based on 9 open sets of office workstation cubicles and 1 enclosed office workstation. This is to ensure each and every employee has a private workstation. This amounts to 10 workstations: 1 workstation 5'6" (L) x 6'6" (W) x 3' (H) for the SafetyNet, 5 workstations 5'6" (L) x 6'6" (W) x 3' (H) for the Inspectors, 1 workstation for the Financial Officer 5'6" (L) x 6'6" (W) x 3' (H), 2 spare workstations for future growth of staff 5'6" (L) x 6'6" (W) x 3' (H) and 1 private office workstation 16' (W) x 20' (L) x 6' (H), for the MCSAP Coordinator.

The current furnitures are over 20 years old and has deteriorated in excess of its life span. The reason for such a significant costs of the cubicles is because of the following: Workstation Panels are not readily available on Guam: therefore, the workstations are fabricated in U.S. Mainland and shipped to Guam: fabrication fees, Inland Freight Fees, Ocean Freight Fees, Delivery Fees, Guam Gross Receipt Taxes, installation permits, electrical hookup fees, telephone and internet station hookup fee, and Labor fees.

**Part 4 Section 6 - Supplies**

*Supplies means all tangible property other than that described in §200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life. See also §200.20 Computing devices and §200.33 Equipment.*

*Estimates for supply costs may be based on the same allocation as personnel. For example, if 35 percent of officers' salaries are allocated to this project, you may allocate 35 percent of your total supply costs to this project. A different allocation basis is acceptable, so long as it is reasonable, repeatable and logical, and a description is provided in the narrative.*

*Provide a description of each unit/item requested, including the quantity of each unit/item, the unit of measurement for the unit/item, the cost of each unit/item, and the percentage of time on MCSAP grant.*

*Total Project Costs equal the Number of Units x Cost per Unit x Percentage of Time on MCSAP grant.*

Supplies Project Costs						
Item Name	# of Units/ Unit of Measurement	Cost per Unit	% of Time on MCSAP Grant	Total Project Costs (Federal)	Federal Share	MOE
Uniform Polo TShirt	3 each	\$500.00	100.0000	\$1,500.00	\$1,500.00	\$0.00
Laptops	7 each	\$3,000.00	100.0000	\$21,000.00	\$21,000.00	\$0.00
Filing Cabinets	8 each	\$400.00	100.0000	\$3,200.00	\$3,200.00	\$0.00
Outreach/Education	4 quarterly	\$3,750.00	100.0000	\$15,000.00	\$15,000.00	\$0.00
DOT Inspection Signs	3 each	\$835.00	100.0000	\$2,505.00	\$2,505.00	\$0.00
Personal Protective Equipment	4 each	\$500.00	100.0000	\$2,000.00	\$2,000.00	\$0.00
MCSAP Inspection Tools	6 set	\$550.00	100.0000	\$3,300.00	\$3,300.00	\$0.00
Regulatory Books	6 Set	\$250.00	100.0000	\$1,500.00	\$1,500.00	\$0.00
MCSAP Inspection Decals	2000 pieces	\$1.00	100.0000	\$2,000.00	\$2,000.00	\$0.00
Office Supply	1 annual	\$6,558.00	100.0000	\$6,558.00	\$6,558.00	\$0.00
Black Ink Cartridge/Toner	1 annual	\$12,000.00	100.0000	\$12,000.00	\$12,000.00	\$0.00
<b>TOTAL: Supplies</b>				<b>\$70,563.00</b>	<b>\$70,563.00</b>	<b>\$0.00</b>

**Enter a detailed explanation of how the supply costs were derived and allocated to the MCSAP project.**

1. PHONES: Smart cellphones/2-way communication radios \$4950.00: price based on Market Value for 6 cellphones for MCSAP Inspectors: this is necessary to ensure communications contract between inspectors conducting field work and DMV to confirm drivers license and vehicle registrations. Also help reference regulations and other resources online. for the 2-way communication radio's are to be connected into the MCSAP vehicles (3 vehicles)
2. DOT Inspection signs, stands cones: \$1950.00 - this is necessary for safety purposes alerting motoring public on MCSAP Inspectors on site conducting roadside inspections.
3. Personal Protective Equipment: \$1200.00 - this is necessary for the protection and safety of inspectors while conducting roadside inspections.
4. Office Supplies: \$500.00 necessary for office usage inclusive of pens, pencils, copy paper, scotch tape, staples, specifically for office and roadside usage.
5. Ink Cartridges: \$3000.00 - specifically for portable printers used with 7 laptops and 2 multifunctional printer
6. MCSAP Inspection Decals: \$1500: annual cost for inspection decals

7. Uniforms: 6 sets of BDU per inspector based on Market Value: Dry-fit polo shirts, water proof trousers, water proof, oil resistant & steel toe footwear, belts, socks, hand gloves for grip, for shield/Badges, safety eye glasses, ear plugs, reflector vest, and head caps. average cost per inspector is @\$850.00 (6 inspectors x \$850.00 = \$5100.00
8. MCSAP Inspection Tools: \$2100.00: to include but not limited to creeper, chock blocks, chambermates, tire thread/depth gauges, soapstones, and holders, flashlights, backpacks, safety helmets and safety vests.
9. Regulatory Books: \$900.00 - 1 set for 6 inspectors to include FMCSR, HMR and OUT OF SERVICE handbooks.

FY2022 update per BIL

**OUTREACH/EDUCATIONAL:** Expenses related to educational advertising, announcement materials, and printing of said materials (posters, flyers, brochures, pamphlets, banners, for insert information on best practices for safe driving in the vicinity of non-commercial and commercial motor vehicles. **Outreach:** classroom environment for CMV drivers on Road Safety tips, Commercial Tire Safety Tips, Passenger Safety Information, Every Cargo Tank Driver's Concern, Cargo Tank Rollovers and how can they be prevented, Safety Belt Myths, and other topics related to CMV safety regulations. We estimated the material cost at \$15,000.00. Goal is to reachout and educate 4 CMV vendors and drivers per quarter.

**UNIFORMS:** During FY2022, we ordered and received uniforms. However, we will need 2 additional sets for the Inspectors and purchase 3 polo collard tshirts for our Financial Officer. Financial Officer requires the polo tshirts as she will participate in our Education and Outreach Programs. 3 sets @ \$500.00, including Financial Officer polo tshirts = \$1,500.00.

**LAPTOPS:** 7 units @\$3,000.00 each = \$21,000.00 based on Market Value: The current laptops onhand are fully depreciated and requires replacement. These are replacement for all personnel - We currently are working with 3 laptops with expired warranties. GDRT computer technicians recommended replacement as current laptops are antiquated.

**FILING CABINETS:** 8 units @\$400.00 each = \$3,200.00 based on Market Value: currently MCSAP does not have any filing cabinets. ALL reports and documentation relating to MCSAP are stored in storage boxes.

**DOT Inspection Signs:** 3 each @\$835.00 = \$2,505.00: These signs are used for safety purposes to alert the motoring public on MCSAP Inspectors on site conducting roadside inspections.

**Personal Protective Equipment:** 4 each @\$500.00 = \$2,000.00: Necessary for the protection and safety of the MCSAP Inspectors while conducting roadside inspections.

**Office Supplies:** \$1,687.84 : necessary for office & field usage - inclusive of pens, pencils, copy paper, scotch tape and staples.

**Black Ink Cartridges:** specifically used for 5 each portable printers model Canon IP-110 used for roadside inspections @\$70.00 per cartridge: \$70.00 x 2 monthly = \$140.00 x 5 units monthly = \$700.00 x 12 months = **\$8,400.00** and 2 multifunctional office printers model Brother MFC-L2750DW @\$150.00 per toner: \$150.00 x 2 units monthly = \$300.00 x 12 months = **\$3,600.00. = \$12,000.00 combined total**

**MCSAP Inspections Decals:** 500 pieces per box, per quarter @\$1.00 per piece. 500 pcs x 4 boxes = **\$2,000.00.** A different color decal is provided per quarter.

**MCSAP Inspection Tools:** 6 sets @\$550.00 = \$3,300.00: Inclusive of but not limited to creeper, chock blocks, chambermates, tire thread, depth gauges, soapstones and holders, flashlights, backpacks, safety helmets and safety vests.

**Regulatory Books:** 6 sets @\$250.00 = \$1,500.00: Inclusive of FMCSR, HMR, and Out of Service Handbooks for all MCSAP Personnel.

Please keep in mind, we anticipate price increases on the above items from year to year. Therefore, the above figures are based on estimated anticipation of increase of the market values.

## Part 4 Section 7 - Contractual and Subaward

This section includes contractual costs and subawards to subrecipients. Use the table below to capture the information needed for both contractual agreements and subawards. The definitions of these terms are provided so the instrument type can be entered into the table below.

**Contractual** – A contract is a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award ([2 CFR §200.22](#)). All contracts issued under a Federal award must comply with the standards described in [2 CFR §200 Procurement Standards](#).

**Note:** Contracts are separate and distinct from subawards; see [2 CFR §200.330](#) for details.

**Subaward** – A subaward is an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract ([2 CFR §200.92](#) and [2 CFR §200.330](#)).

**Subrecipient** - Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program, but does not include an individual who is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency ([2 CFR §200.93](#)).

Enter the legal name of the vendor or subrecipient if known. If unknown at this time, please indicate 'unknown' in the legal name field. Include a description of services for each contract or subaward listed in the table. Entering a statement such as "contractual services" with no description will not be considered meeting the requirement for completing this section.

Enter the DUNS or EIN number of each entity. There is a drop-down option to choose either DUNS or EIN, and then the State must enter the corresponding identification number.

Select the Instrument Type by choosing either Contract or Subaward for each entity.

Total Project Costs should be determined by State users and input in the table below. The tool does not automatically calculate the total project costs for this budget category.

**Operations and Maintenance**-If the State plans to include O&M costs that meet the definition of a contractual or subaward cost, details must be provided in the table and narrative below.

Please describe the activities these costs will be using to support (i.e., ITD, PRISM, SSDQ or other services.)

Contractual and Subaward Project Costs						
Legal Name	DUNS/ EIN Number	Instrument Type	% of Time on MCSAP Grant	Total Project Costs (Federal)	Federal Share	MOE
GUAM TELEGUAM HOLDINGS	EIN 43784135	Contract	100.0000	\$10,764.00	\$10,764.00	\$0.00
Description of Services: Communication						
Data By Design	DUNS 855025888	Contract	100.0000	\$7,500.00	\$7,500.00	\$0.00
Description of Services: IT Technical Support Services						
Unknown	DUNS 855025888	Contract	100.0000	\$21,600.00	\$21,600.00	\$0.00
Description of Services: Outreach - Electronic						
<b>TOTAL: Contractual and Subaward</b>				<b>\$39,864.00</b>	<b>\$39,864.00</b>	<b>\$0.00</b>

**Enter a detailed explanation of how the contractual and subaward costs were derived and allocated to the MCSAP project.**

1. IT Technical support services at an annual rate of \$4,700.00. The amount is based on the scope of work agreed between DRT/MCSAP and the vendor during the initial procurement process which include the following:

- Maintain baseline configuration for up to one server and eight laptops including hardware, software, and connectivity networking requirements for 12 months.
- Provide local area networking and general connectivity support for connection via VPN to external FMCSA site.
- Provide technical support and install updates for FMCSA applications.
- Coordinate with FMCSA helpdesk and vendor for updates and patches.
- Assist with updates and patches to window operating systems and anti-virus programs.

2. Communication estimated cost for 2 phone lines and wireless internet connection to serve 3 PC's workstations and 5 field toughbooks  $\$417.00 \times 12 \text{ months} = \$5004.00$  / (6 cellphone plans to include services and data  $\$80 \times 12 \times 6 = \$5760.00$ ) Combined Total \$10,764.00

Currently there are no officers with GPD that are certified inspectors. The program is removing contractual costs for GPD until such time that a GPD officer can go through the training and obtain certification.

FY2022 update per BIL

Data By Design: IT Technical support services on an annual rate basis of \$7,500.00. The amount is based on the scope of work agreed between GDRT/MCSAP and the vendor (Data By Design). We currently paid \$5,295.00 Year 2022 - for Data by Design technical services. As their services is contracted on an Annual basis, we anticipate an estimated increase this coming year 2023 to be \$7,500.00.

