

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
Dept: City Manager
Subject: 2011-2012 OFFICE OF TRAFFIC SAFETY (OTS)
 AVOID THE 26 - COUNTY OF ORANGE
 MULTI-AGENCY PROGRAM GRANT APPROVAL

From: Kevin Raney
Dept: Police
Date: August 28, 2012

OBJECTIVE

To obtain City Council approval to participate in a Traffic Safety Grant through the California Office of Traffic Safety (OTS). The proposed grant the City is eligible to receive is approximately \$12,000 in federal funds to implement DUI saturation patrols, multi-agency DUI task force operations and other DUI enforcement activities.

BACKGROUND

The California Office of Traffic Safety awards grants to local law enforcement agencies through the Business Transportation and Housing Agency. These one-year grants begin October 1, 2011 and end September 14, 2012. The City of Anaheim Police Department is the Countywide Avoid the 26 grant coordinator. Twenty-six agencies from Orange County have entered into a multi-city partnership with the City of Anaheim Police Department to conduct the DUI grant activities.

DISCUSSION

The Countywide grant that was applied for this year focuses on the reduction of persons killed and injured in alcohol-involved crashes and to raise general public awareness regarding the problems associated with drinking and driving. Participating law enforcement agencies throughout the county, including the Alcohol Beverage Control and the California Highway Patrol will conduct DUI enforcement activities during the National Highway Traffic Safety Administration (NHTSA) summer and winter holiday mobilizations, Memorial Day and July 4th Weekends, as well as special events with identified DUI problems. Activities include DUI checkpoints, DUI saturation patrols, multi-agency DUI taskforce operations, warrant/probation sweeps and court sting operations for repeat DUI offenders. The Garden Grove Police Department will participate in several Avoid the 26 operations during this grant period. The Police and Finance Departments

2011-2012 OFFICE OF TRAFFIC SAFETY (OTS) AVOID THE 26 - COUNTY OF
ORANGE MULTI-AGENCY PROGRAM GRANT APPROVAL

August 28, 2012

Page 2

will be responsible for providing the necessary reporting to fulfill the goals and objectives of the grant.

FINANCIAL IMPACT

The total amount for the 2011-2012 grant will be approximately \$12,000. The entire amount will be expended on labor. There is no requirement to hire additional personnel, and there are no out of pocket expenses. There is no cost or income to the City based upon participation in this grant.

RECOMMENDATION

Staff recommends that City Council:

- Authorize participation in the Avoid the 26 DUI Grant Program for 2011-2012;
- Accept the Office of Traffic Safety Grant Funds in the amount of approximately \$12,000;
- Authorize the Police Chief, Finance Director and Finance Manager to execute the grant agreement on behalf of the City; and
- Allocate these grant monies to fund DUI/CDL checkpoints.



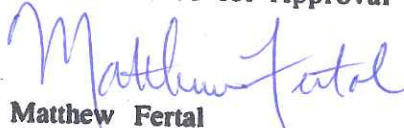
KEVIN RANEY
Chief of Police



By: Carl Whitney
Sergeant

Attachments: OTS Cover Letter and Signature Page for Grant #20656
Grant Agreement

Recommended for Approval



Matthew Fertal
City Manager

STATE OF CALIFORNIA

OFFICE OF TRAFFIC SAFETY

2208 KAUSEN DRIVE, SUITE 300
ELK GROVE, CA 95758
www.ots.ca.gov
(916) 509-3030
(800) 735-2929 (TT/TDD-Referral)
(916) 509-3055 (FAX)

EDMUND G. BROWN JR., GOVERNOR



November 18, 2011

Grant No. 20656

John Welter
Chief of Police
Anaheim Police Department
425 South Harbor Boulevard
Anaheim, CA 92805

Dear Chief Welter:


The Office of Traffic Safety (OTS) has approved your traffic safety grant as part of the California Traffic Safety Program.

Costs incurred must be in accordance with your grant agreement, and recorded in your accounting system. No other costs can be allowed without OTS approval. Costs incurred prior to the starting date or subsequent to the closing date of this grant are not reimbursable.

Within the first quarter of your grant period, your Coordinator will provide you with information about operational and fiscal requirements, as well as tools to manage your new grant.

Please refer to the above grant number in all your communications with this office. If you have any questions, please contact Tony Sordello, Regional Coordinator, at (916) 509-3019 or e-mail at tony.sordello@ots.ca.gov.

