CITY COUNCIL AGENDA REPORT

MEETING DATE: November 15, 2011 ITEM NUMBER:

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM"

DATE: OCTOBER 27, 2011

FROM: POLICE DEPARTMENT- FIELD OPERATIONS DIVISION, TRAFFIC SAFETY BUREAU

PRESENTATION BY: Sergeant David Makiyama, Police Department, Traffic Safety Bureau

FOR FURTHER INFORMATION CONTACT: David Makiyama 714-754-4963

RECOMMENDED ACTION:

1. Adopt Resolution which authorizes the City Manager or his designee, to accept the grant award from the California Office of Traffic Safety for the "Selective Traffic Enforcement Program" (S.T.E.P.).

2. Approve Budget Adjustment # 12-004 in the amount of $225,856 to increase revenue and appropriation for overtime, professional development and equipment costs associated with the 2012 OTS STEP grant.

BACKGROUND:

The National Highway Transportation Safety Administration distributes federal funding to California through the Business, Transportation, and Housing Agency and the Office of Traffic Safety. Grants are used to mitigate traffic safety program deficiencies, expand on-going programs, or to develop a new program. Grant funding cannot replace existing program expenditures, nor can traffic safety funds be used for program maintenance, research, rehabilitation, or construction. The City has applied for several of these grants in the past and has received funds that have significantly assisted the objectives of the Traffic Safety Bureau and improved traffic safety in the City of Costa Mesa.

ANALYSIS:

Since 2005, the Office of Traffic Safety has awarded the Police Department five significant DUI related grants. The funds associated with these grants have been used

to purchase specialized equipment and to pay the cost of personnel working strategic operations.

As a result of grant funded operations, the Police Department has successfully reduced key collision related data points. For example, since 2005, the total number of injury traffic collisions was reduced 19%, from 679 in 2005 to 553 in 2010. The number of injuries related to these traffic collisions declined by 24%, equating to 219 fewer people suffering injuries in 2010. The number of DUI injury collisions was reduced 14%, from 63 in 2005, to 54 in 2010.

Each year, the Office of Traffic Safety assembles collision data rankings based on city population numbers. Costa Mesa is a member of Group B (population 100,001 to 250,000) with 55 other cities. According to the 2009 rankings, Costa Mesa had low marks in fatal and injury, pedestrian, alcohol, speed, and bicycle related collisions. The City ranked second lowest in Group B for over-all traffic safety, based upon 2009 data despite making more DUI arrests than the state average and being fifth in our grouping in DUI arrests. In spite of our efforts Costa Mesa has been ranked twentieth out of California's top fifty DUI cities, two years in a row.

Along with injury collisions, impaired driving enforcement has always been a top priority for the Police Department. Since 1986, the Department has staffed a full-time impaired driving enforcement team consisting of two officers. As a supplement to the impaired driving enforcement team, the Department regularly conducts Sobriety/Driver's License checkpoints and DUI saturation patrols funded by the grant. The checkpoints are educational, highly visible, and a deterrent.

Police Department staff submitted an application and has received approval for the new grant which is offered through the California Office of Traffic Safety. The grant will allow the Police Department to implement the Selective Traffic Enforcement Program (S.T.E.P). This program will provide a comprehensive approach to reducing the violations which commonly lead to collisions, while maintaining a focus on impaired and suspended/unlicensed drivers. Grant funds will be used to staff Sobriety/Driver License checkpoints and to staff targeted enforcement operations. In addition, funds will also be used to purchase equipment such as signs, cameras, and educational handouts. The equipment is vital to achieve the goal to reduce injury collisions, save lives and reduce liability.

The Police Department's current grant expired on September 30, 2011. The new S.T.E.P. grant would enable the Police Department to build upon the success achieved to date, while providing new objectives for increasing traffic safety throughout the City. The funding will allow the Police Department to combat impaired driving, and enforce traffic laws aimed at saving lives. New grant objectives include special enforcement of red light violations, excessive speed violations, motorcycle safety enforcement, and enforcement at high collision intersections.

Some of the specific project objectives from the grant agreement are as follows:

- To conduct ten (10) DUI/DL checkpoints by September 30, 2012.
- To conduct twenty-four (24) DUI saturation patrols by September 30, 2012.
- To conduct ten (10) special enforcement operations targeting red light violations by September 30, 2012.