Outreach - Electronic: Creating our own along with utilizing FMCSA's, Our Roads, Our Safety Campaign for advertisement on electronic billboards, movie theatres and TV Commercials. At this time, we have not named a vendor, thus explains the Legal Name as "Unknown".  $\$1,800.00 \text{ monthly fees} \times 12 \text{ months} = \$21,600.00$

## Part 4 Section 8 - Other Costs

*Other Costs are those not classified elsewhere and are allocable to the Federal award. These costs must be specifically itemized and described. The total costs and allocation bases must be explained in the narrative. Examples of Other Costs (typically non-tangible) may include utilities, leased property or equipment, fuel for vehicles, employee training tuition, meeting registration costs, etc. The quantity, unit of measurement (e.g., monthly, annually, each, etc.), unit cost, and percentage of time on MCSAP grant must be included.*

**Operations and Maintenance**—If the State plans to include O&M costs that do not meet the definition of a contractual or subaward cost, details must be provided in the table and narrative below. Please identify these costs as ITD O&M, PRISM O&M, or SSDQ O&M. Sufficient detail must be provided in the narrative that explains what components of the specific program are being addressed by the O&M costs.

Enter a description of each requested Other Cost.

Enter the number of items/units, the unit of measurement, the cost per unit/item, and the percentage of time dedicated to the MCSAP grant for each Other Cost listed. Show the cost of the Other Costs and the portion of the total cost that will be billed to MCSAP. For example, you intend to purchase air cards for \$2,000 to be shared equally among five programs, including MCSAP. The MCSAP portion of the total cost is \$400.

Total Project Costs equal the Number of Units x Cost per Item x Percentage of Time on MCSAP grant.

### Indirect Costs

Information on Indirect Costs ([2 CFR §200.56](#)) is captured in this section. This cost is allowable only when an approved indirect cost rate agreement has been provided in the “My Documents” area in the eCVSP tool and through Grants.gov. Applicants may charge up to the total amount of the approved indirect cost rate multiplied by the eligible cost base. Applicants with a cost basis of salaries/wages and fringe benefits may only apply the indirect rate to those expenses. Applicants with an expense base of modified total direct costs (MTDC) may only apply the rate to those costs that are included in the MTDC base ([2 CFR §200.68](#)).

- **Cost Basis** — is the accumulated direct costs (normally either total direct salaries and wages or total direct costs exclusive of any extraordinary or distorting expenditures) used to distribute indirect costs to individual Federal awards. The direct cost base selected should result in each Federal award bearing a fair share of the indirect costs in reasonable relation to the benefits received from the costs.
- **Approved Rate** — is the rate in the approved Indirect Cost Rate Agreement.
- **Eligible Indirect Expenses** — means after direct costs have been determined and assigned directly to Federal awards and other activities as appropriate. Indirect costs are those remaining to be allocated to benefitted cost objectives. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost.
- **Total Indirect Costs** equal Approved Rate x Eligible Indirect Expenses divided by 100.

### Your State will claim reimbursement for Indirect Costs.

Indirect Costs				
Cost Basis	Approved Rate	Eligible Costs	Total Indirect Costs	Federal Share
Salaries and Wages (SW)	5.43	\$206,737.40	\$11,225.84	\$11,225.84
<b>TOTAL: Indirect Costs</b>			<b>\$11,225.84</b>	<b>\$11,225.84</b>

Other Costs Project Costs						
Item Name	# of Units/ Unit of Measurement	Cost per Unit	% of Time on MCSAP Grant	Total Project Costs (Federal)	Federal Share	MOE
Office Space Rental	12 Monthly	\$1,267.22	100.0000	\$15,206.64	\$15,206.64	\$0.00
CVSA Registration Fee	2 Per Attendee	\$700.00	100.0000	\$1,400.00	\$1,400.00	\$0.00
CVSA Membership Dues	1 Annually	\$7,800.00	100.0000	\$7,800.00	\$7,800.00	\$0.00
Maintenance of Vehicles	1 annual	\$12,000.00	100.0000	\$12,000.00	\$12,000.00	\$0.00
Fuel	1 annual	\$37,393.20	100.0000	\$37,393.20	\$37,393.20	\$0.00
<b>TOTAL: Other Costs</b>				<b>\$73,799.84</b>	<b>\$73,799.84</b>	<b>\$0.00</b>

**Enter a detailed explanation of how the 'other' costs were derived and allocated to the MCSAP project.**

1. The IDC rate of 5.43% is based on the most current Indirect Cost Negotiation Agreement for FY2021 period. The ICNA has also been attached with our uploaded documents for your review. The rate reflected will be a place holder until the new rate is approved.
2. Maintenance of vehicles: average cost for vehicle maintenance is \$3,048.00 x 3 MCSAP vehicles = \$9144.00 (cost include general maintenance, oil change, tune up, full AC services, brake maintenance, and tire replacement for three vehicles). Upon purchase of a SUV under the FY2021 Grant our Fleet vehicles remains at 3.
3. CVSA Membership based on an annual flat rate of \$7,800.00 established for government entities.
4. Fuel cost estimated at \$6363.00 x 4 Quarters = \$25452.00
5. CVSA Registration Fee: Fee to attend the CVSA Data Management, Quality and FMCSA Systems Training for 2 personnel. CVSA events webpage shows registration fee is \$700.00.
6. Office space rental is based at \$1267.22 (per month) x 12 months = \$15206.64 per year. The formula to calculate the monthly rate is based on the fair market value per square foot occupied by MCSAP which is 777.44 sq/ft x \$1.63 per sq/ft.

FY2022 update per BIL

**Tire Replacement:** We currently have 3 vehicles, we want to replace all tires as they have not been replaced since 2019. Our vehicles are used daily and given Guam's road conditions and climate, the vehicles' tires are worn down and need to be replaced. Replacement of 4 tires are estimated at \$2,800.00 per vehicle x 3 vehicles = **\$8,400.00**

**Maintenance of vehicles** to include but not limited to OEM Parts periodic Tune-up, Oil change, oil filter change, battery, inspection and replacement of brakes, safety inspections, air conditioning, etc. = @\$1,200.00 per vehicle x 3 vehicles = **\$3,600.00**.

**TIRE REPLACEMENT and MAINTENANCE TOTAL = \$12,000.00**

**Fuel Cost:** : we currently pay \$7.99 per gallon x 30 gallons per vehicle = \$239.70

\$239.70 per vehicle x 3 vehicles = \$719.10 per week

\$719.10 x 52 weeks = **\$37,393.20**



**Part 4 Section 9 - Comprehensive Spending Plan**

The Comprehensive Spending Plan is auto-populated from all line items in the tables and is in read-only format. Changes to the Comprehensive Spending Plan will only be reflected by updating the individual budget category table(s).

ESTIMATED Fiscal Year Funding Amounts for MCSAP		
	100% Federal Share	Total Estimated Funding
Total	\$800,603.00	\$800,603.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (14.99% of MCSAP Award Amount):	\$120,090.00
MOE Baseline:	\$0.00

Estimated Expenditures			
Personnel			
	Federal Share	Total Project Costs (Federal)	MOE
MCSAP Coordinator	\$45,014.40	\$45,014.40	\$0.00
Financial Officer	\$45,014.00	\$45,014.00	\$0.00
Inspector I	\$34,439.00	\$34,439.00	\$0.00
Inspector II	\$88,030.00	\$88,030.00	\$0.00
Inspector I - Entry Level	\$59,358.00	\$59,358.00	\$0.00
<b>Salary Subtotal</b>	<b>\$271,855.40</b>	<b>\$271,855.40</b>	<b>\$0.00</b>
<b>Overtime subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Personnel total</b>	<b>\$271,855.40</b>	<b>\$271,855.40</b>	<b>\$0.00</b>

Fringe Benefits			
	Federal Share	Total Project Costs (Federal)	MOE
MCSAP Coordinator	\$17,432.95	\$17,432.95	\$0.00
MCSAP Financial Officer	\$19,395.64	\$19,395.64	\$0.00
Inspector II (Alvin)	\$18,808.92	\$18,808.92	\$0.00
Inspector II (Oscar)	\$26,978.99	\$26,978.99	\$0.00
Inspector I (Jaimen)	\$10,933.69	\$10,933.69	\$0.00
Inspector I - Entry (John)	\$13,523.82	\$13,523.82	\$0.00
Inspector I - Entry (Anthony)	\$14,780.73	\$14,780.73	\$0.00
<b>Fringe Benefits total</b>	<b>\$121,854.74</b>	<b>\$121,854.74</b>	<b>\$0.00</b>

Travel			
	Federal Share	Total Project Costs (Federal)	MOE
HM/PV Training	\$9,000.00	\$9,000.00	\$0.00
MCSAP Planning Meeting	\$9,000.00	\$9,000.00	\$0.00
CVSA Data Management	\$9,000.00	\$9,000.00	\$0.00
NAS Part A & B	\$18,250.00	\$18,250.00	\$0.00
<b>Travel total</b>	<b>\$45,250.00</b>	<b>\$45,250.00</b>	<b>\$0.00</b>

Equipment			
	Federal Share	Total Project Costs (Federal)	MOE
SUV/Mini Van	\$75,000.00	\$75,000.00	\$0.00
Office Cubicles	\$91,190.00	\$91,190.00	\$0.00
<b>Equipment total</b>	<b>\$166,190.00</b>	<b>\$166,190.00</b>	<b>\$0.00</b>

Supplies			
	Federal Share	Total Project Costs (Federal)	MOE
Uniform Polo TShirt	\$1,500.00	\$1,500.00	\$0.00
Laptops	\$21,000.00	\$21,000.00	\$0.00
Filing Cabinets	\$3,200.00	\$3,200.00	\$0.00
Outreach/Education	\$15,000.00	\$15,000.00	\$0.00
DOT Inspection Signs	\$2,505.00	\$2,505.00	\$0.00
Personal Protective Equipment	\$2,000.00	\$2,000.00	\$0.00
MCSAP Inspection Tools	\$3,300.00	\$3,300.00	\$0.00
Regulatory Books	\$1,500.00	\$1,500.00	\$0.00
MCSAP Inspection Decals	\$2,000.00	\$2,000.00	\$0.00
Office Supply	\$6,558.00	\$6,558.00	\$0.00
Black Ink Cartridge/Toner	\$12,000.00	\$12,000.00	\$0.00
<b>Supplies total</b>	<b>\$70,563.00</b>	<b>\$70,563.00</b>	<b>\$0.00</b>

Contractual and Subaward			
	Federal Share	Total Project Costs (Federal)	MOE
GUAM TELEGUAM HOLDINGS	\$10,764.00	\$10,764.00	\$0.00
Data By Design	\$7,500.00	\$7,500.00	\$0.00
Unknown	\$21,600.00	\$21,600.00	\$0.00
<b>Contractual and Subaward total</b>	<b>\$39,864.00</b>	<b>\$39,864.00</b>	<b>\$0.00</b>

Other Costs			
	Federal Share	Total Project Costs (Federal)	MOE
Office Space Rental	\$15,206.64	\$15,206.64	\$0.00
CVSA Registration Fee	\$1,400.00	\$1,400.00	\$0.00
CVSA Membership Dues	\$7,800.00	\$7,800.00	\$0.00
Maintenance of Vehicles	\$12,000.00	\$12,000.00	\$0.00
Fuel	\$37,393.20	\$37,393.20	\$0.00
<b>Other Costs total</b>	<b>\$73,799.84</b>	<b>\$73,799.84</b>	<b>\$0.00</b>

Total Costs			
	Federal Share	Total Project Costs (Federal)	MOE
<b>Subtotal for Direct Costs</b>	<b>\$789,376.98</b>	<b>\$789,376.98</b>	<b>\$0.00</b>
Indirect Costs	\$11,225.84	\$11,225.84	NA
<b>Total Costs Budgeted</b>	<b>\$800,602.82</b>	<b>\$800,602.82</b>	<b>\$0.00</b>

#### Part 4 Section 10 - Financial Summary

The Financial Summary is auto-populated by the system by budget category. It is a read-only document and can be used to complete the SF-424A in Grants.gov. Changes to the Financial Summary will only be reflected by updating the individual budget category table(s).

- The system will confirm that percentages for Federal and State shares are correct for Total Project Costs. The edit check is performed on the **"Total Costs Budgeted"** line only.
- The system will confirm that Planned MOE Costs equal or exceed FMCSA funding limitation. The edit check is performed on the **"Total Costs Budgeted"** line only.
- The system will confirm that the Overtime value does not exceed the FMCSA funding limitation. The edit check is performed on the **"Overtime subtotal"** line.