Sincerely,


CHRISTOPHER J. MURPHY
Director

TS:lc

Enclosures

GRANT AGREEMENT

(REV. 08/11)

GRANT NUMBER
20656

1. This Agreement is entered into between the Office of Traffic Safety and the City of Anaheim Police Department.
2. Grant Period: 10/01/2011 to 09/30/2012
3. Federal Funds allocated under this Agreement shall not exceed: \$256,000.00
4. Grant Title: Avoid DUI Campaign
5. Grant Description: To reduce alcohol-involved fatalities and injuries and raise general public awareness regarding the problems associated with drinking and driving increased DUI enforcement and intensive media campaigns will be conducted on a county-wide basis. Participating law enforcement agencies throughout the county, including the Alcohol Beverage Control and the California Highway Patrol will conduct DUI enforcement activities during the NHTSA summer and winter holiday mobilizations, Memorial Day and July 4th Weekends, as well as special events with identified DUI problems. Activities include DUI checkpoints, DUI saturation patrols, multi-agency DUI task force operations, warrant/probation sweeps and court sting operations for repeat DUI offenders.
6. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement:
 - Exhibit A – Budget Summary, Budget Estimate and Narrative
 - Exhibit A1 – Sub-Budget Summary, Sub-Budget Estimate and Narrative (if applicable)
 - Exhibit B – Goals and Objectives
 - Exhibit C – Problem Statement, Method of Procedure
 - Exhibit D – Certifications and Assurances
 - Exhibit E* – OTS Grant Program Manual

Items shown with an asterisk (), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at: www.ots.ca.gov/Grants/Grant_Administration/Program_Manual.asp

We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

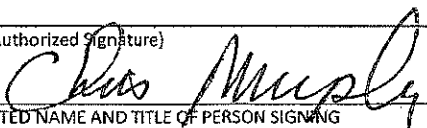
Grantee Agency

By (Authorized Signature) 	DATE SIGNED (Do not type) 11/14/11
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PRINTED NAME AND TITLE OF PERSON SIGNING
JOHN WELTER CHIEF OF POLICE

ADDRESS
425 South Harbor Blvd., Anaheim, CA 92805

California Office of Traffic Safety

By (Authorized Signature) 	DATE SIGNED (Do not type) 11/12/11
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PRINTED NAME AND TITLE OF PERSON SIGNING
Christopher J. Murphy, Director

ADDRESS
2208 Kausen Drive, Suite 300, Elk Grove, CA 95758

RECEIVED

NOV 16 2011

OFFICE OF TRAFFIC SAFETY

GRANT AGREEMENT

Federal Fiscal Year 2012

10/1/2011 - 09/30/2012

GRANT AGREEMENT

(REV. 08/11)

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IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

Grantee Agency

By (Authorized Signature)	DATE SIGNED (Do not type)
---------------------------	---------------------------

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

California Office of Traffic Safety

By (Authorized Signature)	DATE SIGNED (Do not type)
---------------------------	---------------------------

PRINTED NAME AND TITLE OF PERSON SIGNING

Christopher J. Murphy, Director

ADDRESS

2208 Kausen Drive, Suite 300, Elk Grove, CA 95758

**EXHIBIT A
BUDGET SUMMARY**

COST CATEGORY	TOTAL COSTS
Personnel	\$39,772.00
Travel	\$
Contractual Services	\$216,228.00
Equipment	\$
Other Direct Costs	\$
Indirect Costs	\$
TOTAL GRANT AMOUNT	\$256,000.00

**EXHIBIT A
 BUDGET ESTIMATE AND NARRATIVE**

This Grant Agreement is funded by the US Department of Transportation National Highway Traffic Safety Administration (NHTSA).

FUND NUMBER	CATALOG NUMBER	FUND DESCRIPTION
164AL Alcohol Funds - HSP 2012	CFDA 20.608	Minimum Penalties for Repeat Offenders For Driving While Intoxicated

PERSONNEL TOTAL COSTS **\$39,772.00**

Salaries – May include wages, salaries, special compensations, or authorized absences such as annual leave and sick leave provided the cost for the individual employee is (a) reasonable for the services rendered, and (b) follows an appointment made in accordance with state or local laws and rules and meets federal requirements.

Grant management duties will include: planning and coordinating multi-agency operational activities; collection of statistical data for OTS reporting; and assisting in claims preparation along with oversight of the grant and quarterly reporting.

