

1. GRANT TITLE

INTENSIVE PROBATION SUPERVISION FOR HIGH-RISK FELONY AND REPEAT DUI OFFENDERS

2. NAME OF AGENCY

COUNTY OF SAN BERNARDINO

4. GRANT PERIOD

From: 10/1/16

To: 9/30/17

3. AGENCY UNIT TO ADMINISTER GRANT

SAN BERNARDINO COUNTY PROBATION

5. GRANT DESCRIPTION

The County Probation Department 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 testing, and distribution of HOT sheets.

6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: \$ 498,395.00

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: **Michael Villa** PHONE: **909-387-4211**
TITLE: **Division Director II** FAX: **909-387-5827**

ADDRESS: **401 N. Arrowhead Ave.**
San Bernardino, CA 92415

E-MAIL: **mvilla@prob.sbcounty.gov**

(Signature)

(Date)

C. FISCAL OR ACCOUNTING OFFICIAL

NAME: **D. Scott Frymire** PHONE: **909-387-5580**
TITLE: **Deputy Chief Probation Officer** FAX: **909-387-5626**
ADDRESS: **175 W. 5th St**
San Bernardino, CA 92415

E-MAIL: **dsfrymire@prob.sbcounty.gov**

(Signature)

(Date)

B. AUTHORIZING OFFICIAL OF AGENCY

NAME: **Michelle Scray Brown** PHONE: **909-387-5692**
TITLE: **Chief Probation Officer** FAX: **909-387-5626**

ADDRESS: **175 W 5th St.**
San Bernardino, CA 92415

E-MAIL: **Michelle.Brown@prob.sbcounty.gov**

(Signature)

(Date)

D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS

NAME: **Probation Grants Office**
ADDRESS: **175 W. 5th St**
San Bernardino, CA 92415

9. DUNS NUMBER

DUNS #: **780136859**
REGISTERED ADDRESS & ZIP: **175 W. 5th Street**
San Bernardino, CA 92415-1012

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EFFECTIVE DATE OF AGREEMENT: <u>10/1/2016</u>		GRANTEE <u>COUNTY OF SAN BERNARDINO</u>	GRANT NO. <u>AL1708</u>			
10. Fin Action No. <u>1</u> Date: <u>8/2/2016</u>		12. TYPE OF AGREEMENT <u>PAID MEDIA</u> Initial <input checked="" type="checkbox"/> X <u>PROGRAM INCOME</u> Revision <input type="checkbox"/> Cont. <input type="checkbox"/>				
Revision No. <u></u>	Date: <u></u>		Task No. <u>8</u> F.F.Y. <u>2017</u>			
11. Action Taken Initial approval of 2017 HSP funds obligated.		13. FUNDING DISPOSITION & STATUS				
		Fiscal Year	Amount			
		<u>2016-17</u>	<u>498,395.00</u>			
		<u>2015-16</u>	<u></u>			
		<u>2014-15</u>	<u></u>			
		<u>2013-14</u>	<u></u>			
		Total	<u>498,395.00</u>			
		Obligated This Action	<u>498,395.00</u>			
		Previously Obligated	<u>0.00</u>			
		Total Amount Obligated	<u>498,395.00</u>			
		TOTAL FUNDS PROGRAMMED	<u>498,395.00</u>			
14. FUNDING DETAIL - FISCAL YEAR GRANT PERIOD ENDING: <u>9/30/2017</u>						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
164AL	20.608	0521-0890-101 (10/15)	2015	10/15	2015	\$ <u>299,037.00</u>
164AL	20.608	0521-0890-101 (23/16)	2016	23/16	2016	\$ <u>199,358.00</u>
-	-	-	-	-	-	\$ <u>-</u>
-	-	-	-	-	-	\$ <u>-</u>
-	-	-	-	-	-	\$ <u>-</u>
-	-	-	-	-	-	\$ <u>-</u>
-	-	-	-	-	-	\$ <u>-</u>
-	-	-	-	-	-	\$ <u>-</u>
TOTAL FEDERAL FUNDS:						\$ <u>498,395.00</u>
15. GRANT APPROVAL & AUTHORIZATION TO EXPEND OBLIGATED FUNDS						
A. APPROVAL RECOMMENDED BY			B. AGREEMENT & FUNDING AUTHORIZED BY			
NAME: <u>RON MILLER</u> TITLE: <u>Program Coordinator</u> PHONE: <u>(916) 509-3020</u> E-MAIL: <u>ron.miller@ots.ca.gov</u> <u>Office of Traffic Safety</u> <u>2208 Kausen Drive, Suite 300</u> <u>Elk Grove, CA 95758</u>			NAME: <u>RHONDA L. CRAFT</u> TITLE: <u>Director</u> <u>Office of Traffic Safety</u> <u>2208 Kausen Drive, Suite 300</u> <u>Elk Grove, CA 95758</u>			
Signature _____			Signature _____			