ESTIMATED Fiscal Year Funding Amounts for MCSAP		
	100% Federal Share	Total Estimated Funding
Total	\$800,603.00	\$800,603.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (14.99% of MCSAP Award Amount):	\$120,090.00
MOE Baseline:	\$0.00

Estimated Expenditures			
	Federal Share	Total Project Costs (Federal)	Planned MOE Costs
Salary Subtotal	\$271,855.40	\$271,855.40	\$0.00
Overtime Subtotal	\$0.00	\$0.00	\$0.00
Personnel Total	\$271,855.40	\$271,855.40	\$0.00
Fringe Benefits Total	\$121,854.74	\$121,854.74	\$0.00
Travel Total	\$45,250.00	\$45,250.00	\$0.00
Equipment Total	\$166,190.00	\$166,190.00	\$0.00
Supplies Total	\$70,563.00	\$70,563.00	\$0.00
Contractual and Subaward Total	\$39,864.00	\$39,864.00	\$0.00
Other Costs Total	\$73,799.84	\$73,799.84	\$0.00
	Federal Share	Total Project Costs (Federal)	Planned MOE Costs
Subtotal for Direct Costs	\$789,376.98	\$789,376.98	\$0.00
Indirect Costs	\$11,225.84	\$11,225.84	NA
<b>Total Costs Budgeted</b>	<b>\$800,602.82</b>	<b>\$800,602.82</b>	<b>\$0.00</b>

## Part 5 - Certifications and Documents

*Part 5 includes electronic versions of specific requirements, certifications and documents that a State must agree to as a condition of participation in MCSAP. The submission of the CVSP serves as official notice and certification of compliance with these requirements. State or States means all of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands.*

*If the person submitting the CVSP does not have authority to certify these documents electronically, then the State must continue to upload the signed/certified form(s) through the "My Documents" area on the State's Dashboard page.*

### Part 5 Section 1 - State Certification

*The State Certification will not be considered complete until the four questions and certification declaration are answered. Selecting 'no' in the declaration may impact your State's eligibility for MCSAP funding.*

1. What is the name of the person certifying the declaration for your State? Dafne M. Shimizu
2. What is this person's title? Director
3. Who is your Governor's highway safety representative? Dafne M. Shimizu
4. What is this person's title? Director

**The State affirmatively accepts the State certification declaration written below by selecting 'yes'.**

- ☐ Yes
- ☒ Yes, uploaded certification document
- ☐ No

#### State Certification declaration:

I, Dafne M. Shimizu, Director, on behalf of the Territory of GUAM, as requested by the Administrator as a condition of approval of a grant under the authority of [49 U.S.C. § 31102](#), as amended, certify that the Territory satisfies all the conditions required for MCSAP funding, as specifically detailed in [49 C.F.R. § 350.211](#).

If there are any exceptions that should be noted to the above certification, include an explanation in the text box below. The current MCSAP officers assisting with the administrative duties are new to this finding (GU/FI-1 2012). The finding pertains to regulatory incompatibility that was thought to have been resolved years prior, but had been brought up when an issued ticket was challenged revealing that the FMCSR and HMR were adopted into Guam Code Annotated but not incorporated into Guam Administrative Rules and Regulations. The program plans to find legal council to address this issue and take the necessary steps to ensure our compatibility with FMCSR and HMR and that they appear in GCA and GARR. The program will address the progress in the its quarterly production reports. FY2022 Update: MCSAP has obtained guidance from GDR's Technical Research Bureau to bring resolution to this matter as of August 26, 2021. Research is ongoing and will continue to report progress on the quarterly performance reports. As part of resolving this issue, MCSAP Inspectors are attending the Virtual Training on Citation Issuance to ensure citations are complete and accurate.

**Part 5 Section 2 - Annual Review of Laws, Regulations, Policies and Compatibility Certification**

*You must answer all three questions and indicate your acceptance of the certification declaration. Selecting 'no' in the declaration may impact your State's eligibility for MCSAP funding.*

1. What is the name of your certifying State official? Dafne M. shimizu
2. What is the title of your certifying State official? Director
3. What are the phone # and email address of your State official? dafne.shimizu@revtax.guam.gov Tele: (671) 635-1814

**The State affirmatively accepts the compatibility certification declaration written below by selecting 'yes'.**

- ☐ Yes
- ☒ Yes, uploaded certification document
- ☐ No

I, Dafne M. shimizu, certify that the Territory has conducted the annual review of its laws and regulations for compatibility regarding commercial motor vehicle safety and that the Territory's safety laws remain compatible with the Federal Motor Carrier Safety Regulations (49 CFR parts 390-397) and the Hazardous Materials Regulations (49 CFR parts 107 (subparts F and G only), 171-173, 177, 178, and 180) and standards and orders of the Federal government, except as may be determined by the Administrator to be inapplicable to a State enforcement program. For the purpose of this certification, Compatible means Territory laws or regulations pertaining to interstate commerce that are identical to the FMCSRs and HMRs or have the same effect as the FMCSRs and identical to the HMRs and for intrastate commerce rules identical to or within the tolerance guidelines for the FMCSRs and identical to the HMRs.

If there are any exceptions that should be noted to the above certification, include an explanation in the text box below. The current MCSAP officers assisting with the administrative duties are new to this finding (GU/FI-1 2012). The finding pertains to regulatory incompatibility that was thought to have been resolved years prior, but had been brought up when an issued ticket was challenged revealing that the FMCSR and HMR were adopted into Guam Code Annotated but not incorporated into Guam Administrative Rules and Regulations. The program plans to find legal council to address this issue and take the necessary steps to ensure our compatibility with FMCSR and HMR and that they appear in GCA and GARR. The program will address the progress in the its quarterly production reports. FY2022 Update: MCSAP has obtained guidance from GDRT's Technical Research Bureau to bring resolution to this matter as of August 26, 2021. Research is ongoing and will continue to report progress on the quarterly performance reports. As part of resolving this issue, MCSAP Inspectors are attending the Virtual Training on Citation Issuance to ensure citations are complete and accurate.

**Part 5 Section 3 - New Laws/Legislation/Policy Impacting CMV Safety**

**Has the State adopted/enacted any new or updated laws (i.e., statutes) impacting CMV safety since the last CVSP or annual update was submitted?**

☐ Yes ☒ No

**Has the State adopted/enacted any new administrative actions or policies impacting CMV safety since the last CVSP?**

☐ Yes ☒ No

## **CMV Inspection Selection and Unbiased Enforcement Policy**

### **I. Purpose:**

The Guam Department of Revenue and Taxation (GDRT) / Motor Carrier Safety Assistance Program (MCSAP) personnel are committed to enhancing public safety through the consistent and objective enforcement of the Federal Motor Carrier Safety Regulations (FMCSR) and local Guam laws pertaining to Commercial Motor Vehicles (CMV). The purpose for this policy is to establish uniform guidelines for the selection of CMVs for the purpose of conducting an Inspection.

### **II. Policy**

It is the policy of the GDRT/MCSAP Division to concentrate inspection efforts on CMVs that have a negative impact on traffic safety. Inspections will be conducted **only** by Commercial Vehicle Safety Alliance (CVSA) certified employees utilizing the North American Standard Inspection process set forth by the CVSA.

### **III. Definitions: Guam Code Annotated Title 16, Chapter 5, section 5101**

As used in this Chapter, the following definitions will hold true:

Gross Combination Weight (GCW): The total weight of the power unit and the total weight of the towed unit and any load thereon.

Gross Combination Weight Rating (GCWR): The value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

Gross Vehicle Weight (GVW): The total weight of the loaded vehicle. This includes the vehicle itself and the cargo that is loaded within that vehicle.

Gross Vehicle Weight Rating (GVWR): The value specified by the manufacturer as the loaded weight of a single motor vehicle.

Highway: The entire width between the boundary lines of every publicly maintained surface, when any part thereof is open to the use of the public for purposes of vehicular travel; synonymous and interchangeable in usage with "street".

Load: A weight or quantity of anything resting upon a support.

Motor Vehicle: A vehicle which is self-propelled or propelled by electric power obtained from overhead trolley wires, but not operating upon rails.

Semi-Trailer: A vehicle designed for carrying persons or property and drawn by a truck-tractor on which parts of its weight and load rests.

Trailer: A vehicle designed for carrying persons or property and drawn by a motor vehicle which carries no part of the weight and load of the trailer on its own wheels.

Truck: A motor vehicle designed, used or maintained primarily for the transportation of property.

Truck-Tractor: A motor vehicle designed for drawing other vehicles, but not for a load other than a part of the weight of the vehicle and load drawn.

Vehicle: A device in, upon or by which any person or property may be transported or drawn upon a highway.

Vehicle Combination: A truck-tractor and semi-trailer, either with or without a full trailer, or a truck with one (1) or more full trailers.

## **IV. Procedure**

### **A. General**

#### **1. The GDRT/MCSAP complies with the **Guam Code Annotated (G.C.A.) Title 16, Chapter 5****

§ 5109. Authority to Stop, Inspect and Weigh Vehicles; Removal of Excess Loads.

(a) For purposes of the enforcement of this Chapter, the Director of Revenue and Taxation (DRT Director) and the DPW Director shall have such powers of enforcement as may be necessary to implement their respective responsibilities under this Chapter.

(1) The DRT Director, whose department is primarily responsible for implementing and enforcing this Chapter as such relates to the registration and safety of vehicles, may delegate enforcement to the Administrator of the Division of Motor Vehicles/Motor Carrier Safety Assistance Program (DMV/MCSAP).

(2) The DPW Director, whose department is primarily responsible for implementing and enforcing this Chapter as such relates to truck gross weight and the safety and maintenance of Guam's public roads, streets and highways, may delegate the enforcement of this Chapter to the Administrator of the Division of Highways.

(b) For the purpose of the safety, welfare and health of the general public, and the safe transportation of hazardous materials, waste and other materials on any public road, street or highway, and the enforcement of this Chapter and of all rules adopted pursuant to this Chapter, the responsibilities of each agency shall be as follows:

(1) Department of Revenue and Taxation (DRT):

(A) inspect business premises, buildings, freight and equipment of commercial motor carriers;



(B) stop and inspect freight and equipment of all motor carriers operating on any public road, street or highway, except that any motor carrier with military cargo shall be permitted to proceed, unless safety to the general public dictates otherwise, to the vehicle's destination for appropriate review therein and such action shall not be a violation of this Chapter;

(C) inspect shipping papers and hazardous waste manifests of all motor carriers and persons subject to this Chapter operating on any public road, street or highway;

(D) during the course of an inspection, weigh any vehicle and/or combination of vehicles equipped wholly with pneumatic tires to ensure compliance with the provisions of § 5107(c)(1) and (2) of this Chapter;

(E) whenever a police officer or DMV/MCSAP inspector, upon inspection of a vehicle and/or load, determines the existence of a violation, a citation may be issued. The vehicle may be allowed to proceed directly to its own shop or facility for correction. When a vehicle is found to be unsafe to the driver or the public, the police officer or DMV/MCSAP inspector has the authority to direct the discontinuance of the vehicle passage and require corrective action on the spot as appropriate, and such vehicle shall not be allowed back into normal operations until corrections are made;

(F) every police officer, or DMV/MCSAP inspector shall assist in the enforcement of this Chapter and of all rules adopted pursuant to this Chapter and may issue citations for violations as appropriate; and

(G) fines collected from citations issued by DMV/MCSAP inspectors for violations of this Subsection shall be deposited in the Better Public Service Fund and expended in accordance with § 16101 of Chapter 161, Title 11, Guam Code Annotated.