Regular	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
		\$	%	\$	\$
Subtotal		\$		\$	\$

Benefits

Narrative:

TOTAL (REGULAR POSITIONS AND BENEFITS)					\$
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Hourly	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
		\$	%	\$	\$
Subtotal		\$		\$	\$

Benefits

Narrative:

TOTAL (HOURLY POSITIONS AND BENEFITS)	\$
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OVERTIME

Budgeted grant activities will be conducted by agency personnel on an overtime basis.

Overtime for grant funded law enforcement operations may be conducted by personnel such as a Lieutenant, Sergeant, Corporal, Deputy, Officer, Probation Officer, Community Services Officer, Dispatcher etc., depending on the titles used by the agency and their city's paid overtime policy.

The primary personnel duties for the AVOID Host Agency will be for staffing the following operations: DUI/DL Checkpoints; DUI Saturation Patrols; Multi-Agency DUI Task Force Operations; Warrant Service Operations; and Court Stings.

Public Information Officer (PIO) duties will include: conducting media events; preparing and disseminating press releases; arrest and collision data collection for weekend releases; and other duties related to the media objectives.

Personnel will be deployed as needed to accomplish the grant goals and objectives. Costs are estimated based on an overtime hourly rate range (not including benefits). Overtime reimbursement (overtime hourly rate and benefits) will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified.

AVOID BENEFIT STATEMENT:

Costs of the operation may include overtime benefits for Unemployment Insurance, Social Security/FICA(OASDI), Workers Compensation, Medicare and State Disability/SDI not to exceed 25% of actual overtime reimbursement. Overtime reimbursement will reflect actual cost of the personnel conducting the appropriate operation.

Overtime Hourly Rate Range \$15.01 to \$85.68

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
8 DUI Saturation Patrols @ \$1,200.00	164AL Alcohol Funds - HSP 2012	\$9,600.00	%	\$0.00	\$9,600.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
2 DUI/DL Checkpoints @ \$8,560.00	164AL Alcohol Funds - HSP 2012	\$17,120.00	%	\$0.00	\$17,120.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
1 Other - Grant Management @ \$8,716.00	164AL Alcohol Funds - HSP 2012	\$8,716.00	%	\$0.00	\$8,716.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
2 Other - Multi-Agency DUI/DL Checkpoint @ \$2,168.00	164AL Alcohol Funds - HSP 2012	\$4,336.00	%	\$0.00	\$4,336.00

Benefits

Subtotal		\$39,772.00		\$0.00	\$39,772.00
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TOTAL (OVERTIME POSITIONS AND BENEFITS)					\$39,772.00
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TRAVEL TOTAL COSTS

\$

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Travel shall be claimed at the agency approved rate. Per diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.

In State Travel: All conferences, seminars, or training not specifically identified in this Grant Agreement must be approved by OTS. Costs include local mileage for grant activities/meetings attended by appropriate staff.

Type	Fund Number	In State Travel Costs
In State Travel		\$

Additional Anticipated Travel:

Out of State Travel: All Out of State travel trips not specifically identified in this Grant Agreement must receive written approval from OTS.

Type	Fund Number	Out of State Travel Costs
Out of State Travel		\$

Additional Anticipated Travel:

CONTRACTUAL SERVICES TOTAL COSTS **\$216,228.00**

Memorandums of Understanding (MOU) or contracts will be developed with each participating allied agency that details overtime costs to be reimbursed. Allied agency personnel may participate in the following operations: DUI/DL Checkpoints; DUI Saturation Patrols; Multi-Agency DUI Task Force Operations; Warrant Service Operations; and Court Stings.

Description	Contractual Services Costs
Allied agency staffing	\$210,228.00

Narrative: Overtime budgeted for staffing by allied agencies during Avoid DUI enforcement periods.

Description	Contractual Services Costs
DUI Checkpoint Management Training	\$6,000.00

Narrative: Coordinate two POST-certified 8 hour overview on how to plan and manage a DUI checkpoint. If coordinating agency is an AVOID host, ensure participation of checkpoint supervisors from each allied agency.

