


10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
164 AL-20	20.608	0521-0890-101	2019	2019	BA/19	\$278,400.00
				AGREEMENT TOTAL		\$278,400.00
				AMOUNT ENCUMBERED BY THIS DOCUMENT		\$278,400.00
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		\$ 0.00
				TOTAL AMOUNT ENCUMBERED TO DATE		\$278,400.00
OTS ACCOUNTING OFFICER'S SIGNATURE 			DATE SIGNED			

1. PROBLEM STATEMENT

When the Preventing Repeat Impaired Driving Effectively (PRIDE) grant was implemented in 2006, the Fresno County Probation Department (FCPD) had seen a significant increase in DUI offenders being placed on probation. From 2005 to 2006, countywide misdemeanor DUI convictions increased 21%, and countywide felony DUI convictions increased 121%. The FCPD did not have adequate resources to effectively supervise felony DUI offenders and local statistics during that time indicated a pressing need for a concerted effort on reducing DUI incidents in our community.

Alcohol-related deaths and injuries have declined substantially during the time Fresno County has operated this Repeat DUI program. According to the California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS), alcohol-related fatalities decreased over 30% between 2006 and 2010, while injuries decreased nearly 24%. Although the numbers trended downward every year from 2007 to 2010, it should be noted that 2010 was an especially good year for Fresno County, with numbers coming in substantially lower than would be predicted by the previous progression. Both deaths and injuries attributed to alcohol-involved collisions increased from 2010 to 2011. However, the figures for alcohol-involved fatal collisions and fatalities in 2011 follow the downward trend experienced from 2007-2009. The figures for alcohol-involved injury collisions and the number of persons injured were higher in 2011 than anticipated. Alcohol-involved fatal collisions decreased from 2012 to 2013, increased from 2013 to 2014, and decreased again in 2015.

We compared Fresno County's DUI experience during the three years prior to implementation of our Repeat DUI program to the time period since Repeat DUI has been in operation. The average number of alcohol-involved fatalities has dropped from 66 to 20 per year, a reduction of 69%, while the average number of injured persons dropped from 858 to 592 per year, a reduction of 31%.

It is evident that grant funded intensive supervision of high-risk, repeat DUI offenders has been very effective, but alcohol-involved fatal and injury collisions continue to pose a grave problem in our community. DUI related collisions afflict Fresno County families—disrupting their lives, interfering with plans, altering capabilities and, all too often, ending relationships in an instant. DUI related casualties also impact Fresno County's economy—with employers losing man-hours and employees losing work (and paychecks) due to another person's choice to drive after drinking alcohol or when impaired by drugs. All too often, the person who made that choice is a repeat offender, causing untold physical, emotional, and economic damage to yet another victim or victims.

According to the California Office of Traffic Safety (OTS) Collision Rankings, Fresno County has experienced an increase in alcohol involved collisions in relation to miles driven. In 2009, Fresno County ranked 38 out of 58 counties for alcohol involved collisions based on daily vehicle miles traveled. (The County ranked number 1 has the highest or "worst" rate of collisions to miles.) In 2011, Fresno County's rank adversely moved to 21 of 58. In 2012, Fresno County's rank increased to 53rd among the 58 counties, but the ranking methodology was revised during that data collection period. In 2013, Fresno County's rank continued to increase to 57th among the 58 counties. In 2014, Fresno County's rank decreased to 35th among the 58 counties. In 2015, Fresno County's rank continued to decrease to 32nd among the 58 counties.

Tracking collisions, injuries and fatalities in Fresno County demonstrates that intensive supervision of DUI offenders has averted collisions and prevented victims from being killed and injured in alcohol involved collisions; however, there is a need to provide intensive supervision of offenders who sustain convictions for driving under the influence of drugs (DUID). Recently, researchers in traffic safety have placed great emphasis in detecting, apprehending and monitoring DUID's.

A 2012 statewide survey on alcohol and drug use of California nighttime weekend drivers found that: "In terms of breath and oral fluid test results, 14% tested positive for at least one drug, and 7.3% tested positive for alcohol. One percent of tested drivers were at .08 blood alcohol content (BAC) or above."

The survey results revealed that over half of the drivers who tested positive for "at least one drug" tested positive for marijuana. Nearly 90% of drug positive drivers tested negative for alcohol. Based on this information, it is likely that many DUI collisions involved drivers impaired by drug use. Statewide, drug involved crash injuries increased 9% over the past decade; while drug involved crash fatalities increased 39%.

The FCPD conducted a random sample of DUI offenders under active supervision to evaluate the need to establish an intensive DUID caseload. The need was validated and FCPD has been supervising DUID cases for the past two grant cycles.

It is evident that OTS Repeat DUI grant-funded intensive supervision has suppressed criminal and unfavorable behavior of Repeat DUI offenders in Fresno County. Without funding from OTS and the National Highway Traffic Safety Administration, FCPD's supervision of DUI offenders would be adversely impacted. Without grant funding, DUI offender recidivism and the number of alcohol and drug involved traffic collisions, including injuries and fatalities would likely increase, posing a great risk to our community.