(2) Department of Public Works (DPW):

(A) operate the Truck Enforcement Screening Station (TESS) Facility located on Route 11 to weigh vehicles and/or combinations of vehicles operating on Guam's roads, streets, or highways;

(B) every police officer or DPW inspector having reason to believe that the weight or dimension of a vehicle operating on a public road, street or highway, either with or without load, is in violation of the provisions of this Chapter, shall be authorized to require the driver to stop and submit to an inspection of same by means of portable scales, static scales, or weigh-in-motion scales, or as otherwise appropriate, except that any motor carrier with military cargo shall be permitted to proceed, unless safety to the general public dictates otherwise, to the vehicle's destination for appropriate review therein and such action shall not be a violation of this Chapter. Violations for any dimensions or GVW in excess of permissible limits, as established by the provisions of this Chapter, shall be subject to the penalties cited in § 5112(a) of this Chapter;

(C) whenever a police officer or DPW inspector, upon weighing a vehicle and load, as provided above, determines that the GVW exceeds allowable limits, such police officer or DPW inspector may require the driver to stop the vehicle in a suitable area where corrective action can be determined by the police officer or DPW inspector. Corrective action may include removal of the non-conforming portion of the load and distribution to another vehicle, or allowance of the vehicle to proceed to another location for unloading. Nothing herein is intended to waive any applicable fines;

(D) every police officer or DPW inspector shall assist in the enforcement of this Chapter and of all rules adopted pursuant to this Chapter and issue citations for violations as appropriate;

(E) fines collected from citations issued by DPW inspectors for violations of this Subsection shall be deposited in the TESS Facility Fund, and shall be expended in accordance with § 5118 of this Chapter.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle, either with or without load, to an inspection and/or weighing, or who fails or refuses when directed by a police officer, DMV inspector, or DPW inspector upon inspection and/or weighing of the vehicle to discontinue the operation of the vehicle and otherwise comply with the provisions of this Section shall be guilty of a civil violation. Each violation for failure or refusal to stop and submit the vehicle to an inspection and/or take subsequent corrective actions shall be subject to the following:

(1) a first violation shall be subject to a penalty of One Hundred Dollars (\$100.00);

(2) a second violation of the provisions of this Subsection within a six (6) month period from the date of the first violation shall be subject to a penalty of Two Hundred Dollars (\$200.00);

(3) a third violation of the provisions of this Subsection within a six (6) month period from the date of a second violation shall be subject to a penalty of Five Hundred Dollars (\$500.00);

(4) a fourth violation of the provisions of this Subsection within a six (6) month period from the date of the third violation shall be subject to a penalty of One Thousand Dollars (\$1,000.00) and the operator shall be subject to revocation of their driver's license.

## **B. The Guam Administrative Rules and Regulations (GARR) 30 GARR-Revenue and Taxation Div.2 – License Division, Chapter 9**

### **Article 3 Motor Carrier Inspection**

§ 9301. General Provisions: Title and Authority.

§ 9302. Right of Entry and Inspections.

§ 9303. Non-Compliance with the Regulations. § 9301. General Provisions: Title and Authority.

#### **§ 9301. General Provisions: Title and Authority.**

The Director of the Department of Revenue and Taxation ("Director") may designate one (1) or more employees of the Department as inspectors to determine whether persons subject to the requirements of the Federal Motor Carrier Regulations (49 CFR Parts 385, 386, 390 through 399) and highway-related portions of the Federal Hazardous Materials Regulations (49 CFR Parts 107, 171 through 173, 177, 178, and 180) ("Regulations") are complying with the requirements of the Regulations. Pursuant to 16 GCA § 5116, as enacted by Public Law 19- 4, these Regulations were made effective on Guam by Executive Order 87- 27, executed on July 30, 1987. 16 GCA § 5116 also authorizes the Director to promulgate regulations providing for the right of entry and inspection; the right to inspect commercial motor vehicles; and the right to inspect and copy documents necessary to determine compliance with applicable law, rules and regulations related to motor carrier requirements by government personnel sufficient to enforce the Regulations.

SOURCE: Amended by P.L. 27-066:3 (Feb. 6, 2004).

### **§ 9302. Right of Entry and Inspection.**

Any employee designated pursuant to § 9101 shall have the following rights of entry and inspection:

- (a) Upon reasonable notice, to enter the business premises of any person subject to the requirements of the Regulations during regular business hours for purposes of examining the books and records of such person to determine the extent of compliance with the Regulations and to make copies of such portions of such books and records as may be relevant to compliance.
- (b) Upon reasonable notice, to enter the business premises of any person subject to the requirements of the Regulations during regular business hours for the purpose of inspecting equipment, cargoes, materials and supplies to determine the extent of compliance with the Regulations.
- (c) At any hour of the day or night, to halt and inspect any vehicle which is then engaged in activities or carrying cargo subject to the requirements of the Regulations for the purposes of determining whether such vehicle or cargo is in compliance with the Regulations.

### **§ 9303. Noncompliance with the Regulations.**

If any person subject to the requirements of the Regulations refuses or neglects to permit an entry or inspection that is authorized by these regulations, or, if the Director, after the making of an inspection that is authorized by these regulations, determines that there is a violation of the Regulations, he may, depending on the facts and circumstances, proceed in one or more of the following ways: (a) Refer to matter to the Attorney General for consideration of appropriate legal action; (b) Issue a cease and desist [order] with respect to any activity deemed to be in violation of the Regulations.

## **C. Criteria for Selection of CMVs for Inspection**

1. GDRT/MCSAP personnel will give priority to situations where there is an observed violation of the FMCSRs and local Guam laws. The violation may be related to the driver or vehicle equipment, and/or cargo securement.
2. Commercial Motor Vehicles with no valid CVSA decal may be selected for Inspection.
3. A Commercial Motor Vehicle displaying a valid CVSA decal will generally not be subject to re-inspection unless an equipment violation is observed or a driver violation has been discovered.
4. Commercial Motor Vehicles that have been previously inspected and numerous violations were discovered will be subject to a follow up Inspection at either the Roadside Inspection site or at the Motor Carrier's Place of Business.

## **D. Documentation**

1. All Inspections will be documented through the ASPEN inspection software.
  - Inspections shall be uploaded as soon as possible, but no later than the end of the Inspectors shift.
  - Inspections containing Out-of-Service violations shall be uploaded immediately.
  - If by any reason the ASPEN software is not available, the CVSA Inspection should be documented on a hand-written Driver-Vehicle Examination Report.
2. All Inspections shall be complete with Driver information (Name, DOB, DL#) along with the Motor Carrier information (Name, Address, Contact #). Citations issued during the Inspection shall also be listed in the Inspection report.

E. The GDRT/MCSAP is committed to the unbiased and equitable treatment of all persons in enforcing the law and providing services. Employees conducting motor vehicle enforcement, including CMV Inspections, will adhere to ECD Operational Order 4.1.100, which prohibits biased based policing of any type and notes the following:

1. It is the policy of the GDRT/MCSAP to uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities as identified in the FMCSA Title VI Program Assurance signed by the Director of the Department of Revenue and Taxation.
  - These authorities require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any GDRT/MCSAP program or activity on the basis of race, color, national origin, sex, age, disability, income level, or limited English proficiency. GDRT/MCSAP provides regular training of all personnel subject to this policy. This training shall include review of FMCSA Enforcement Memorandum #MC-ECE-2016-006 titled “English Language Proficiency Testing and Enforcement Policy” included with the comprehensive purpose of educating personal regarding Title VI and understanding properly how to respond to limited English proficient CMV drivers and Motor Carrier representatives.
  - Copies of the GDRT/MCSAP Title VI Public Notice are posted at the following location:

Link: <https://www.guamtax.com/about/mvd.html>

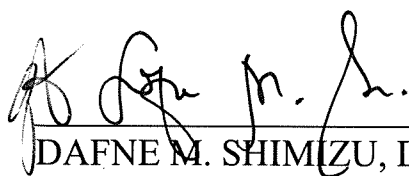
Guam Department of Revenue and Taxation Office  
1240 Army Drive, Barrigada, Guam 96913

- GDRT/MCSAP also has the Complaint Form and Complaint Procedures for Title VI-related complaints at the following location available for members of the public to obtain a copy for filing a complaint or to review:

Guam Department of Revenue and Taxation  
1240 Army Drive  
Barrigada, Guam 96921

2. As part of GDRT/MCSAP Title VI internal monitoring programs by the Title VI Coordinator, CMV enforcement, including commercial vehicle inspections, will be reviewed annually to ensure compliance with Title VI, provide any needed technical assistance in the implementation of Title VI, and correct/remove or replace any deficiencies found to exist.

APPROVED:



DAFNE M. SHIMIZU, Director  
Guam Department of Revenue and Taxation

8/10/21  
DATE

# **GUAM**

**DEPARTMENT OF REVENUE and TAXATION (DRT)  
MOTOR CARRIER SAFETY ASSISTANCE PROGRAM  
(MCSAP)**

# **FY2022 TITLE VI PROGRAM COMPLIANCE PLAN**

**Dafne Mansapit-Shimizu  
Director, Department of Revenue & Taxation**

**Marie Lizama  
Deputy Director, Department of Revenue & Taxation**

**John J. Terlaje  
Equal Employment Opportunity Officer**

**Timothy CSA. Lujan  
Motor Carrier Safety Assistance Program Coordinator**

## **Title VI Program Coordinator**

### **TITLE VI PROGRAM PLAN PURPOSE**

The Guam Department of Revenue & Taxation (GDRT) Motor Carrier Safety Assistance Program (MCSAP), Title VI Program Plan is prepared in accordance with 49 Code Federal Regulation 21 and 49 Code of Federal Regulation Part 303. This plan provides interested individuals with specific information that explains the Department's Title VI Program activities pertaining to organization and staffing, monitoring and review processes, complaint procedures, and Title VI assurances.

The provisions of this Title VI Program Plan apply to all recipients of Federal assistance with through GDRT/MCSAP. A recipient includes any public or private entity or any individual receiving the benefits of any Federal Motor Carrier Safety Administration Program (FMCSAP). The program applies to all phases of GDRT/MCSAP operations.

## **TITLE VI PROGRAM POLICY STATEMENT**

It is the policy of the GDRT/MCSAP, in accordance with Title VI of the Civil Rights Act of 1964 and the Assurances set forth in the GDRT/MCSAP's Title VI Plan Program Compliance to ensure that "no person shall on the grounds of race, color, national origin, sex, age, disability, low-income or LEP, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity" for which the GDRT/MCSAP receives Federal financial assistance. Furthermore, it shall be the policy of the GDRT/MCSAP to ensure that a recipient of Federal-aid funding, it will ensure non-discrimination in all of its programs and activities, whether federally funded or not. The GDRT/MCSAP is steadfast in its commitment to ensure the uniform adoption of this policy.

Accordingly, to ensure compliance with Title VI of the Civil Rights Act and related Non-discrimination authorities, the GDRT/MCSAP commits to:

1. Conduct and operate each of its programs and facilities in compliance with all requirements imposed by, or pursuant to, Title VI of the Civil Rights Act and related Non-discrimination authorities;
2. Provide non-discriminatory methods of administration for programs and to give other recipients, sub grantees, contractors, transferees, successors in interest, and other participants of Federal financial assistance under such programs will comply with all requirements imposed by Title VI of the Civil Rights Act and related Non-discrimination authorities;
3. Promptly take any measures necessary to effect compliance with Title VI of the Civil Rights Act and related Non-discrimination authorities' directives.

Further, the GDRT/MCSAP efforts to prevent discrimination will address but not limited to: a program's impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, and investigation of complaints.

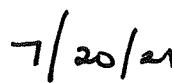


In accordance with Federal Motor Carrier Safety Administration regulations as required by 49 Code of Federal Regulation 21 and 49 Code of Federal Regulation Part 303, the GDRT/MCSAP has developed procedures for prompt processing and disposition of Title VI complaints. Any person believing the GDRT/MCSAP or any of its sub-recipients has violated Title VI Program requirements in the administration of its programs or activities may file a complaint with the GDRT/MCSAP Equal Employment Opportunity Office.

Overall responsibility for this policy is assigned to the Director of the Department of Revenue and Taxation located at 1240 Army Drive, Barrigada, Guam 96913. The MCSAP Coordinator is appointed as the Title VI Coordinator for the GDRT/MCSAP and is responsible for the implementation of the GDRT/MCSAP Title VI Program in coordination with affected GDRT/MCSAP personnel. The Guam Department of Revenue and Taxation Equal Employment Opportunity Officer will be empowered to address all issues under the Title VI Program, whether employment related or otherwise.

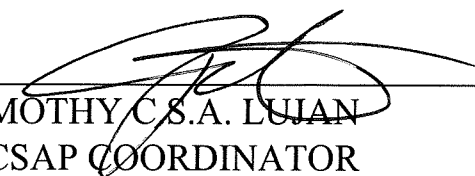
Individuals with questions or need additional information relating to the policy or the implementation of the GDRT/MCSAP Title VI Program should contact the Title VI Coordinator located at the Department of Revenue and Taxation, 1240 Army Drive, Barrigada, Guam 96913 or call (671) 635-1750.