EQUIPMENT TOTAL COSTS \$

Description	Fund Number	Equipment Costs
		\$

Narrative:

OTHER DIRECT TOTAL COSTS \$

Description	Fund Number	Other Direct Costs
		\$

Narrative:

INDIRECT TOTAL COSTS \$

Description	Fund Number	Indirect Costs

TOTAL GRANT AMOUNT **\$256,000.00**

EXHIBIT A1
SUB-BUDGET SUMMARY

Allied agency staffing

Personnel Costs

<u>Line Item</u>	<u>Total Costs</u>
Overtime	\$210,228.00
Total by Category	\$210,228.00

Contractual Services

<u>Line Item</u>	<u>Total Costs</u>
Contractual Services	\$0.00
Total by Category	\$0.00

TOTAL SUB-BUDGET COSTS **\$210,228.00**

**EXHIBIT A1
 SUB-BUDGET DETAIL**

Allied agency staffing

PERSONNEL SUB-BUDGET TOTAL COSTS

\$210,228.00

Salaries – May include wages, salaries, special compensations, or authorized absences such as annual leave and sick leave provided the cost for the individual employee is (a) reasonable for the services rendered, and (b) follows an appointment made in accordance with state or local laws and rules and meets federal requirements.

Regular	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
		\$	%	\$	\$

Subtotal	\$	\$	\$
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Benefits

Narrative:

TOTAL (REGULAR POSITIONS AND BENEFITS)	\$
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Hourly	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
		\$	%	\$	\$

Subtotal	\$	\$	\$
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Benefits

Narrative:

TOTAL (HOURLY POSITIONS AND BENEFITS)	\$
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OVERTIME

Budgeted grant activities will be conducted by agency personnel on an overtime basis.

Overtime for grant funded law enforcement operations may be conducted by personnel such as a Lieutenant, Sergeant, Corporal, Deputy, Officer, Probation Officer, Community Services Officer, Dispatcher etc., depending on the titles used by the agency and their city's paid overtime policy.

Personnel will be deployed as needed to accomplish the grant goals and objectives. Costs are estimated based on an overtime hourly rate range. (Not including benefits). Overtime reimbursement (overtime hourly rate and benefits) will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified.

Overtime Hourly Rate Range \$25.36 to \$100.50

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
4 Multi-Agency DUI Task Force Operations @ \$8,057.00	164AL Alcohol Funds - HSP 2012	\$32,228.00	%	\$0.00	\$32,228.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
80 DUI Saturation Patrols @ \$1,200.00	164AL Alcohol Funds - HSP 2012	\$96,000.00	%	\$0.00	\$96,000.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
8 DUI/DL Checkpoints @ \$7,920.00	164AL Alcohol Funds - HSP 2012	\$63,360.00	%	\$0.00	\$63,360.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
2 Warrant Service Operations @ \$3,000.00	164AL Alcohol Funds - HSP 2012	\$6,000.00	%	\$0.00	\$6,000.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
2 Other - Multi-agency DUI/DL Checkpoint @ \$6,320.00	164AL Alcohol Funds - HSP 2012	\$12,640.00	%	\$0.00	\$12,640.00

Benefits

Subtotal	\$210,228.00			\$0.00	\$210,228.00
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TOTAL (OVERTIME POSITIONS AND BENEFITS)					\$210,228.00
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TRAVEL SUB-BUDGET TOTAL COSTS

\$

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Travel shall be claimed at the agency approved rate. Per diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.

In State Travel: All conferences, seminars, or training not specifically identified in this Grant Agreement must be approved by OTS. Costs include local mileage for grant activities/meetings attended by appropriate staff.

Type	Fund Number	In State Travel Costs
In State Travel		\$

Additional Anticipated Travel

Out of State Travel: All Out of State travel trips not specifically identified in this Grant Agreement must receive written approval from OTS.

Type	Fund Number	Out of State Travel Costs
Out Of State Travel		\$

Additional Anticipated Travel

CONTRACTUAL SERVICES SUB-BUDGET TOTAL COSTS **\$0.00**

Description	Contractual Services Costs
	\$

Narrative:

OTHER DIRECT SUB-BUDGET TOTAL COSTS **\$**

Description	Fund Number	Other Direct Costs
		\$

Narrative:

INDIRECT SUB-BUDGET TOTAL COSTS **\$**

Description	Fund Number	Indirect Costs

TOTAL SUB-BUDGET COSTS **\$210,228.00**

**EXHIBIT A1
SUB-BUDGET SUMMARY**

DUI Checkpoint Management Training

Other Direct Costs

Line Item	Total Costs
Other Direct Costs	\$6,000.00
Total by Category	\$6,000.00
TOTAL SUB-BUDGET COSTS	\$6,000.00

**EXHIBIT A1
 SUB-BUDGET DETAIL**

DUI Checkpoint Management Training

PERSONNEL SUB-BUDGET TOTAL COSTS

\$

Salaries – May include wages, salaries, special compensations, or authorized absences such as annual leave and sick leave provided the cost for the individual employee is (a) reasonable for the services rendered, and (b) follows an appointment made in accordance with state or local laws and rules and meets federal requirements.