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 DUI probationers arrested/cited for driving with suspended or revoked license.
4. Increase the percentage of DUI probationers in compliance with court-ordered probation.
5. Reduce the number of new DUI offenses by DUI probationers.

B. Objectives:

	Target Number
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.	1
2. Develop (by December 31) 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. Updated HOT sheets should be distributed to patrol and traffic officers monthly.	4
3. Send law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.	2
4. Conduct 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.	3
5. 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.	1
6. Establish caseload(s) of high-risk DUI probationers each, for intensive supervision by October 31.	2
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.	4
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.	4
9. Track and report SCRAM usage, and resulting SCRAM violations of high-risk DUI probationers.	4
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.	4
11. Make announced field contacts (anywhere other than in the office), without search with DUI probationers. Note: Announced contacts (field, home, worksite) are not recommended and should be used only in rare situations such as initial home contacts.	0
12. Make unannounced field contacts (anywhere other than in the office), without search, with DUI probationers. Note: Surprise contacts (field, home, work-site) with search are preferable to contacts without search. Field contacts without search should be reserved for situations when the individual does not have the search order as a condition of their probation or when other circumstances preclude conducting a search.	0
13. Make 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.	230
14. Make office contacts with DUI probationers.	1,200
15. Conduct alcohol tests of DUI probationers.	1,350

3. METHOD OF PROCEDURE

A. Phase 1 – Program Preparation (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, 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. Media Requirements
- Issue a press release announcing the kick-off of the grant by November 15, but no earlier than October 1. If unable to meet the November 15 date, communicate reasons to your OTS Coordinator. The kick-off press releases and any related media advisories, alerts, and materials must be emailed for approval to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, 14 days prior to the issuance date of the release.

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.
 - 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. 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. The following requirements are for grant-related activities and are different from those regarding any grant kick-off release or announcement.
7. If an OTS-supplied, template-based press release is used, there is no need for pre-approval, however, the OTS PIO and Coordinator should be copied when at the same time as the release is distributed to the press.
 8. If an OTS-supplied template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead-time would be 10 days prior to the release distribution date, but should be no less than 5 working days prior to the release distribution date.
 9. Press releases reporting the immediate and time-valued 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.
 10. 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.

11. 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.
12. 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.
13. 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.
14. Space permitting, include the OTS logo, on grant-funded print materials; consult your OTS Coordinator for specifics and format-appropriate logos.
15. Contact the OTS PIO or your OTS Coordinator, sufficiently far enough in advance of need, for consultation when deviation from any of the above requirements might be contemplated.

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

- Invoice Claims (due January 30, April 30, July 30, and October 30)
- Quarterly Performance Reports (due January 30, April 30, July 30, and October 30)
 - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
 - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
 - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
 - Collect, analyze and report statistical data relating to the grant goals and objectives.
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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 administrative support, and every effort will be made to continue the grant activities after grant conclusion.

GRANT AGREEMENT

Schedule B

AL20013

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164 AL-20	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$278,400.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
A. PERSONNEL COSTS		
Positions and Salaries		
Full-Time		
DEPUTY PROBATION OFFICER III	20.608	\$68,718.00
Benefits- Deputy Probation Officer III	20.608	\$58,823.00
DEPUTY PROBATION OFFICER IV	20.608	\$75,894.00
Benefits- Deputy Probation Officer IV	20.608	\$64,965.00
Overtime		
Probation Compliance Check	20.608	\$7,000.00
Warrant Service Operations	20.608	\$1,350.00
Benefits- OT	20.608	\$643.00
Part-Time		
		\$0.00
Category Sub-Total		\$277,393.00
B. TRAVEL EXPENSES		
		\$0.00
		\$0.00
Category Sub-Total		\$1,007.00
C. CONTRACTUAL SERVICES		
		\$0.00
Category Sub-Total		\$0.00
D. EQUIPMENT		
		\$0.00
Category Sub-Total		\$0.00
E. OTHER DIRECT COSTS		
		\$0.00
Category Sub-Total		\$0.00
F. INDIRECT COSTS		
		\$0.00
Category Sub-Total		\$0.00
GRANT TOTAL		\$278,400.00