  
\_\_\_\_\_  
DAFNE MANSAPIT-SHIMIZU  
DIRECTOR

  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
JOHN J. TERLAJE  
EEEO

  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
TIMOTHY C.S.A. LUJAN  
MCSAP COORDINATOR  
TITLE VI PROGRAM COORDINATOR

  
\_\_\_\_\_  
DATE

## TITLE VI PROGRAM ASSURANCES

The **GDRT/MCSAP** (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

### Statutory/Regulatory Authorities

- 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve

Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice:

[http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the *“application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.”* When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s *“Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,”* dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

### **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

## **Specific Assurances**

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The **GDRT/MCSAP**, 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 the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;*

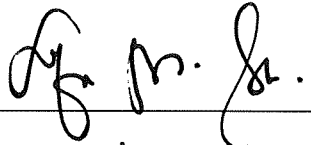
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties;


- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.
11. The Recipient stipulates that the policies and procedures delineated in this document are planned and may not be effectuated immediately. The Recipient also stipulates that the policies and procedures may be subject to administrative review and/or amendments prior to full implementation

By signing this ASSURANCE, **GDRT/MCSAP** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

GDRT/MCSAP gives the ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FMCSA Program Assurance. This ASSURANCE is binding on GUAM, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

DAFNE MANSAPIT-SHIMIZU

By  \_\_\_\_\_

Dated  \_\_\_\_\_

## 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 Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), 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, national origin, sex, age, disability, income-level, or LEP 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 as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials 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 or supplier 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, national origin, sex, age, disability, income-level, or LEP.
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 FMCSA 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 FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA 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 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 FMCSA 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.



## CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

### APPENDIX B

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the **GDRT/MCSAP** will accept title to the lands and maintain the project constructed thereon in accordance with (***Title 23, United States Code***), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **GDRT/MCSAP** all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto **GDRT/MCSAP** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **GDRT/MCSAP**, its successors and assigns.

The **GDRT/MCSAP**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the **GDRT/MCSAP** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

(\*Reverted clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)

## CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM

### APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **GDRT/MCSAP** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **GDRT/MCSAP** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **GDRT/MCSAP** and its assigns.\*

(\*Reverted clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY  
ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM**

**APPENDIX D**

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by **GDRT/MCSAP** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **GDRT/MCSAP** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **GDRT/MCSAP** will there upon revert to and vest in and become the absolute property of **GDRT/MCSAP** and its assigns.\*

(\*Reverted clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

## 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 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. 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 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“....which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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 non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (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 *et seq*).

## **DESCRIPTION OF FEDERAL-AID PROGRAMS**

The **GDRT/MCSP** seeks to apply for (MCSAP) Basic and Incentive grants through the Federal Motor Carrier Safety Administration. On occasion, the **GDRT/MCSAP** also seeks to obtain additional FMCSA grant funding through High Priority, Safety Data Improvement, and Performance and Registration Information Systems Management grant programs. As the GDRT lead MCSAP agency, as designated by our Governor, the **GDRT/MCSAP** is responsible for developing strategies aimed at reducing crashes, injuries and fatalities involving large trucks and buses. The receipt of federal aid from the FMCSA enables the GDRT/MCSAP to further our safety mission to the equal benefit of all those who travel our highways.

## NOTICE TO THE PUBLIC

Guam Department of Revenue and Taxation, Motor Carrier Safety Assistance Program (**GDRT/MCSAP**) Title VI Program Notice to Public/Beneficiaries/Participants

The **GDRT/MCSAP** hereby gives notice that it is the policy of the Department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, E.O. 12898, and related Nondiscrimination authorities in all programs and activities. Title VI and related Nondiscrimination authorities requires that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income or LEP, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the GDRT/MCSAP receives federal financial assistance.

Any person seeking more information regarding the Title VI Program or wishing to file a complaint may contact the **GDRT/MCSAP**. Any such complaint must be in writing and filed with the Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms can be obtained on the GDRT/MCSAP website or from the GDRT/MCSAP Equal Employment Opportunity Office by calling (671) 635-1749.

**GDRT/MCSAP** has posted a copy of this Notice to the Public on the GDRT website and is also available to be viewed at the Department of Revenue and Taxation, Office of Motor Carrier Safety located at 1240 Army Drive Barrigada Guam.

Website link: <https://www.guamtax.com/about/mvd.html>

## **SUB-RECIPIENT COMPLIANCE REPORTS**

The GDRT/MCSAP does not sub-award FMCSA funds to other Recipients.



## **TITLE VI PROGRAM PLAN TRAINING**

Upon hire all new employees will be trained in a classroom setting sponsored by the **GDRT/MCSAP** Equal Employment Opportunity Office regarding Title VI and Nondiscrimination-related policies.

Upon appointment new **GDRT/MCSAP** Equal Employment Office Liaisons will be trained in a classroom setting by the GDRT/MCSAP Title VI Coordinator. All **GDRT/MCSAP** Equal Employment Office Liaisons will be trained bi-annual by the GDRT/MCSAP Title VI Coordinator regarding Title VI and Nondiscrimination-related policies.

All employees will be trained bi-annually in a classroom setting sponsored by the **GDRT/MCSAP** Equal Employment Opportunity Office regarding Title VI and Nondiscrimination-related policies.

All employees will be trained by-annually by a web-based training sponsored by the GDRT/MCSAP Equal Employment Opportunity Office regarding Title VI and Nondiscrimination-related policies.

Upon promotion, all supervisors will be trained in a classroom setting by the **GDRT/MCSAP** Equal Employment Opportunity Office regarding Title VI and Nondiscrimination-related policies.

## **MAINTENANCE OF RECORDS**

The Title VI Coordinator will maintain permanent records, which include, but are not limited to: implementation of Title VI Program requirements, Title VI complaints or lawsuits, and related documentation, records of correspondence to and from complainants, and Title VI investigations. These documents shall be made available to Federal Motor Carrier Safety Administration (FMCSA) staff upon request for compliance reviews and/or complaint investigations conducted by the FMCSA. These documents shall also be made available to FMCSA Staff through periodic submission as required by FMCSA.

## DISCRIMINATION COMPLAINT PROCEDURE

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the **GDRT/MCSAP** Equal Employment Opportunity Office.
2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
  - a. The date of alleged act of discrimination.
3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an employee of the **GDRT/MCSAP**, the person shall be interviewed by an **GDRT/MCSAP** Equal Employment Opportunity Office (EEOO) Liaison. If necessary, the **GDRT/MCSAP** EEOO Liaison will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the **GDRT/MCSAP**' investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of the action taken or proposed action to process the allegation and advise the complainant of other avenues of redress available, such as Federal Motor Carrier Safety Administration.
5. Upon request by the Federal Motor Carrier Safety Administration (FMCSA) National Title VI Program Manager, the **GDRT/MCSAP** will submit a copy of its **MCSAP** Complaint Log and any associated case files to the FMCSA National Title VI Program Manager for review. Generally, the following information will be included in every notification to the Federal Motor Carrier Safety Administration.
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of alleged discriminating employees.
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability, low-income or LEP).
  - d. Date of alleged discriminator act(s).
  - e. Date the complaint was received.
  - f. A statement of the complaint.
  - g. Other agencies (state, local, or Federal) where the complaint has been filed.
  - h. An explanation of the actions the **GDRT/MCSAP** has taken or proposed to resolve the issue raised in the complaint.

6. Within 60 days a **GDRT/MCSAP** EEOO Liaison will conduct an investigation of the allegation and based on the information obtained, will submit a general investigation report to the Title VI Coordinator. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the general investigation report.
7. Within 90 days of receipt of the complaint, the Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The Title VI Coordinator will advise the complainant of his or her appeal rights with the Director, Department of Revenue and Taxation.
8. In the event the Director cannot satisfactorily resolve the matter, the complainant may appeal the matter with the Department of Labor, Fair Employment Practice Agency.

## **STATUS OF CORRECTIVE ACTION IMPLEMENTED BY APPLICANT TO ADDRESS DEFICIENCIES PREVIOUSLY IDENTIFIED DURING A TITLE VI PROGRAM COMPLIANCE REVIEW**

The **GDRT/MCSAP** has not experienced a Federally-conducted Title VI Compliance Program Review to date.

## **COMMUNITY PARTICIPATION PROCESS**

This Section is not applicable to Guam

## **CMV Inspection Selection and Unbiased Enforcement Policies**

Please refer to GDRT/MCSAP's CMV Inspection Selection and Unbiased Enforcement Policy (see attached).

## **CMV Inspection Selection and Unbiased Enforcement Policy**

### **I. Purpose:**

The Guam Department of Revenue and Taxation (GDRT) / Motor Carrier Safety Assistance Program (MCSAP) personnel are committed to enhancing public safety through the consistent and objective enforcement of the Federal Motor Carrier Safety Regulations (FMCSR) and local Guam laws pertaining to Commercial Motor Vehicles (CMV). The purpose for this policy is to establish uniform guidelines for the selection of CMVs for the purpose of conducting an Inspection.

### **II. Policy**

It is the policy of the GDRT/MCSAP Division to concentrate inspection efforts on CMVs that have a negative impact on traffic safety. Inspections will be conducted **only** by Commercial Vehicle Safety Alliance (CVSA) certified employees utilizing the North American Standard Inspection process set forth by the CVSA.

### **III. Definitions: Guam Code Annotated Title 16, Chapter 5, section 5101**

As used in this Chapter, the following definitions will hold true:

Gross Combination Weight (GCW): The total weight of the power unit and the total weight of the towed unit and any load thereon.

Gross Combination Weight Rating (GCWR): The value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

Gross Vehicle Weight (GVW): The total weight of the loaded vehicle. This includes the vehicle itself and the cargo that is loaded within that vehicle.

Gross Vehicle Weight Rating (GVWR): The value specified by the manufacturer as the loaded weight of a single motor vehicle.

Highway: The entire width between the boundary lines of every publicly maintained surface, when any part thereof is open to the use of the public for purposes of vehicular travel; synonymous and interchangeable in usage with "street".

Load: A weight or quantity of anything resting upon a support.

Motor Vehicle: A vehicle which is self-propelled or propelled by electric power obtained from overhead trolley wires, but not operating upon rails.

Semi-Trailer: A vehicle designed for carrying persons or property and drawn by a truck-tractor on which parts of its weight and load rests.

Trailer: A vehicle designed for carrying persons or property and drawn by a motor vehicle which carries no part of the weight and load of the trailer on its own wheels.

Truck: A motor vehicle designed, used or maintained primarily for the transportation of property.

Truck-Tractor: A motor vehicle designed for drawing other vehicles, but not for a load other than a part of the weight of the vehicle and load drawn.

Vehicle: A device in, upon or by which any person or property may be transported or drawn upon a highway.

Vehicle Combination: A truck-tractor and semi-trailer, either with or without a full trailer, or a truck with one (1) or more full trailers.

## **IV. Procedure**

### **A. General**

#### **1. The GDRT/MCSAP complies with the **Guam Code Annotated (G.C.A.) Title 16, Chapter 5****

§ 5109. Authority to Stop, Inspect and Weigh Vehicles; Removal of Excess Loads.

(a) For purposes of the enforcement of this Chapter, the Director of Revenue and Taxation (DRT Director) and the DPW Director shall have such powers of enforcement as may be necessary to implement their respective responsibilities under this Chapter.

(1) The DRT Director, whose department is primarily responsible for implementing and enforcing this Chapter as such relates to the registration and safety of vehicles, may delegate enforcement to the Administrator of the Division of Motor Vehicles/Motor Carrier Safety Assistance Program (DMV/MCSAP).

(2) The DPW Director, whose department is primarily responsible for implementing and enforcing this Chapter as such relates to truck gross weight and the safety and maintenance of Guam's public roads, streets and highways, may delegate the enforcement of this Chapter to the Administrator of the Division of Highways.

