

OTS-38 (Rev 6/13)

1. GRANT TITLE Intensive Probation Supervision for High Risk Felony and Repeat DUI Offenders	
2. NAME OF APPLICANT AGENCY County of Tulare	4. GRANT PERIOD From: 10/1/13 To: 9/30/14
3. AGENCY UNIT TO HANDLE GRANT Tulare County Probation Department	

5. GRANT DESCRIPTION
 The Tulare County Probation Departments will work to reduce DUI related fatalities, injuries, and DUI recidivism. The worst-of-the worst, high-risk, felony, and repeat DUI offenders will be held accountable through intensive supervision to ensure compliance with court ordered conditions of probation and to prevent re-arrest on new DUI charges. Supervision activities include: monitoring of treatment and DUI program participation, conducting office visits unannounced fourth waiver searches, field visits, random alcohol/drug testing, distribution of HOT sheets, and participation with local law enforcement on anti DUI efforts including the AVOID campaign.

6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: \$ 77,882.00

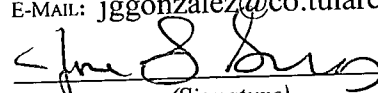
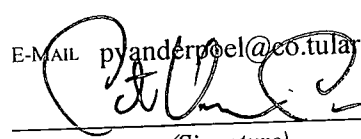
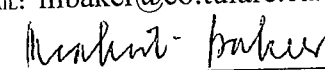
7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement:

- Schedule A (OTS-38b) – Problem Statement, Goals and Objectives and Method of Procedure
- Schedule B (OTS-38d) – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)
- Schedule B-1 (OTS-38f) – Budget Narrative and Sub-Budget Narrative (if applicable)
- Exhibit A – Certifications and Assurances
- Exhibit B* - OTS Grant Program Manual

Items shown with an asterisk (), are hereby incorporated by reference and made a part of this agreement as if attached hereto. These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.

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.

8. APPROVAL SIGNATURES	
A. GRANT DIRECTOR NAME Jose Gonzalez PHONE 559-713-7806 TITLE Division Manager FAX. 559-713-3032 ADDRESS 100 East Center Street Visalia, CA 93291 E-MAIL: jggonzalez@co.tulare.ca.us  _____ (Signature)	B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY NAME Pete Vander Poel PHONE 559-636-5000 TITLE Chairman FAX 559-733-6898 ADDRESS 2800 West Burrel Avenue Visalia, CA 93291 E-MAIL pyandervoel@co.tulare.ca.us  _____ (Signature)
C. FISCAL OR ACCOUNTING OFFICIAL NAME Marichu Baker PHONE 559-713-2765 TITLE Admin Services Officer FAX 559-730-2626 ADDRESS 221 South Mooney Boulevard Room 101-E Visalia, CA 93291 E-MAIL: mbaker@co.tulare.ca.us  _____ (Signature)	D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS NAME Tulare County Auditor ADDRESS 221 South Mooney Boulevard Room 101-E Visalia, CA 93291
9. DUNS NUMBER DUNS #. 933567310 REGISTERED ADDRESS & ZIP 2800 W BURREL AVE, VISALIA, CA 93291	

GME PROBATION

**SCHEDULE A
Grant No. AL1448**

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GRANT DESCRIPTION

PROBLEM STATEMENT

Describe the traffic safety related problem/deficiency and how it was identified. Compare your county's DUI problem with statewide numbers, rates, and averages. Refer to the OTS Grant Program Manual for more detailed information regarding the Problem Statement.

Tulare County is located southeast of the geographic center of California, covers 4,824 square miles, and is the 7th largest county in the state in terms of land area, much of which is rural, agricultural and/or mountainous. Most of the extensive rural roads are controlled only by stop signs, and lack visibility due to being surrounded by orchards and groves. Fog often can blanket many areas in the county during certain months of the year.

Tulare County has experienced continuous population growth that has occurred over the last eleven years. Census data for 2011 indicate that the County's population increased to 449,253, which resulted in a 22% increase from the 2000 368,021 population. The 2009 OTS Rankings show Tulare County's population count falls into the medium-size county range. Visalia, the County seat, has a majority of businesses and retail chains countywide, so many residents travel to (at least 30 miles one way in many cases) for business and shopping. Additionally, a large number of people commute to and from work locations outside of the County.

In 2010, Tulare County ranked 2 out of 58 counties included in the California Office of Traffic Safety Rankings for collisions in which there were victims killed or injured where a driver who was under the age of 21 had been drinking; 4 out of 58 for collisions in which there were victims killed or injured where a driver who was between the ages of 21 and 34 had been drinking; and 3 out of 58 for collisions in which there were victims killed or injured and a pedestrian under the age of 15 was involved.