**PROBATION
SCHEDULE A
GRANT DESCRIPTION
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1. PROBLEM STATEMENT

Currently, the San Bernardino County Probation Department's High-Risk Drunk Driving Supervision Unit (funded by OTS), provides over 350 probationers with a high level of supervision. This unit has been active since late 2006. During the intervening years, the unit has developed a strategy that decreases recidivism or new DUI arrests. Efforts by this unit have not only reduced new DUI offenses but also helped send out a unified message to the community that drunk drivers will be targeted. This unified effort consists of the Probation Department working closely with the Courts, Sheriff, city police departments and CHP, joining the AVOID the 30 program, warrant sweeps, instituting the use of an alcohol monitoring system (Secure Continuous Remote Alcohol Monitor (SCRAM) countywide, and working with DMV to cite/arrest those driving with suspended or revoked license. The number of felony convictions for DUI dropped from 365 in 2012 to 303 in 2013 and the number of misdemeanor convictions dropped from 11,118 in 2012 to 7,297 in 2013. While this represents a 17% and 35% drop, respectively, it remains apparent that the Probation Department has a clear role going forward in working with those offenders who can be helped and maintaining more intensive supervision of those who are likely to re-offend.

If not for this grant, these cases would be assigned to regular caseloads based on their risk scores. They would not be supervised by officers with specialized training in identifying and working with alcohol involved offenders. These regular caseloads could be in excess of several hundred offenders. The grant allows for these offenders to receive intense supervision on smaller caseloads by officers trained to deal with these specific offenders.

A. Traffic Data Summary:

- **Data:** Use SWITRS data (www.chp.ca.gov) for fatal/injury and collision/victim numbers, and the “Annual Report of the California DUI Management Information System” (MIS) (www.dmv.ca.gov) Appendix B, Table B1 and B3, for countywide arrest and conviction numbers.

Collision Type	2012				2013				2014			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	217		244		235		264		N/A		N/A	
Injury	7,942		11844		8,177		12,177					
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol- Involved	91	932	107	1,457	86	897	95	1,375	N/A	N/A	N/A	N/A
Countywide Total DUI Arrests	11,568				10,168				N/A			
Countywide Misdemeanor DUI Convictions	11,118				7,297				N/A			
Countywide Felony DUI Convictions	365				303				N/A			

	FFY 2013	FFY 2014	FFY 2015
Average Number of DUI Probationers Under Intensive Supervision	303	332	305
Warrant Sweeps Conducted	43	90	35

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Field Contacts (Without Search) Conducted	56	263	557
Office Contacts Conducted	2,028	3,546	2,937
Home Searches Conducted	1,171	1,096	2,172
Alcohol Tests Conducted	2,013	3,754	3,475
HOT Sheets Distributed	436	644	389
SCRAM Probationer-Days	1,301	5,108	5,409
Positive Reports from SCRAM	9	9	11
Violations Resulting from SCRAM	5	5	5
Known Violatable Acts	65	98	113
Responses to Known Violatable Acts	51	98	108
Court Actions Initiated for Violatable Acts	44	63	59
Grant-Funded Full-Time DUI Probation Officers	4	4	4
Non-Grant Full-Time DUI Probation Officers	0	0	0

2. PERFORMANCE MEASURES

A. Goals:

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

B. Objectives:

1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off 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. Establish all grant-funded positions and train staff on defined roles and duties, including data collection and reporting requirements by October 31.

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3. 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.
4. 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.
5. Establish **4** caseload(s) of **75** high-risk DUI probationers each, for intensive supervision by October 31.
6. Develop and/or 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. Updated Hot Sheets should be distributed to patrol and traffic officers on a monthly basis.
7. 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.
8. Track the number of attempted field contacts (anywhere other than in the office, including all “door knocks”) with or without search, of high-risk DUI probationers.
9. Track and report SCRAM usage, and resulting SCRAM violations of high-risk DUI probationers.
10. 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.
11. Make **1220** unannounced field contacts (anywhere other than in the office) 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.*
12. Make **3000** office contacts with DUI probationers.
13. Conduct **3500** alcohol tests of DUI probationers.
14. Conduct **20** warrant service operation(s) 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.
15. Send **new** law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hour) POST-certified training.

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NOTE: Nothing in this “agreement” shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives hereunder.

3. METHOD OF PROCEDURE

A. Phase 1 - Program Preparation, Training and Implementation (1st Quarter of Grant Year)

- 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 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 and submitted. 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, 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.

B. Phase 2 - Program Operations (Throughout Grant Year)

- 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.

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- 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 tests; home searches; monitoring of treatment and other program participation; review and monitoring of SCRAM alerts (if applicable); and ignition interlock device 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.

Media Requirements

- 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.
 - a) 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 be sent to the OTS PIO for approval. Optimum lead time would be 10-20 days prior to the release date to ensure adequate turn-around time.
 - b) Press releases 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.
 - c) Activities such as warrant service operations 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.
- 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.
- Email the OTS PIO 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 OTS has sufficient notice to arrange for attendance and/or participation in the event.