(b) For the purpose of the safety, welfare and health of the general public, and the safe transportation of hazardous materials, waste and other materials on any public road, street or highway, and the enforcement of this Chapter and of all rules adopted pursuant to this Chapter, the responsibilities of each agency shall be as follows:

(1) Department of Revenue and Taxation (DRT):

(A) inspect business premises, buildings, freight and equipment of commercial motor carriers;

(B) stop and inspect freight and equipment of all motor carriers operating on any public road, street or highway, except that any motor carrier with military cargo shall be permitted to proceed, unless safety to the general public dictates otherwise, to the vehicle's destination for appropriate review therein and such action shall not be a violation of this Chapter;

(C) inspect shipping papers and hazardous waste manifests of all motor carriers and persons subject to this Chapter operating on any public road, street or highway;

(D) during the course of an inspection, weigh any vehicle and/or combination of vehicles equipped wholly with pneumatic tires to ensure compliance with the provisions of § 5107(c)(1) and (2) of this Chapter;

(E) whenever a police officer or DMV/MCSAP inspector, upon inspection of a vehicle and/or load, determines the existence of a violation, a citation may be issued. The vehicle may be allowed to proceed directly to its own shop or facility for correction. When a vehicle is found to be unsafe to the driver or the public, the police officer or DMV/MCSAP inspector has the authority to direct the discontinuance of the vehicle passage and require corrective action on the spot as appropriate, and such vehicle shall not be allowed back into normal operations until corrections are made;

(F) every police officer, or DMV/MCSAP inspector shall assist in the enforcement of this Chapter and of all rules adopted pursuant to this Chapter and may issue citations for violations as appropriate; and

(G) fines collected from citations issued by DMV/MCSAP inspectors for violations of this Subsection shall be deposited in the Better Public Service Fund and expended in accordance with § 16101 of Chapter 161, Title 11, Guam Code Annotated.

(2) Department of Public Works (DPW):

(A) operate the Truck Enforcement Screening Station (TESS) Facility located on Route 11 to weigh vehicles and/or combinations of vehicles operating on Guam's roads, streets, or highways;

(B) every police officer or DPW inspector having reason to believe that the weight or dimension of a vehicle operating on a public road, street or highway, either with or without load, is in violation of the provisions of this Chapter, shall be authorized to require the driver to stop and submit to an inspection of same by means of portable scales, static scales, or weigh-in-motion scales, or as otherwise appropriate, except that any motor carrier with military cargo shall be permitted to proceed, unless safety to the general public dictates otherwise, to the vehicle's destination for appropriate review therein and such action shall not be a violation of this Chapter. Violations for any dimensions or GVW in excess of permissible limits, as established by the provisions of this Chapter, shall be subject to the penalties cited in § 5112(a) of this Chapter;

(C) whenever a police officer or DPW inspector, upon weighing a vehicle and load, as provided above, determines that the GVW exceeds allowable limits, such police officer or DPW inspector may require the driver to stop the vehicle in a suitable area where corrective action can be determined by the police officer or DPW inspector. Corrective action may include removal of the non-conforming portion of the load and distribution to another vehicle, or allowance of the vehicle to proceed to another location for unloading. Nothing herein is intended to waive any applicable fines;

(D) every police officer or DPW inspector shall assist in the enforcement of this Chapter and of all rules adopted pursuant to this Chapter and issue citations for violations as appropriate;



(E) fines collected from citations issued by DPW inspectors for violations of this Subsection shall be deposited in the TESS Facility Fund, and shall be expended in accordance with § 5118 of this Chapter.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle, either with or without load, to an inspection and/or weighing, or who fails or refuses when directed by a police officer, DMV inspector, or DPW inspector upon inspection and/or weighing of the vehicle to discontinue the operation of the vehicle and otherwise comply with the provisions of this Section shall be guilty of a civil violation. Each violation for failure or refusal to stop and submit the vehicle to an inspection and/or take subsequent corrective actions shall be subject to the following:

(1) a first violation shall be subject to a penalty of One Hundred Dollars (\$100.00);

(2) a second violation of the provisions of this Subsection within a six (6) month period from the date of the first violation shall be subject to a penalty of Two Hundred Dollars (\$200.00);

(3) a third violation of the provisions of this Subsection within a six (6) month period from the date of a second violation shall be subject to a penalty of Five Hundred Dollars (\$500.00);

(4) a fourth violation of the provisions of this Subsection within a six (6) month period from the date of the third violation shall be subject to a penalty of One Thousand Dollars (\$1,000.00) and the operator shall be subject to revocation of their driver's license.

## **B. The Guam Administrative Rules and Regulations (GARR) 30 GARR-Revenue and Taxation Div.2 – License Division, Chapter 9**

### **Article 3 Motor Carrier Inspection**

§ 9301. General Provisions: Title and Authority.

§ 9302. Right of Entry and Inspections.

§ 9303. Non-Compliance with the Regulations. § 9301. General Provisions: Title and Authority.

#### **§ 9301. General Provisions: Title and Authority.**

The Director of the Department of Revenue and Taxation ("Director") may designate one (1) or more employees of the Department as inspectors to determine whether persons subject to the requirements of the Federal Motor Carrier Regulations (49 CFR Parts 385, 386, 390 through 399) and highway-related portions of the Federal Hazardous Materials Regulations (49 CFR Parts 107, 171 through 173, 177, 178, and 180) ("Regulations") are complying with the requirements of the Regulations. Pursuant to 16 GCA § 5116, as enacted by Public Law 19- 4, these Regulations were made effective on Guam by Executive Order 87- 27, executed on July 30, 1987. 16 GCA § 5116 also authorizes the Director to promulgate regulations providing for the right of entry and inspection; the right to inspect commercial motor vehicles; and the right to inspect and copy documents necessary to determine compliance with applicable law, rules and regulations related to motor carrier requirements by government personnel sufficient to enforce the Regulations.

SOURCE: Amended by P.L. 27-066:3 (Feb. 6, 2004).

### **§ 9302. Right of Entry and Inspection.**

Any employee designated pursuant to § 9101 shall have the following rights of entry and inspection:

- (a) Upon reasonable notice, to enter the business premises of any person subject to the requirements of the Regulations during regular business hours for purposes of examining the books and records of such person to determine the extent of compliance with the Regulations and to make copies of such portions of such books and records as may be relevant to compliance.
- (b) Upon reasonable notice, to enter the business premises of any person subject to the requirements of the Regulations during regular business hours for the purpose of inspecting equipment, cargoes, materials and supplies to determine the extent of compliance with the Regulations.
- (c) At any hour of the day or night, to halt and inspect any vehicle which is then engaged in activities or carrying cargo subject to the requirements of the Regulations for the purposes of determining whether such vehicle or cargo is in compliance with the Regulations.

### **§ 9303. Noncompliance with the Regulations.**

If any person subject to the requirements of the Regulations refuses or neglects to permit an entry or inspection that is authorized by these regulations, or, if the Director, after the making of an inspection that is authorized by these regulations, determines that there is a violation of the Regulations, he may, depending on the facts and circumstances, proceed in one or more of the following ways: (a) Refer to matter to the Attorney General for consideration of appropriate legal action; (b) Issue a cease and desist [order] with respect to any activity deemed to be in violation of the Regulations.

## **C. Criteria for Selection of CMVs for Inspection**

1. GDRT/MCSAP personnel will give priority to situations where there is an observed violation of the FMCSRs and local Guam laws. The violation may be related to the driver or vehicle equipment, and/or cargo securement.
2. Commercial Motor Vehicles with no valid CVSA decal may be selected for Inspection.
3. A Commercial Motor Vehicle displaying a valid CVSA decal will generally not be subject to re-inspection unless an equipment violation is observed or a driver violation has been discovered.
4. Commercial Motor Vehicles that have been previously inspected and numerous violations were discovered will be subject to a follow up Inspection at either the Roadside Inspection site or at the Motor Carrier's Place of Business.

## **D. Documentation**

1. All Inspections will be documented through the ASPEN inspection software.
  - Inspections shall be uploaded as soon as possible, but no later than the end of the Inspectors shift.
  - Inspections containing Out-of-Service violations shall be uploaded immediately.
  - If by any reason the ASPEN software is not available, the CVSA Inspection should be documented on a hand-written Driver-Vehicle Examination Report.
2. All Inspections shall be complete with Driver information (Name, DOB, DL#) along with the Motor Carrier information (Name, Address, Contact #). Citations issued during the Inspection shall also be listed in the Inspection report.

E. The GDRT/MCSAP is committed to the unbiased and equitable treatment of all persons in enforcing the law and providing services. Employees conducting motor vehicle enforcement, including CMV Inspections, will adhere to ECD Operational Order 4.1.100, which prohibits biased based policing of any type and notes the following:

1. It is the policy of the GDRT/MCSAP to uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities as identified in the FMCSA Title VI Program Assurance signed by the Director of the Department of Revenue and Taxation.
  - These authorities require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any GDRT/MCSAP program or activity on the basis of race, color, national origin, sex, age, disability, income level, or limited English proficiency. GDRT/MCSAP provides regular training of all personnel subject to this policy. This training shall include review of FMCSA Enforcement Memorandum #MC-ECE-2016-006 titled “English Language Proficiency Testing and Enforcement Policy” included with the comprehensive purpose of educating personal regarding Title VI and understanding properly how to respond to limited English proficient CMV drivers and Motor Carrier representatives.
  - Copies of the GDRT/MCSAP Title VI Public Notice are posted at the following location:

Link: <https://www.guamtax.com/about/mvd.html>

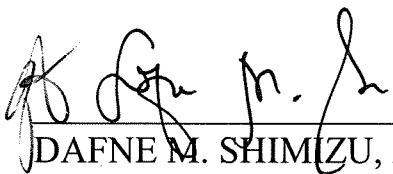
Guam Department of Revenue and Taxation Office  
1240 Army Drive, Barrigada, Guam 96913

- GDRT/MCSAP also has the Complaint Form and Complaint Procedures for Title VI-related complaints at the following location available for members of the public to obtain a copy for filing a complaint or to review:

Guam Department of Revenue and Taxation  
1240 Army Drive  
Barrigada, Guam 96921

2. As part of GDRT/MCSAP Title VI internal monitoring programs by the Title VI Coordinator, CMV enforcement, including commercial vehicle inspections, will be reviewed annually to ensure compliance with Title VI, provide any needed technical assistance in the implementation of Title VI, and correct/remove or replace any deficiencies found to exist.

APPROVED:

  
\_\_\_\_\_  
DAFNE M. SHIMIZU, Director

Guam Department of Revenue and Taxation

8 | 10 | 21  
\_\_\_\_\_  
DATE

## **TITLE VI DISCRIMINATION COMPLAINT**

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### **GDRT/MCSAP: Tracking Number:**

The information on this form should be completed for all alleged Title VI discrimination complaints. The completed complaint form should be signed by the complainant. Upon completion, please forward to the GDRT/MCSAP office at 1240 Army Drive Barrigada, Guam 96921 or P.O. Box 23607 GMF, Guam 96921.

### **Agency Name and Address:**

1. Complainant's Name:

Home Telephone No.:

Home Address:

2. Are you currently employed by the above Agency?

☐ Yes

☐ No

3. Location of discrimination

4. Date of the Alleged Discrimination

5. Basis of the Alleged Discriminatory Practice

☐ RACE

☐ AGE

☐ SEX

☐ DISABILITY

☐ NATIONAL ORIGIN

☐ LIMITED ENGLISH PROFICIENCY

☐ COLOR

☐ OTHER (SPECIFY)

☐ LOW INCOME

\_\_\_\_\_

6. The Discrimination occurred in connection with:

7. Facts of the Alleged Discriminatory Practice are:

(OVER)

(REVERSE)

8. Please provide documents which documents which form the basis for the discriminatory practice you are claiming. As indicated in your response to number 5 of this form. Describe attachments:

9. Person(s) who you believe discriminated against you.

Name	Title	Telephone Number
_____	_____	_____
_____	_____	_____

10. Have you filed your complaint with any outside Agency? If "Yes", what Agency did you file with?

\_\_\_\_\_  
Complainant's Signature Date

\_\_\_\_\_  
Signature of GDRT/MCSAP Date  
Title VI Coordinator or EEOO Liaison

## **FY 2022 Certification of MCSAP Conformance (State Certification)**

I, **Dafne M. Shimizu, Director**, on behalf of the **U.S. Territory of Guam**, as requested by the Administrator as a condition of approval of a grant under the authority of 49 U.S.C. § 31102, as amended, do hereby certify as follows:

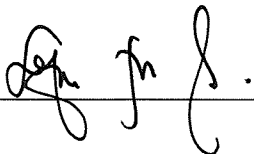
1. The State has designated **Guam Department of Revenue and Taxation (GDRT)** as the Lead State Agency to administer the Commercial Vehicle Safety Plan (CVSP) throughout the State for the grant sought and (names of agencies) to perform defined functions under the CVSP.
2. The State has assumed responsibility for and adopted commercial motor carrier and highway hazardous materials safety regulations, standards and orders that are compatible with the FMCSRs and the HMRs, and the standards and orders of the Federal Government.
3. The State will cooperate in the enforcement of financial responsibility requirements under 49 C.F.R. part 387.
4. The State will enforce registration (i.e., operating authority) requirements under 49 U.S.C §§ 13902 and 31134 by prohibiting the operation of any vehicle discovered to be operating without the required registration or beyond the scope of the motor carrier's registration.
5. The laws of the State provide the State's enforcement officials right of entry (or other method a State may use that is adequate to obtain the necessary information) and inspection sufficient to carry out the purposes of the CVSP, as approved.
6. The Lead State Agency and any subrecipient of MCSAP funds have the legal authority, resources, and qualified personnel necessary to enforce the State's commercial motor carrier, driver, and highway hazardous materials safety laws, regulations, standards, and orders.
7. The State has undertaken efforts to emphasize and improve enforcement of State and local traffic laws as they pertain to CMV safety.
8. The State will obligate the funds or resources necessary to provide a matching share to the Federal assistance provided in the grant to administer the plan submitted and to enforce the State's commercial motor carrier safety, driver, and hazardous materials laws, regulations, standards, and orders in a manner consistent with the approved plan.
9. The State will maintain the maintenance of effort required under 49 C.F.R. § 350.225.
10. The State requires that all reports required in the CVSP be available to FMCSA upon request, meets the reporting requirements, and uses the forms for recordkeeping, inspections, and investigations that FMCSA prescribes.
11. The State implements performance-based activities, including deployment and maintenance of technology, to enhance the efficiency and effectiveness of CMV safety programs.