According to ISWITRS data (Report 5D – Persons Killed and Injured in Alcohol Involved Collisions by County) There were a total of 46 victims killed in alcohol involved crashes in federal fiscal year 2010. This is a 59% increase from fiscal year 2009, during which there were 29 alcohol related deaths. Intensive and focused efforts of the Probation Department and local law enforcement agencies to address the DUI problem in Tulare County continue, in part due to the grant award from OTS.

Felony DUI probationers are typically repeat offenders with a history of alcohol abuse. The greatest portion meets the terms and conditions of probation and attends court ordered substance abuse treatment programs. Random alcohol and/or drug testing, field contacts, and home visits are effective deterrents. Therefore, intensive supervision is vital to decreasing recidivism, victimization, and commitments to State prison.

In Tulare County, the DUI Probation Officer maintains an average caseload of 98 probationers for DUI related felony offenses.

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Complete the following table using SWITRS data for collision and victim numbers and using the "Annual Report of the California DUI Management Information System (MIS)" for arrest and conviction numbers. SWITRS data is available on the CHP website: www.chp.ca.gov. The "Annual Report of the California DUIMIS" is available on the DMV website: www.dmv.ca.gov.

Collision Type	2008				2009				2010			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	65		73		62		74		64		70	
Injury	1,724		2,628		1,646		2,565		1,718		2,604	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol Involved	21	214	23	349	26	216	29	361	41	236	46	381
Countywide Total DUI Arrests*	4385				3,950				3,963			
Countywide Misdemeanor DUI Convictions*	3201				2,833				Data not yet available			
Countywide Felony DUI Convictions*	74				59				Data not yet available			

*Countywide DUI arrest and conviction data are available in the "Annual Report of the California DUI Management Information System", Appendix B, Table B1 and B3.

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Provide the following information for your department for the Federal Fiscal Year (FFY) periods October 1 through September 30.

	FFY 2010	FFY 2011	FFY 2012
Average Number of DUI Probationers Under Intensive Supervision	90	98	98
Warrant Sweeps Conducted	0	1	4
Field Contacts (Without Search) Conducted	274	354	87
Office Contacts Conducted	512	438	514
Home Searches Conducted	427	302	220
Alcohol and Other Drug Tests Conducted	323	373	536
HOT Sheets Distributed	45	68	16
Multi-Agency Operations Participated In (Not including Warrant Sweeps Reported Above)	4	5	5
SCRAM Probationer-Days	0	0	0
Positive Reports from SCRAM	0	0	0
Violations Resulting from SCRAM	0	0	0
Known Violatable Acts	45		37
Responses to Known Violatable Acts	45		31
Court Actions Initiated for Violatable Acts	15	9	12
Grant-Funded Full-Time DUI Probation Officers	1	1	1
Non-Grant Full-Time DUI Probation Officers	0	0	0

PERFORMANCE MEASURES

GRANT GOALS

1. To reduce the number of persons killed in traffic collisions.
2. To reduce the number of persons injured in traffic collisions.
3. To reduce the number of new DUI offenses by DUI probationers.
4. To reduce the number of DUI probationers arrested/cited for driving with suspended or revoked license.
5. To increase the percentage of DUI probationers in compliance with court-ordered probation.

GRANT OBJECTIVES

1. 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 should 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.

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GRANT DESCRIPTION

2. 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, or is substantially changed a draft press release should first be sent to the OTS PIO for approval. Drafts should be sent for approval as early as possible to ensure 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 ENFORCEMENT OPERATIONS are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press. 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 the results.
3. 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. To email the OTS Public Information Officer at pio@ots.ca.gov, and copy your OTS Coordinator, at least 30 days in advance a short description of any significant grant related traffic safety event or program so that OTS has enough notice to arrange for attendance and/or participation in the event.
5. To submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.), which is meant for general public use, to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the production or duplication.
6. To include the OTS logo, space permitting, on grant funded print materials; consult your OTS Coordinator for specifics relating to this grant.
7. To develop and maintain a "Hot Sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions by December 31 of the first grant year. Updated Hot Sheets should be distributed to patrol and traffic officers every three to four weeks.
8. To develop (and submit by October 31) a written "Operational Plan" to establish the method of operation and the policies applicable to carry out the activities of the DUI Probationer Supervision grant program.
9. To obtain, or develop, and utilize a risk or needs assessment tool to identify high-risk DUI offenders for placement on formal probation by October 31.
10. To establish 1 caseloads of 85 high-risk DUI probationers per caseload for intensive supervision by October 31.
11. To establish all grant-funded positions and train staff on defined roles and duties, including data collection and reporting requirements by October 31.
12. To conduct 4 warrant service operations targeting informal and/or formal DUI probationers who fail to comply with the terms and conditions of probation and/or other DUI suspects who fail to appear in court.