Regular	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
		\$	%	\$	\$
Subtotal		\$		\$	\$

Benefits

Narrative:

TOTAL (REGULAR POSITIONS AND BENEFITS)	\$
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Hourly	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
		\$	%	\$	\$
Subtotal		\$		\$	\$

Benefits

Narrative:

TOTAL (HOURLY POSITIONS AND BENEFITS)	\$
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OVERTIME

Budgeted grant activities will be conducted by agency personnel on an overtime basis.

Overtime for grant funded law enforcement operations may be conducted by personnel such as a Lieutenant, Sergeant, Corporal, Deputy, Officer, Probation Officer, Community Services Officer, Dispatcher etc., depending on the titles used by the agency and their city's paid overtime policy.

Personnel will be deployed as needed to accomplish the grant goals and objectives. Costs are estimated based on an overtime hourly rate range. (Not including benefits). Overtime reimbursement (overtime hourly rate and benefits) will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified.

Overtime Hourly Rate Range \$ to \$

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
		\$	%	\$	\$

Benefits

Subtotal	\$	\$	\$
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TOTAL (OVERTIME POSITIONS AND BENEFITS)	\$
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TRAVEL SUB-BUDGET TOTAL COSTS \$

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Travel shall be claimed at the agency approved rate. Per diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.

In State Travel: All conferences, seminars, or training not specifically identified in this Grant Agreement must be approved by OTS. Costs include local mileage for grant activities/meetings attended by appropriate staff.

Type	Fund Number	In State Travel Costs
In State Travel		\$

Additional Anticipated Travel

Out of State Travel: All Out of State travel trips not specifically identified in this Grant Agreement must receive written approval from OTS.

Type	Fund Number	Out of State Travel Costs
Out Of State Travel		\$

Additional Anticipated Travel

CONTRACTUAL SERVICES SUB-BUDGET TOTAL COSTS \$

Description	Contractual Services Costs
	\$

Narrative:

OTHER DIRECT SUB-BUDGET TOTAL COSTS \$6,000.00

Description	Fund Number	Other Direct Costs
2 Other - DUI Checkpoint Management Training @ \$3000.00	164AL Alcohol Funds - HSP 2012	\$6,000.00

Narrative: POST-certified 8 hour overview on how to plan and manage a DUI checkpoint. Topics include surveying locations, staffing, physical layout, signage, safety considerations, post-checkpoint procedures, record-keeping, case law, and courtroom testimony.

INDIRECT SUB-BUDGET TOTAL COSTS \$

Description	Fund Number	Indirect Costs

TOTAL SUB-BUDGET COSTS \$6,000.00

**EXHIBIT B
 GOALS AND OBJECTIVES**

Goals

Order	Goal ID #	Goal
1	5	To reduce the number of persons killed in traffic collisions.
2	6	To reduce the number of persons injured in traffic collisions.
3	1	To reduce the number of persons killed in alcohol-involved collisions during holiday enforcement periods.
4	2	To reduce the number of persons injured in alcohol-involved collisions during holiday enforcement periods.
5	3	To reduce the number of persons killed countywide in alcohol-involved collisions.
6	4	To reduce the number of persons injured countywide in alcohol-involved collisions.
7	52	To reduce the number of persons killed in drug involved collisions.
8	53	To reduce the number of persons injured in drug involved collisions.