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- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Include the OTS logo, space permitting, on grant-funded print materials; consult your OTS Coordinator for specifics.

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

- Agencies are required to collect and report quarterly, appropriate data that supports the progress of goals and objectives.
- 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. If required, a separate quarterly data reporting form will be completed each quarter and submitted as part of the QPR.
- 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 grant efforts.
- Reports should be completed and submitted in accordance with OTS requirements as specified in the Grant Program Manual.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

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

SCHEDULE B
DETAILED BUDGET ESTIMATE
GRANT NO. AL1708

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164AL	20.608	Minimum Penalties for Repeat Offenders For Driving While Intoxicated	\$ 498,395.00

COST CATEGORY	FISCAL YEAR ESTIMATES 10/1/16 thru 9/30/17			TOTAL COST TO GRANT
	CFDA	FY-1		
A. PERSONNEL COSTS				
Positions and Salaries				
Fulltime				
Probation Officer	20.608	\$ 294,816.00		\$ 294,816.00
4 x \$6,142/mo x 12mo x 100%				
Benefits @ 51.650%	20.608	\$ 152,273.00		\$ 152,273.00
Overtime				
Probation Compliance Operations	20.608	\$ 32,150.00		\$ 32,150.00
Benefits @ 11.350%	20.608	\$ 3,650.00		\$ 3,650.00
Category Sub-Total		\$ 482,889.00		\$ 482,889.00
B. TRAVEL EXPENSE				
In-State	20.608	\$ 2,006.00		\$ 2,006.00
Category Sub-Total		\$ 2,006.00		\$ 2,006.00
C. CONTRACTUAL SERVICES				
None		\$ -		\$ -
		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
D. EQUIPMENT				
None		\$ -		\$ -
		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
E. OTHER DIRECT COSTS				
Alcohol Testing	20.608	\$ 2,500.00		\$ 2,500.00
Vehicle Lease	20.608	\$ 8,000.00		\$ 8,000.00
PAS Device Printers	20.608	\$ 3,000.00		\$ 3,000.00
Category Sub-Total		\$ 13,500.00		\$ 13,500.00
F. INDIRECT COSTS				
None				\$ -
Category Sub-Total		\$ -		\$ -
GRANT TOTAL		\$ 498,395.00		\$ 498,395.00

SCHEDULE B-1
GRANT No. AL1708

BUDGET NARRATIVE

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PERSONNEL COSTS

Regular Fulltime

Probation Officer - Grant funds will be used to pay 100% of the salary and benefits for the Probation Officer positions be responsible for achieving the goals and objectives described in the grant through proactive field supervision, substance abuse testing, and enforcement of court orders for targeted DUI offenders including conducting or participating in unannounced home visits and searches of the offenders' homes, work, vehicles and/or person.

Full -Time Benefit Rates

Health Insurance	5.17%
Medicare	1.45%
Retirement	35.13%
Workers Compensation	9.90%
TOTAL BENEFIT RATE	51.65%

Supplanting Statement

Any non-grant funded vacancies created by reassignment to a grant-funded position must be filled at the expense of the grantee agency.

Overtime

Probation Compliance Operations – Operations may be conducted by personnel such as a Supervising Deputy Probation Officer, Senior Probation Officer, or Probation Officer. Personnel will be deployed as needed to accomplish the grant goals and objectives.

Costs are estimated based on an overtime hourly rate range of \$44.77/hour to \$48.09/hour.

Overtime reimbursement will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified.

Overtime Benefit Rates

Workers Compensation	9.90%
Medicare	1.45%
TOTAL BENEFIT RATE	11.35%

SCHEDULE B-1
GRANT No. AL1708

BUDGET NARRATIVE

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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. All requests for using grant funding for training and travel will be forwarded via email to OTS for approval prior to any expenditure of funds. Justification will be included in all requests. *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.*

CONTRACTUAL SERVICES

None

EQUIPMENT

None

OTHER DIRECT COSTS

Alcohol 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.

Vehicle Leases - lease of vehicles for activities supporting the grants goals and objectives and traffic safety. Uses may include attendance at training sessions with local law enforcement agencies or meetings with stakeholders and department personnel at the district/branch offices and compliance check activities. Lease charges to the grant will be in accordance with the following formula or rate: **\$422 per car per month plus \$0.37 per mile**. Reimbursement will be claimed on an actual cost basis and proportional to the grant-related use of the vehicle

4 PAS Device Printers – mobile printers for recording and presenting alcohol test evidence for use in tracking and reporting non-compliance with court-order terms of probation. Cost to include paper and necessary accessories.

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

EXHIBIT A
CERTIFICATIONS AND ASSURANCES

Page 1

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 Part 1200—Uniform Procedures for State Highway Safety Grant Programs

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 (Pub. 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 (Pub. L. 101-336), 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 (Pub. L. 100-259), which requires Federal-aid recipients and all sub-recipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), 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 (Pub. L. 91-616), 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

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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, 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 A
CERTIFICATIONS AND ASSURANCES

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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 Grant 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, 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.

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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.