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GRANT DESCRIPTION

13. To track the number of attempted field contacts (with and without search) of high-risk DUI probationers.
14. To make 450 office contacts with DUI probationers.
15. To conduct 200 unannounced field contacts with search of DUI probationers' body/property. *Note: Surprise home contacts with search are the preferred method for ensuring compliance with court-ordered terms of probation.*
16. To track and report SCRAM usage and resulting SCRAM violations of high-risk DUI probationers.
17. To conduct 500 alcohol and other drug tests of DUI probationers.
18. To collaborate with the county's "Avoid Coalition" by: participating in all planning and scheduling meetings and MADD/Avoid DUI Seminars; providing your county Avoid Coordinator (Host) with your agency's schedule of operations that occur during any Avoid operational campaign period; and reporting daily, during holiday Avoid efforts, to the county Avoid Coordinator your agency's DUI arrests & DUI fatality information for the Avoid media campaign.
19. To work with court officials and the prosecutor's office throughout the grant period to ensure the court establishes probation orders necessary to conduct and sustain intensive supervision of DUI probationers.
20. To track and report probation violations and probation revocation proceedings for program participants who fail to abide by the terms and conditions of probation throughout the grant period.
21. To submit in a timely manner all statistical data, financial reimbursement claims, and quarterly performance reports, as required by OTS, throughout the grant period.

METHOD OF PROCEDURE

Phase 1 – Program Preparation (October of the Grant Year)

- A news release will be distributed to the media to inform the public about the OTS grant awarded to the County Probation Department.
- The Probation Department will hire grant-funded staff positions responsible for conducting supervision and other related duties.
- Grant-related purchases of equipment and/or minor equipment, if any, will be initiated and other necessary equipment and supplies will be acquired.
- Staff will be trained in the use and calibration of portable alcohol screening (PAS) devices and on relevant statutes pertaining to DUI offenders.
- The Risk Assessment tool will be purchased or developed and staff will be trained on the use of the tool and the policies and procedures for identifying risk-levels and making caseload assignments.
- Staff will review the grant goals, objectives, and methods.
- The forms necessary to collect and record data for inclusion in the Quarterly Progress Reports to document the progress toward achievement of the grant goals and objectives will be provided to staff, along with training in their use.

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GRANT DESCRIPTION

- A timeline or schedule will be developed to ensure the timely completion of grant objectives.
- Contact will be initiated with the host agency for the countywide Avoid DUI campaign.
- Standardized Field Sobriety Test (SFST) training is recommended.
- Advance Roadside Impaired Driving Enforcement (ARIDE) training is recommended.
- Drug Recognition Evaluator (DRE) certification should be considered.
- Staff will receive training and orientation related to the Department's SCRAM program (if applicable) and will begin working closely with the SCRAM vendor to ensure a timely response to any violations by DUI offenders.

- A written operational plan will be developed. The plan will outline the Department's policies and procedures related to the DUI Probationer Intensive Supervision Program including participant criteria, how individuals are identified and selected for inclusion on the caseload, how risk assessment is conducted, how and why offenders are moved on and off the caseload, policies and procedures for office visits, drug/alcohol testing, field contacts, home searches, and court monitoring. The operational plan should include contact information for referrals to resources such as county mental health, treatment, Alcoholics Anonymous, vocational training, job search and placement. The operational plan should be written in a manner that allows it to serve as a manual for new or additional program staff working with the DUI supervision program.

Phase 2 – Program Operations (Throughout Grant Period)

- News releases highlighting program successes and high visibility programs, such as warrant service operations, will be developed, approved by OTS and issued to the media throughout the grant period.
- To ensure compliance with all court ordered conditions of probation, the Probation Department will conduct the intensive supervision activities specified in the grant objectives. Activities include: risk assessment and assignment; initial home evaluation; office visits; field contacts; warrant sweeps; surveillance; alcohol and drug tests; home searches; monitoring of treatment and other program participation; review and monitoring of SCRAM alerts (if applicable); and Ignition Interlock compliance.
- Staff should work with the court and District or City Attorney's office to ensure appropriate terms of probation are ordered.
- Probation should maintain and distribute a "Hot Sheet" to local law enforcement and will perform necessary record keeping and reporting.
- Probation should respond to all known probation violations and initiate appropriate interventions up to and including court action.
- The DUI Unit should work with local law enforcement agencies and participate in the county Avoid DUI campaign.

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

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Agencies are required to collect and report quarterly, appropriate data that supports the progress of each 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 (Schedule C) will be completed each quarter and submitted as part of the QPR.