Objectives

Order	Objective ID #	Objective	User Input
1	25	To issue a press release announcing the kick-off of the grant by November 15 of the first grant year. The press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov , and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	
2	225	To send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov , with a copy to your OTS Coordinator. If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, a draft press release must first be sent to the OTS PIO for approval. Drafts should be sent for approval as early as possible to insure adequate turn-around time. Optimum lead time would be 10-20 days prior to the operation. Media communications reporting the results of grant activities such as	

		checkpoints and saturation patrols are exempt from the advance approval requirement. Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report results.	
3	34	To use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.	
4	266	To report the procurement status of all equipment planned to be purchased as part of this grant.	
5	2	To conduct __ DUI/DL checkpoints during each Winter Holiday Mobilization period.	Target number: 4
6	3	To conduct __ DUI/DL checkpoints during each Memorial Day Holiday weekend.	Target number: 1
7	4	To conduct __ DUI/DL checkpoints during each Independence Day Holiday period.	Target number: 1
8	5	To conduct __ DUI/DL checkpoints during each Summer Holiday Mobilization period.	Target number: 4
9	7	To conduct __ DUI Saturation Patrols during each Winter Holiday Mobilization period.	Target number: 10
10	8	To conduct __ DUI Saturation Patrols during each Memorial Day Holiday weekend.	Target number: 10
11	9	To conduct __ DUI Saturation Patrols during each Independence Day Holiday period.	Target number: 10
12	10	To conduct __ DUI Saturation Patrols during each Summer Holiday Mobilization period.	Target number: 10
13	11	To conduct __ DUI Saturation Patrols during Halloween, Super Bowl Sunday, St Patrick's Day and Cinco de Mayo.	Target number: 35
14	12	To conduct __ DUI Saturation Patrols during county fairs, festivals, and other community events with identified DUI problems.	Target number: 13
15	14	To conduct __ Multi Agency Task Force operations during each Winter Holiday Mobilization period.	Target number: 3
16	15	To conduct __ Multi Agency Task Force operations during each Summer Holiday Mobilization period.	Target number: 3
17	17	To conduct __ Warrant Service/Probation Compliance Check operations during each Winter Holiday Mobilization period.	Target number: 1
18	18	To conduct __ Warrant Service/Probation Compliance Check	Target number: 1

		operations during each Summer Holiday Mobilization period.	
19	20	To conduct ___ Court Sting operations during each Winter Holiday Mobilization period.	Target number: 0
20	21	To conduct ___ Court Sting operations during each Summer Holiday Mobilization period.	Target number: 0
21	22	To submit operational data for each of the NHSTA Holiday Mobilization Campaigns within 45 days after each mobilization. Note: This data is important as it is forwarded to NHTSA for national campaign reporting.	
22	23	To increase DUI arrests during each Winter Holiday Mobilization, Summer Holiday Mobilization, Memorial Day and Independence Day holiday enforcement periods.	
23	24	To conduct an annual MADD/Avoid DUI Recognition Seminar to disseminate DUI information and enforcement strategies to enforcement agencies along with MADD to recognize members efforts to lower deaths and injuries by September 30 of each grant year.	
24	27	To conduct Avoid public information campaigns during each Winter Holiday Mobilization, Summer Holiday Mobilization, Memorial Day, Independence Day, Halloween, Super Bowl Sunday, St. Patrick's Day, Cinco De Mayo, county fairs, festivals and other community events with identified DUI problems.	
25	28	To conduct a press conference or media event for each campaign period in cooperation with all other regional Avoid projects for the NHTSA Mobilization during each Winter Holiday Mobilization and Summer Mobilization. The press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov , and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	
26	29	To conduct an intensive news bureau media effort, including daily reporting of statistics on DUI arrests, injuries and deaths, to the list of major local newspaper(s), TV and radio. The news bureau will report statistics every morning before 11 a.m. during each Winter Holiday Mobilization, Summer Holiday Mobilization, Memorial Day, Independence Day, Halloween, Super Bowl Sunday, St. Patrick's Day, Cinco De Mayo, county fair, festival and other community events with identified DUI problems.	
27	30	To develop at least 8 news stories during the Winter Holiday Mobilization and Summer Holiday Mobilization and send via email or fax to daily and weekly newspapers, radio, television, and wire services.	
28	31	To develop at least 3 news stories during the Memorial Day Holiday and send via email or fax to daily and weekly newspapers, radio, television, and wire services.	
29	32	To develop at least 3 news stories during the Independence Day	

		Holiday and send via email or fax to daily and weekly newspapers, radio, television, and wire services.	
30	33	To post press releases, enforcement schedules, and countywide "daily" statistics during each campaign period via the www.Californiaavoid.org website.	
31		To conduct two 8 hour, POST Certified "DUI Checkpoints – Planning and Management" training courses.	