11. The State implements performance-based activities, including deployment and maintenance of technology, to enhance the efficiency and effectiveness of CMV safety programs.
12. The State dedicates sufficient resources to a program to ensure that accurate, complete, and timely motor carrier safety data are collected and reported, and to ensure the State's participation in a national motor carrier safety data correction system prescribed by FMCSA.
13. The State will ensure that the Lead State Agency will coordinate the CVSP, data collection, and information systems with the State highway safety improvement program under 23 U.S.C. § 148(c).
14. The State will ensure participation in information technology and data systems as required by FMCSA for jurisdictions receiving MCSAP funding.
15. The State will ensure that information is exchanged with other States in a timely manner.
16. The laws of the State provide that the State will grant maximum reciprocity for inspections conducted pursuant to the North American Standard Inspection procedure, through the use of a nationally accepted system allowing ready identification of previously inspected CMVs.
17. The State will conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors.
18. The State will ensure that it has departmental policies stipulating that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel.
19. The State will ensure that, except in the case of an imminent or obvious safety hazard, an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where motor carriers may make planned stops (excluding a weigh station).
20. The State will address activities in support of the national program elements listed in 49 C.F.R. § 350.203.
21. The State will ensure that detection of criminal activities and CMV size and weight enforcement activities described in 49 C.F.R. § 350.227(b) funded with MCSAP funds will not diminish the effectiveness of other CMV safety enforcement programs.
22. The State will ensure that violation sanctions imposed and collected by the State are consistent, effective, and equitable.
23. The State will include, in the training manual for the licensing examination to drive a non-CMV and the training manual for the licensing examination to drive a CMV, information on best practices for safe driving in the vicinity of noncommercial and commercial motor vehicles.



24. The State has in effect a requirement that registrants of CMVS demonstrate their knowledge of the applicable FMCSRs, HMRs, or compatible State laws, regulations, standards, and orders on CMV safety.
25. The State will transmit to its roadside inspectors at the notice of each Federal exemption granted pursuant to 49 U.S.C. § 31315(b) and 49 C.F.R. §§ 390.32 and 390.25 as provided to the State by FMCSA, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.
26. Except for a territory of the United States, the State will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under 49 U.S.C. § 31144(g). The State must verify the quality of the work conducted by a third party authorized to conduct safety audits under 49 U.S.C. § 31144(g) on its behalf, and the State remains solely responsible for the management and oversight of the activities.
27. The State will fully participate in the performance and registration information systems management program under 49 U.S.C. § 31106(b) not later than October 1, 2020, or demonstrates to FMCSA an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety.
28. The State will ensure that it cooperates in the enforcement of hazardous materials safety permits issued under subpart E of part 385 of this subchapter by verifying possession of the permit when required while conducting vehicle inspections and investigations, as applicable.
29. In the case of a State that shares a land border with another country, the State may conduct a border CMV safety program focusing on international commerce that includes enforcement and related projects or will forfeit all MCSAP funds based on border-related activities.
30. In the case that a State meets all MCSAP requirements and funds operation and maintenance costs associated with innovative technology deployment with MCSAP funds, the State agrees to comply with the requirements established in 49 C.F.R. subpart D.

Date 8/3/21

Signature 

## Annual Review of Laws, Regulations, Policies and Compatibility Certification

I, **Dafne M. Shimizu, Director Guam Department of Revenue and Taxation**, on behalf of the State of **Guam** have the authority to make the following certification on behalf of the State. I certify that the State has conducted the annual review required by 49 C.F.R. section 350.303 of its laws, regulations, standards, and orders on commercial motor vehicle (CMV) safety and that the State's safety laws, regulations, standards, and orders on CMV safety are compatible with the Federal Motor Carrier Safety Regulations (49 C.F.R. parts 390, 391, 392, 393, 395, 396, and 397) and the Hazardous Material Regulations (49 C.F.R. parts 107 (subparts F and G only), 171-173, 177, 178, and 180), except as may be determined by the Administrator to be inapplicable to a State enforcement program.

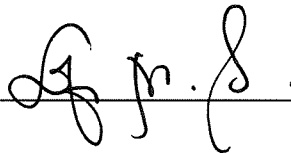
For the purpose of this certification, *compatible* means State laws, regulations, standards, and orders on CMV safety that:

- (1) As applicable to interstate commerce not involving the movement of hazardous materials:
  - (i) Are identical to or have the same effect as the FMCSRs; or
  - (ii) If in addition to or more stringent than the FMCSRs, have a safety benefit, do not unreasonably frustrate the Federal goal of uniformity, and do not cause an unreasonable burden on interstate commerce when enforced;
- (2) As applicable to intrastate commerce not involving the movement of hazardous materials:
  - (i) Are identical to or have the same effect as the FMCSRs; or
  - (ii) Fall within the limited variances from the FMCSRs allowed under 49 C.F.R. sections 350.305 or 350.307; and
- (3) As applicable to interstate and intrastate commerce involving the movement of hazardous materials, are identical to the HMRs.

If there are any exceptions that should be noted to the above certification, include an explanation below.

**(Enter information on any exceptions to the above certification here)**

**Signature of Certifying Official:** \_\_\_\_\_



**Title of Certifying Official:** Director

**Date of Certification:** \_\_\_\_\_

8/3/21

OFFICE OF THE SECRETARY  
Washington, DC 20240

**Filing Ref.:**  
Last Negotiation Agreement  
dated: 02/26/2020

## Section I: Rate

Start Date	End Date	Rate Type					
10/01/2020	09/30/2021	Fixed Carry forward	Name	Rate	Base	Location	Applicable To
			Indirect	22.13 %	(A)	All	BOSP
			Indirect	0.00 %	(A)	All	AGR (PR/DJ)
			Indirect	55.11 %	(A)	All	GBHWC
			Indirect	8.31 %	(A)	All	Mil Affairs
			Indirect	84.81 %	(A)	All	Parks & Rec
			Indirect	20.04 %	(A)	All	DPHSS
			Indirect	25.38 %	(A)	All	Public Works
			Indirect	5.12 %	(A)	All	DISID
			Indirect	38.45 %	(A)	All	Youth Affairs
			Indirect	0.16 %	(A)	All	CAHA
			Indirect	1.90 %	(A)	All	Energy
			Indirect	0.00 %	(A)	All	GEPA
			Indirect	1.19 %	(A)	All	Library
			Indirect	4.00 %	(A)	All	Governor
			Indirect	0.00 %	(A)	All	AG-Child Support
			Indirect	4.04 %	(A)	All	AG-Crime Victims
			Indirect	5.43 %	(A)	All	DRT

**Section I: Rate** (continued)

			Indirect	1.25 %	(A)	All	Police
			Indirect	0.00 %	(A)	All	Labor
			Indirect	0.00 %	(A)	All	DOL-WDTD
			Indirect	8.84 %	(A)	All	Home Sec

**(A) Base:** Total direct salaries and wages, excluding fringe benefits. The rate applies to all programs administered by the non-federal entity. To determine the amount of indirect costs to be billed under this agreement, direct salaries and wages should be summed and multiplied by the rate. All other program costs, including fringe benefits associated with direct salaries and wages, should be eliminated from the calculation.

**Treatment of fringe benefits:** Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

## Section II: General

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- A. **Limitations:** Use of the rate(s) contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rate(s) agreed to herein is predicated upon these conditions: (1) no costs other than those incurred by the subject organization were included in its indirect cost rate proposal, (2) all such costs are the legal obligations of the grantee/contractor, (3) similar types of costs have been accorded consistent treatment, and (4) the same costs that have been treated as indirect costs have not been claimed as direct costs (for example, supplies can be charged directly to a program or activity as long as these costs are not part of the supply costs included in the indirect cost pool for central administration).
- B. **Audit:** All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation.
- C. **Changes:** The rate(s) contained in this agreement are based on the accounting system in effect at the time the proposal was submitted. Changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rate(s) in this agreement may require the prior approval of the cognizant agency. Failure to obtain such approval may result in subsequent audit disallowance.
- D. **Rate Type:**
1. **Fixed Carryforward Rate:** The fixed carryforward rate is based on an estimate of the costs that will be incurred during the period for which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to the rate for a future period, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.
  2. **Provisional/Final Rate:** Within six (6) months after year end, a final indirect cost rate proposal must be submitted based on actual costs. Billings and charges to contracts and grants must be adjusted if the final rate varies from the provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the organization may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the organization will be required to pay back the difference to the funding agency.
  3. **Predetermined Rate:** A predetermined rate is an indirect cost rate applicable to a specified current or future period, usually the organization's fiscal year. The rate is based on an estimate of the costs to be incurred during the period. A predetermined rate is not subject to adjustment.
- E. **Rate Extension:** Only final and predetermined rates may be eligible for consideration of rate extensions. Requests for rate extensions of a current rate will be reviewed on a case-by-case basis. If an extension is granted, the non-Federal entity may not request a rate review until the extension period ends. In the last year of a rate extension period, the non-Federal entity must submit a new rate proposal for the next fiscal period.
- F. **Agency Notification:** Copies of this document may be provided to other federal offices as a means of notifying them of the agreement contained herein.
- G. **Record Keeping:** Organizations must maintain accounting records that demonstrate that each type of cost has been treated consistently either as a direct cost or an indirect cost. Records pertaining to the costs of program administration, such as salaries, travel, and related costs, should be kept on an annual basis.
- H. **Reimbursement Ceilings:** Grantee/contractor program agreements providing for ceilings on indirect cost rates or reimbursement amounts are subject to the ceilings stipulated in the contract or grant agreements. If the ceiling rate is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.
- I. **Use of Other Rates:** If any federal programs are reimbursing indirect costs to this grantee/contractor by a measure other than the approved rate(s) in this agreement, the grantee/contractor should credit such costs to the

**Section II: General** (continued)

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affected programs, and the approved rate(s) should be used to identify the maximum amount of indirect cost allocable to these programs.

- J. **Central Service Costs:** If the proposed central service cost allocation plan for the same period has not been approved by that time, the indirect cost proposal may be prepared including an amount for central services that is based on the latest federally-approved central service cost allocation plan. The difference between these central service amounts and the amounts ultimately approved will be compensated for by an adjustment in a subsequent period.
- K. **Other:**
1. The purpose of an indirect cost rate is to facilitate the allocation and billing of indirect costs. Approval of the indirect cost rate does not mean that an organization can recover more than the actual costs of a particular program or activity.
  2. Programs received or initiated by the organization subsequent to the negotiation of this agreement are subject to the approved indirect cost rate(s) if the programs receive administrative support from the indirect cost pool. It should be noted that this could result in an adjustment to a future rate.
  3. Indirect cost proposals must be developed (and, when required, submitted) within six (6) months after the close of the governmental unit's fiscal year, unless an exception is approved by the cognizant agency for indirect costs

### Section III: Acceptance

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Listed below are the signatures of acceptance for this agreement:

By the State and Local Governments

By the Cognizant Federal Government Agency

Government of Guam


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US Department of the Interior - OIA

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DocuSigned by:  
  
08A491DC7E82470...

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DocuSigned by:  
  
B47DB1F4A5DB4BF...

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Signature

Signature

Lester Carlson Jr.