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

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

METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will prepare the Executive Summary to accompany the final QPR. The Executive Summary 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 relate to the goals and objectives.

ADMINISTRATIVE SUPPORT

This program has full support of the County of Tulare. Every effort will be made to continue the activities after the grant conclusion.

SCHEDULE B
 DETAILED BUDGET ESTIMATE
 GRANT NO. AL1448

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION
164AL	20.608	Minimum Penalties for Repeat Offenders for Driving Under the Influence

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 10/1/13 thru 9/30/14		
A. PERSONNEL COSTS				
Positions and Salaries				
Fulltime				
Deputy Probation Officer II	20.608	\$ 50,733.84		\$ 50,733.84
1 x 12 mo x \$4,227.82/month @ 100%				
Benefits @ 40.15%	20.608	\$ 20,369.64		\$ 20,369.64
Category Sub-Total		\$ 71,103.48		\$ 71,103.48
B. TRAVEL EXPENSE				
In-State	20.608	\$ 2,000.00		\$ 2,000.00
Category Sub-Total		\$ 2,000.00		\$ 2,000.00
C. CONTRACTUAL SERVICES				
Category Sub-Total		\$ -		\$ -
D. EQUIPMENT				
Category Sub-Total		\$ -		\$ -
E. OTHER DIRECT COSTS				
Communications	20.608	\$ 600.00		\$ 600.00
Office Supplies	20.608	\$ 500.00		\$ 500.00
Alcohol/Drug Testing	20.608	\$ 3,264.52		\$ 3,264.52
Printing/Duplication	20.608	\$ 414.00		\$ 414.00
Category Sub-Total		\$ 4,778.52		\$ 4,778.52
F. INDIRECT COSTS				
Category Sub-Total		\$ -		\$ -
GRANT TOTAL		\$ 77,882.00		\$ 77,882.00

SCHEDULE B-1

GRANT NO. AL1448

BUDGET NARRATIVE

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PERSONNEL COSTS

Deputy Probation Officer II

The Probation Department will continue to dedicate one Probation Officer responsible for achieving the goals and objectives described in the grant. The funds will be used to pay 100% of the salary for the Probation Officer. The salary category represents their estimated actual base salary plus the following established county benefits. A Deputy Probation Officer will oversee a caseload of high risk offenders on probation for driving under the influence (DUI).

Maximum Overtime Benefit Rate

Retirement	40.15%
TOTAL BENEFIT RATE	40.15%

Supplanting Statement

Personnel assigned to the grant are conducting a new traffic safety program not previously funded with City, County or State funding or were previously in a grant funded position.

TRAVEL EXPENSE

In State

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include Vehicular Homicide Seminar and OTS Leadership and Training Seminar. *All conferences, seminars or training not specifically identified in the Schedule B-1 (Budget Narrative) must be approved by OTS. All travel claimed must be 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*

Out-Of-State

None

CONTRACTUAL SERVICES

None

EQUIPMENT

None

OTHER DIRECT COSTS

SCHEDULE B-1

GRANT NO. AL1448

BUDGET NARRATIVE

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Communications - costs of telephone service, mail/messenger service (excluding overnight priority mail) and communications services.

Office Supplies - used for standard office supplies to support grant related activities, grant monitoring and reporting. Costs may include paper, toner, ink cartridges, CDs/DVDs and desk top supplies such as pens, pencils, binders, folders, flip charts, easels and clips. Excludes office furnishings and fixtures such as but not limited to the following: desk, chair, table, shelving, coat rack, credenza, book, filing cabinet, floor covering, office planter, storage cabinet, portable partition, picture, wall clock, draperies and hardware, and fixed lighting/lamp.

Alcohol/Drug Testing - testing conducted to determine DUI probationers' compliance with terms and conditions of probation. Costs may include lab testing fees and testing supplies such as mouth pieces, cups and test kits.

Printing/Duplication - costs include the purchase of paper, production, printing and/or duplication of materials associated with daily grant operations.

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

EXHIBIT A
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

NONDISCRIMINATION

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 (88), 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 (101), as amended (42 U.S.C. 12101, et seq.), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (100), which requires Federal-aid recipients and all subrecipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (92), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (91), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

EXHIBIT A
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 with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

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

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

EXHIBIT A
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 prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the 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 prospective primary participant 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*, *Grant Agreement*, 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 proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

**EXHIBIT A
CERTIFICATIONS AND ASSURANCES**

7. The Grantee Agency official further agrees by submitting this Grant Agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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

(1) The 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/Grant Agreement 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 prospective participant shall attach an explanation to this Grant Agreement.

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Instructions for Lower Tier Certification

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*, *Grant Agreement*, 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 Grant Agreement 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.

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9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this 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.