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EXHIBIT C
PROBLEM STATEMENT AND METHOD OF PROCEDURE

PROBLEM STATEMENT

An annual review of fatal driving under the influence (DUI) collisions reveals that DUI incidents are typically at their highest during the winter holiday period (Christmas and New Years); the end of summer vacation/Labor Day period, and also Memorial Day and Independence Day weekends. Other times with high incident of DUI crimes and collisions include Halloween, Super Bowl Sunday, Cinco de Mayo and local festivals/events with identified DUI problems. Significant progress has been made in reducing the frequency of fatal DUI collisions when law enforcement agencies coordinate awareness campaigns and enforcement efforts with local, regional and national efforts. Nationwide, traffic deaths have declined dramatically; however, DUI deaths have not dropped at the same rate which indicates the need to continue coordinate efforts between law enforcement, community based organizations and media outreach.

METHOD OF PROCEDURE

Phase 1 – Program Preparation (1st Quarter of the Grant Year)

Develop a Memorandum of Understanding (MOU) with each participating agency that details enforcement activities to be conducted and personnel, number of hours required, and rate of compensation for each position.

Form an "Avoid Committee" comprised of representatives of all agencies participating in the program to coordinate and develop DUI operational plans, schedules and media efforts by October 30 of each grant year.

Hold the first Avoid Committee meeting and designate a committee chair and a steering sub-committee elected by committee members, by October 30th of each grant year. The steering sub-committee shall be comprised of at least three members representing local, county and state law enforcement. The steering sub-committee will approve all public information concepts and materials, and create all enforcement operational plans.

Develop an Enforcement Operational Plan for each phase of the campaign by:

- October 30th of each grant year for the Fall and Winter DUI Enforcement Schedules.
- March 1st of each grant year for the Spring and July Enforcement Schedules.
- July 1st of each grant year for the Summer Enforcement Schedules.

Gain commitment from law enforcement executives in the county on the campaigns and encourage them to emphasize DUI enforcement during all phases with officers on regular patrols and by allocating overtime hours to extra units, participating in forming special teams, conducting DUI checkpoints and contributing to all public information elements of the campaigns.

Maintain judicial support of the program by communicating program goals and activities to the court.

EXHIBIT C
PROBLEM STATEMENT AND METHOD OF PROCEDURE

Collaborate with Alcoholic Beverage Control, District Attorney's Offices, and community based organizations to gain program support.

Encourage that at least 50% of sworn police department personnel conducting DUI enforcement with grant funding have received NHTSA-CERTIFIED Standardized Field Sobriety Testing (SFST) training.

Prepare complete press information for allied agencies and for broadcast reporters during each campaign period including a main press release, campaign calendar, departmental plans and fact sheet. The material will emphasize the campaign's serious, aggressive enforcement and the high cost of DUI in terms of money, criminal consequences and human misery. The information for each campaign period will be completed by December 1, May 15, June 15, and August 1 of each grant year.

Partner, where applicable, with other County Avoid programs on regional Avoid media efforts to maximize the overall goal of the Avoid Grants – Enforcement and Public Awareness.

Phase 2 – Program Operations (2nd, 3rd and 4th Quarters of the Grant Year)

Schedule and conduct enforcement and public information campaigns for each campaign period according to the Operational Plan.

Phase 3 – Data Collection & Reporting (Throughout Grant Period)

Collect and report countywide DUI arrest and DUI fatal collision data during each campaign period via the www.Californiaavoid.org website.

Measure the grant's impact on crime by tracking non-traffic-related arrests that initiate from DUI checkpoints and/or other grant supported activities or operations. Some of the crime statistics to be collected include narcotic arrests, confiscated weapons, stolen vehicles recovered, criminal misdemeanor arrests, criminal felony arrests, and felony warrant arrests.

Following each of the Winter and Summer NHTSA Holiday Mobilization Campaigns, the collection of required data from all grant funded DUI activities will be recorded and the NHTSA Mobilization Data Sheet will be completed and forwarded via fax or email to the OTS Avoid Coordinator (it will then be reported to NHTSA for inclusion in their National Mobilization campaign statistics).

Agencies are required to collect and report quarterly, appropriate data that supports the progress each of the goal and objective.

Statistical data relating to the grant goals and objectives will be collected, analyzed, and incorporated in Quarterly Performance Reports (QPRs). QPRs for the quarter ending September 30 will include year-to-date comparisons of goals and objectives. A separate quarterly data reporting form will be completed each quarter and submitted as part of the QPR.