BUDGET NARRATIVE	
PERSONNEL COSTS	QUANTITY
<p>DEPUTY PROBATION OFFICER III - In a lead capacity, the Deputy Probation Officer assigned to the grant performs sensitive, complex and critical work to reduce DUI related fatalities, injuries and DUI recidivism in Fresno County. 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-arrests on new DUI charges.</p> <p>Supervision duties include: utilizing risk/needs assessment tools to identify high-risk DUI offenders and to establish a specialized low number caseload; creating an individualized case plan for offenders and referring them to services in the community, including but not limited to: substance abuse treatment, DUI programs, employment resources and education programs; monitoring the progress and participation of offenders in receiving services and initiating interventions to all probation violations; scheduling office visits and conducting unannounced compliance searches and administering on the spot alcohol and/or drug testing; monitoring the compliance of offenders on the electronic ankle monitor and the Automobile Ignition Interlock Device; Coordinating and reporting progress in the development of a Secure Continuous Remote Alcohol Monitoring program; communicating and working with probation officers and other law enforcement agencies during compliance searches, field contacts, warrant services operations and surveillance stakeouts targeting offenders who are suspected of driving with a suspended driver's license; disseminating habitual offenders bulletins to local law enforcement and participating in anti-DUI efforts such as the AVOID Campaign; ensuring the necessary terms and conditions are imposed and the appropriate charges are filed by working and communicating with court officials and the district attorney; tracking, compiling and reporting offender and operation statistics on a quarterly basis and monitoring progress in achieving grant objectives; performing other administrative work of the grant program.</p> <p>1 x 12 x \$5,726.50 month x 100%</p>	1
<p>Benefits- Deputy Probation Officer III - Total Benefit Rate- 85.60%</p> <p>00.05% Unemployment Insurance</p> <p>62.39% Retirement</p> <p>7.65% OASDI</p> <p>00.34% Worker's Compensation</p> <p>14.93% Health Insurance</p> <p>0.23% Benefits Administration</p>	1
<p>DEPUTY PROBATION OFFICER IV - Deputy Probation Officer - In a lead capacity, the Deputy Probation Officer assigned to the grant performs sensitive, complex and critical work to reduce DUI related fatalities, injuries and DUI recidivism in Fresno County. 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-arrests on new DUI charges.</p> <p>Supervision duties include: utilizing risk/needs assessment tools to identify high-risk DUI offenders and to establish a specialized low number caseload; creating an individualized case plan for offenders and referring them to services in the community, including but not limited to: substance abuse treatment, DUI programs, employment resources and education programs; monitoring the progress and participation of offenders in receiving services and initiating interventions to all probation violations; scheduling office visits and conducting unannounced compliance searches and administering on the spot alcohol and/or drug testing; monitoring the compliance of offenders on the electronic ankle monitor and the Automobile Ignition Interlock Device; Coordinating and reporting progress in the development of a Secure Continuous Remote Alcohol Monitoring program; communicating and working with probation officers and other law enforcement agencies during compliance searches, field contacts, warrant services operations and surveillance stakeouts targeting offenders who are suspected of driving with a suspended driver's license; disseminating habitual offenders bulletins to local law enforcement and participating in anti-DUI efforts such as the AVOID Campaign; ensuring the necessary terms and conditions are imposed and the appropriate charges are filed by working and</p>	1

communicating with court officials and the district attorney; tracking, compiling and reporting offender and operation statistics on a quarterly basis and monitoring progress in achieving grant objectives; performing other administrative work of the grant program. 1 Deputy Probation Officer(s) IV x 12 months @ 100%	
Benefits- Deputy Probation Officer IV - Total Benefit Rate- 85.60% 00.05% Unemployment Insurance 62.39% Retirement 7.65% OASDI 00.34% Worker's Compensation 14.93% Health Insurance 0.23% Benefits Administration	1
Probation Compliance Check - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	1
Warrant Service Operations - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	1
Benefits- OT - Total Benefit Rate- 7.70% Unemployment - 0.054% OASDI - \$7.65%	1
TRAVEL EXPENSES In State Travel - 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 (enter other known conferences or required events). All conferences, seminars or training not specifically identified in the 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.	1
CONTRACTUAL SERVICES -	
EQUIPMENT -	
OTHER DIRECT COSTS -	
INDIRECT COSTS -	
STATEMENTS/DISCLAIMERS There will be no program income generated from this grant. 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. Any non-grant funded vacancies created by reassignment to a grant-funded position must be filled at the expense of the grantee agency.	

CERTIFICATIONS AND ASSURANCES
HIGHWAY SAFETY GRANTS
(23 U.S.C. CHAPTER 4 AND SEC. 1906, PUB. L. 109-59, AS AMENDED)

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 1300—Uniform Procedures for State Highway Safety Grant Programs

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- To insert this clause, including paragraphs (a) through (e), in every subcontract and sub agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

The State 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

(applies to subrecipients as well as States)

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.

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

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

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

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 primary tier 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 prospective primary tier participant 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 prospective primary tier participant 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 or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal 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.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "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 and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
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 the transaction for cause or default.

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

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal 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 records, 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 prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

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 or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal 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, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal 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 "Instructions for Lower Tier Participant Certification" including the "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 and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

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 with which this transaction originated may pursue available remedies, including suspension 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 proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions 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 proposal.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items 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. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

LAW ENFORCEMENT AGENCIES

All subrecipient law enforcement agencies shall comply with California law regarding profiling. Penal Code section 13519.4, subdivision (e), defines "racial profiling" as the "practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." Then, subdivision (f) of that section goes on to provide, "A law enforcement officer shall not engage in racial profiling."