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Craig Wills

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Name:

Name:

Director, Bureau of Budget and Management  
Research

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Division Chief

Indirect Cost Services Division  
Interior Business Center

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Title:

Title:

2/2/2021

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2/2/2021

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Date

Date

Negotiated by: Marilyn Elgar

Telephone: (916) 930-3811

Next Proposal Due Date: 03/31/2021

**Government of Guam**  
**FY 2019 Carryforwards and FY 2021 Rate Computations**

**Supplement**  
**Page 1 of 7**

<b>Title Descriptions</b>	<b>BOSP</b>	<b>Agr (PR/DJ)</b>	<b>GBHWC</b>
FY 2019 Direct Salaries Bases	\$1,528,958	\$3,351,716	\$8,073,994
FY 2019 Indirect Cost Rates	33.60%	7.36%	11.88%
FY 2019 Recoverable Indirect Costs	\$513,730	\$246,686	\$959,190
FY 2019 Indirect Costs	\$271,160	\$0	\$2,082,368
FY 2019 CSCAP's	121,491	211,805 <sup>1/</sup>	640,434
FY 2017 Under(Over)recovery Carryforwards to FY 2019	31,833	(137,916)	(19,803)
FY 2019 Indirect Cost Pools	424,484	73,889	2,702,999
Less: FY 2019 Recoverable Indirect Costs	(513,730)	(246,686)	(959,190)
FY 2019 Under(Over)recovery Carryforwards to FY 2021	(89,246)	(172,797)	1,743,809
FY 2021 Indirect Costs	271,160	0	2,082,368
FY 2021 CSCAP's	156,433	104,773	623,517
FY 2021 Indirect Cost Pools	\$338,347	(\$68,024)	\$4,449,694
FY 2021 Direct Salaries Bases	\$1,528,958	\$3,351,716	\$8,073,994
Computed FY 2021 Indirect Cost Rates	22.13%	-2.03%	55.11%
Accepted FY 2021 Indirect Cost Rates	22.13%	0.00%	55.11%

1/ The negotiated Agr (PR/DJ) CSCAP is adjusted to exclude the amount in excess of the 3% limitation.



**Government of Guam**  
**FY 2019 Carryforwards and FY 2021 Rate Computations**

**Supplement**  
**Page 2 of 7**

<b>Title Descriptions</b>	<b>Mil Affairs</b>	<b>Parks &amp; Rec</b>	<b>DPHSS</b>
FY 2019 Direct Salaries Bases	\$1,666,097	\$1,343,897	\$18,470,487
FY 2019 Indirect Cost Rates	4.81%	67.31%	19.40%
FY 2019 Recoverable Indirect Costs	<u>\$80,139</u>	<u>\$904,577</u>	<u>\$3,583,274</u>
FY 2019 Indirect Costs	\$0	\$709,012	\$1,078,457
FY 2019 CSCAP's	125,063	155,304	2,807,016
FY 2017 Under(Over)recovery Carryforwards to FY 2019	(48,423)	193,815	(430,215)
FY 2019 Indirect Cost Pools	<u>76,640</u>	<u>1,058,131</u>	<u>3,455,258</u>
Less: FY 2019 Recoverable Indirect Costs	(80,139)	(904,577)	(3,583,274)
FY 2019 Under(Over)recovery Carryforwards to FY 2021	<u>(3,499)</u>	<u>153,554</u>	<u>(128,016)</u>
FY 2021 Indirect Costs	0	709,012	1,078,457
FY 2021 CSCAP's	141,975	277,245	2,750,929
FY 2021 Indirect Cost Pools	<u>\$138,476</u>	<u>\$1,139,811</u>	<u>\$3,701,370</u>
FY 2021 Direct Salaries Bases	<u>\$1,666,097</u>	<u>\$1,343,897</u>	<u>\$18,470,487</u>
Computed FY 2021 Indirect Cost Rates	<u>8.31%</u>	<u>84.81%</u>	<u>20.04%</u>
Accepted FY 2021 Indirect Cost Rates	<u>8.31%</u>	<u>84.81%</u>	<u>20.04%</u>

**Government of Guam**  
**FY 2019 Carryforwards and FY 2021 Rate Computations**

**Supplement**  
**Page 3 of 7**

<b>Title Descriptions</b>	<b>Public Works</b>	<b>DISID</b>	<b>Youth Affairs</b>
FY 2019 Direct Salaries Bases	\$9,080,664	\$856,328	\$3,004,386
FY 2019 Indirect Cost Rates	23.61%	6.47%	31.21%
FY 2019 Recoverable Indirect Costs	<u>\$2,143,945</u>	<u>\$55,404</u>	<u>\$937,669</u>
FY 2019 Indirect Costs	\$1,168,699	\$0	\$822,848
FY 2019 CSCAP's	1,081,267	62,344	183,055
FY 2017 Under(Over)recovery Carryforwards to FY 2019	85,028	(10,396)	(12,924)
FY 2019 Indirect Cost Pools	<u>2,334,994</u>	<u>51,948</u>	<u>992,979</u>
Less: FY 2019 Recoverable Indirect Costs	(2,143,945)	(55,404)	(937,669)
FY 2019 Under(Over)recovery Carryforwards to FY 2021	<u>191,049</u>	<u>(3,456)</u>	<u>55,310</u>
FY 2021 Indirect Costs	1,168,699	0	822,848
FY 2021 CSCAP's	945,236	47,327	277,122
FY 2021 Indirect Cost Pools	<u>\$2,304,984</u>	<u>\$43,871</u>	<u>\$1,155,280</u>
FY 2021 Direct Salaries Bases	<u>\$9,080,664</u>	<u>\$856,328</u>	<u>\$3,004,386</u>
Computed FY 2021 Indirect Cost Rates	<u>25.38%</u>	<u>5.12%</u>	<u>38.45%</u>
Accepted FY 2021 Indirect Cost Rates	<u>25.38%</u>	<u>5.12%</u>	<u>38.45%</u>

**Government of Guam**  
**FY 2019 Carryforwards and FY 2021 Rate Computations**

**Supplement**  
**Page 4 of 7**

<b>Title Descriptions</b>	<b>CAHA</b>	<b>Energy</b>	<b>GEPA</b>
FY 2019 Direct Salaries Bases	\$308,307	\$261,597	\$2,625,328
FY 2019 Indirect Cost Rates	0.50%	23.02%	0.00%
FY 2019 Recoverable Indirect Costs	\$1,542	\$60,220	\$0
FY 2019 Indirect Costs	\$0	\$0	\$0
FY 2019 CSCAP's	30,303	30,583	173,625
FY 2017 Under(Over)recovery Carryforwards to FY 2019	(28,897)	(1,402)	(450,744)
FY 2019 Indirect Cost Pools	1,406	29,181	(277,119)
Less: FY 2019 Recoverable Indirect Costs	(1,542)	(60,220)	0
FY 2019 Under(Over)recovery Carryforwards to FY 2021	(136)	(31,039)	(277,119)
FY 2021 Indirect Costs	0	0	0
FY 2021 CSCAP's	627	36,006	144,811
FY 2021 Indirect Cost Pools	\$491	\$4,967	(\$132,308)
FY 2021 Direct Salaries Bases	\$308,307	\$261,597	\$2,625,328
Computed FY 2021 Indirect Cost Rates	0.16%	1.90%	-5.04%
Accepted FY 2021 Indirect Cost Rates	0.16%	1.90%	0.00%

**Government of Guam**  
**FY 2019 Carryforwards and FY 2021 Rate Computations**

**Supplement**  
**Page 5 of 7**

<b>Title Descriptions</b>	<b>Library</b>	<b>Governor</b>	<b>AG-Child Support</b>
FY 2019 Direct Salaries Bases	\$631,871	\$6,168,120	\$2,471,613
FY 2019 Indirect Cost Rates	15.04%	0.00%	0.00%
FY 2019 Recoverable Indirect Costs	<u>\$95,033</u>	<u>\$0</u>	<u>\$0</u>
FY 2019 Indirect Costs	\$0	\$0	\$0
FY 2019 CSCAP's	104,192	362,991	105,819
FY 2017 Under(Over)recovery Carryforwards to FY 2019	(8,326)	(390,406)	(323,615)
FY 2019 Indirect Cost Pools	<u>95,866</u>	<u>(27,415)</u>	<u>(217,796)</u>
Less: FY 2019 Recoverable Indirect Costs	(95,033)	0	0
FY 2019 Under(Over)recovery Carryforwards to FY 2021	<u>833</u>	<u>(27,415)</u>	<u>(217,796)</u>
FY 2021 Indirect Costs	0	0	0
FY 2021 CSCAP's	6,706	274,051	63,680
FY 2021 Indirect Cost Pools	<u>\$7,539</u>	<u>\$246,636</u>	<u>(\$154,116)</u>
FY 2021 Direct Salaries Bases	<u>\$631,871</u>	<u>\$6,168,120</u>	<u>\$2,471,613</u>
Computed FY 2021 Indirect Cost Rates	<u>1.19%</u>	<u>4.00%</u>	<u>-6.24%</u>
Accepted FY 2021 Indirect Cost Rates	<u>1.19%</u>	<u>4.00%</u>	<u>0.00%</u>

**Government of Guam**  
**FY 2019 Carryforwards and FY 2021 Rate Computations**

**Supplement**  
**Page 6 of 7**

<b>Title Descriptions</b>	<b>AG-Crime Victims</b>	<b>DRT</b>	<b>Police</b>
FY 2019 Direct Salaries Bases	\$259,529	\$7,346,073	\$21,094,515
FY 2019 Indirect Cost Rates	14.82%	6.54%	0.00%
FY 2019 Recoverable Indirect Costs	\$38,462	\$480,433	\$0
FY 2019 Indirect Costs	\$0	\$0	\$0
FY 2019 CSCAP's	38,589	440,991	869,054
FY 2017 Under(Over)recovery Carryforwards to FY 2019	(7,706)	19,029	(1,420,266)
FY 2019 Indirect Cost Pools	30,883	460,020	(551,212)
Less: FY 2019 Recoverable Indirect Costs	(38,462)	(480,433)	0
FY 2019 Under(Over)recovery Carryforwards to FY 2021	(7,579)	(20,413)	(551,212)
FY 2021 Indirect Costs	0	0	0
FY 2021 CSCAP's	18,076	419,117	815,222
FY 2021 Indirect Cost Pools	\$10,497	\$398,704	\$264,010
FY 2021 Direct Salaries Bases	\$259,529	\$7,346,073	\$21,094,515
Computed FY 2021 Indirect Cost Rates	4.04%	5.43%	1.25%
Accepted FY 2021 Indirect Cost Rates	4.04%	5.43%	1.25%

**Government of Guam**  
**FY 2019 Carryforwards and FY 2021 Rate Computations**

**Supplement**  
**Page 7 of 7**

<b>Title Descriptions</b>	<b>Labor</b>	<b>DOL-WDTD</b>	<b>Home Sec</b>
FY 2019 Direct Salaries Bases	\$2,358,625	\$1,246,817	\$1,647,481
FY 2019 Indirect Cost Rates	16.14%	0.00%	11.34%
FY 2019 Recoverable Indirect Costs	<u>\$380,682</u>	<u>\$0</u>	<u>\$186,824</u>
FY 2019 Indirect Costs	\$0	\$0	\$0
FY 2019 CSCAP's	164,146	107,047	105,408
FY 2017 Under(Over)recovery Carryforwards to FY 2019	(5,419)	(4,983,691)	(17,634)
FY 2019 Indirect Cost Pools	<u>158,727</u>	<u>(4,876,644)</u>	<u>87,774</u>
Less: FY 2019 Recoverable Indirect Costs	(380,682)	0	(186,824)
FY 2019 Under(Over)recovery Carryforwards to FY 2021	<u>(221,955)</u>	<u>(4,876,644)</u>	<u>(99,050)</u>
FY 2021 Indirect Costs	0	0	0
FY 2021 CSCAP's	50,450	158,104	244,643
FY 2021 Indirect Cost Pools	<u>(\$171,505)</u>	<u>(\$4,718,540)</u>	<u>\$145,593</u>
FY 2021 Direct Salaries Bases	<u>\$2,358,625</u>	<u>\$1,246,817</u>	<u>\$1,647,481</u>
Computed FY 2021 Indirect Cost Rates	<u>-7.27%</u>	<u>-378.45%</u>	<u>8.84%</u>
Accepted FY 2021 Indirect Cost Rates	<u>0.00%</u>	<u>0.00%</u>	<u>8.84%</u>