EXHIBIT C
PROBLEM STATEMENT AND METHOD OF PROCEDURE

Reports will compare actual grant accomplishments with the planned accomplishments. They will include information concerning changes made by the Grant Director in planning and guiding the project efforts.

Reports shall be completed and submitted in accordance with OTS requirements specified in the Grant Program Manual.

Method of Evaluation

Using the data compiled during the grant, the Grant Director will: (1) briefly state the original problem, (2) specify the most significant goals and objectives, (3) highlight the most significant activities that contributed to the success of the program and the strategies used to accomplish the goals, and (4) describe the program's accomplishments as they related to the goals and objectives.

The primary responsibility for reporting the media objectives in this grant are the responsibility of the Orange County Sheriff-Coroner Department per their OTS grant agreement #AL1099. The Anaheim Police Department has the responsibility to partner with the Orange County Sheriff-Coroner Department to complete the media objectives in this grant.

EXHIBIT D
CERTIFICATIONS AND ASSURANCES

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 49 CFR §18.12.

The officials named on the Grant Agreement, certify by way of signature on the Grant Agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Chapter II - (§§1200, 1205, 1206, 1250, 1251, & 1252) Regulations governing highway safety programs
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

Certifications and Assurances

The Grantee Agency will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including:

- National law enforcement mobilizations,
- Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits,
- An annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative,
- Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.

The Grantee Agency shall actively encourage all relevant law enforcement personnel in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (b) (1) (E))

Other Federal Requirements

Cash disbursements and balances will be reported in a timely manner as required by NHTSA. (49 CFR 18.21)

The same standards of timing and amount, including the reporting of cash disbursement and balances, apply to grantees as they do the State. (49 CFR 18.41)

Failure to adhere to these provisions may result in the termination of State drawdown privileges.

Equipment acquired under this Grant Agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the Grantee Agency; or the State, by formal agreement with appropriate

EXHIBIT D
CERTIFICATIONS AND ASSURANCES

officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21);

The Grantee Agency will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20;

Federal Funding Accountability and Transparency Act

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; , and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if-- of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;

(i) the entity in the preceding fiscal year received--

(I) 80 percent or more of its annual gross revenues in Federal awards; and(II) \$25,000,000 or more in annual gross revenues from Federal awards; and(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;

- Other relevant information specified by OMB guidance.

The Grantee Agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq. PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse and alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights

EXHIBIT D
CERTIFICATIONS AND ASSURANCES

Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

The Drug-free Workplace Act of 1988 (41 U.S.C. 702);

The Grantee Agency will provide a drug-free workplace by:

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

**EXHIBIT D
CERTIFICATIONS AND ASSURANCES**

Buy America Act

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

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

Political Activity (Hatch Act)

The Grantee Agency will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

Certification Regarding Federal Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The Grantee Agency official certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Grantee Agency official shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

EXHIBIT D
CERTIFICATIONS AND ASSURANCES

Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Certification Regarding Debarment And Suspension

Instructions for Primary Certification

1. By signing and submitting this Grant Agreement, the Grantee Agency official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Grantee Agency official shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The Grantee Agency official shall provide immediate written notice to the department or agency to which this Grant Agreement is submitted if at any time the Grantee Agency official learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this Grant Agreement is being submitted for assistance in obtaining a copy of those regulations.
6. The Grantee Agency official agrees by submitting this Grant Agreement that, should the covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The Grantee Agency official further agrees by submitting this Grant Agreement that it will include the clause

EXHIBIT D
CERTIFICATIONS AND ASSURANCES

titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters –
Primary Covered Transactions:**

1. The Grantee Agency official certifies to the best of its knowledge and belief, that its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - b. Have not within a three-year period preceding this Grant Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the Grantee Agency official is unable to certify to any of the Statements in this certification, such Grantee Agency official shall attach an explanation to this Grant Agreement.

Instructions for Lower Tier Certification

EXHIBIT D
CERTIFICATIONS AND ASSURANCES

1. By signing and submitting this Grant Agreement, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this Grant Agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this Grant Agreement is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this Grant Agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency

**EXHIBIT D
CERTIFICATIONS AND ASSURANCES**

with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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

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

Policy to Ban Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, Grantee Agencies are encouraged to:

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

Environmental Impact

The Grantee Agency official has reviewed the Grant Agreement and hereby declares that no significant environmental impact will result from implementing this traffic safety program. If, under a future revision, this program will be modified in such a manner that a program would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).