- To conduct ten (10) special enforcement operations at or near intersections with a disproportionate number of traffic collisions by September 30, 2012.
- To conduct nine (9) special enforcement operations targeting drivers exhibiting excessive speed by September 30, 2012.
- To conduct two (2) highly publicized special motorcycle safety enforcement operations in an area or during an event with a high number of motorcycle incidents or collisions resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning and other primary collision factor violations by motorcyclists and other drivers by September 30, 2012.

To receive the grant funds, the Office of Traffic Safety requires the City Council adopt a Resolution agreeing to support the grant goals in their entirety. Office of Traffic Safety grant funding is based on the federal fiscal year, which begins on October 1 and ends on September 30. The grant agreement provides funds in the amount of $225,856 which will be utilized over a 12-month period of time (October 1, 2011 through September 30, 2012).

ALTERNATIVES CONSIDERED:

None

FISCAL REVIEW:

The attached budget adjustment # 12-004 increases revenue and appropriates the total expected grant of $225,856 to the Police Department's budget for overtime, professional development and other direct costs. The grant period is from October 1, 2011 to September 30, 2012.

LEGAL REVIEW:

The City Attorney's Office has reviewed the Grant Agreement and associated documents and has approved it as to form and content.

CONCLUSION:

Based upon an analysis of the Grant Agreement and the available benefits to the City offered by the award of the grant, Department staff supports the approval of the above listed recommendation.

DAVID MAKIYAMA

Traffic Safety Bureau Sergeant

TOM GAZSI

Chief of Police

BOBBY YOUNG

Finance Director

THOMAS DUARTE

City Attorney

DISTRIBUTION: City Manager
City Attorney
Finance Director
City Clerk
Grant
Administrator

ATTACHMENTS:
1 Resolution of the City Council
2 Budget Adjustment # 12-004
3 Office of Traffic Safety Grant Agreement

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM".

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the State of California Business, Transportation & Housing Agency has made funds available through the Office of Traffic Safety for the "Selective Traffic Enforcement Program", as set forth in the Grant Agreement; and

WHEREAS, the City of Costa Mesa supports the grant goals and wishes to participate in the "Selective Traffic Enforcement Program" and

WHEREAS, the City of Costa Mesa has been awarded $225,856.00 in California Office of Traffic Safety funds for the period of October 1, 2011 through September 30, 2012; and

NOW, THEREFORE, BE IT RESOLVED that, the City Council of Costa Mesa hereby approves the application for and acceptance of a grant from the California Office of Traffic Safety and the City Manager or his designee is hereby authorized to implement this authorization.

PASSED AND ADOPTED this 15th day of November, 2011.

Gary Monahan, Mayor

ATTEST:

Julie Folcik, City Clerk

APPROVED AS TO FORM:

Thomas Duarte, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 12-004 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November, 2011, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 15th day of November, 2011.

_____
JULIE FOLCIK, CITY CLERK

(SEAL)

BUDGET ADJUSTMENT AUTHORIZATION

Unit	Department	Division	Serial Number
CITY	Police	Support Services	12-004

Type of Transaction

- ☒ Revenue Estimate
  - ☒ Estimate Increase
  - ☐ Estimate Decrease
- ☒ Source
  - ☐ From Existing Budget Appropriations
  - ☒ From Donations, Fees, or Grants
  - ☐ From Unappropriated Fund Balance

- ☒ Expenditure Appropriation
  - ☐ Intra-Departmental Transfer
  - ☐ Inter-Departmental Transfer
  - ☐ Project-To-Project Transfer
  - ☒ Appropriation Increase
  - ☐ Appropriation Decrease

Reason for Request:

To increase revenue and appropriations for the OTS/Selective Traffic Enforcement Program (STEP) grant, as recommended to City Council at their November 15, 2011 meeting.

Unit	Account	Name	Fund	Organization	Program	Project/Grant	Increase	Decrease
CITY	430299	Other State Grants – OTS/STEP	220	15400	71022	-	$225,856	-
CITY	501400	Overtime	220	15400	71022	-	218,495	-
CITY	510300	Small Tools & Equipment	220	15400	71022	-	4,361	-
CITY	505500	Professional Development	220	15400	71022	-	3,000	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-

Department Authorization:

Department Director _____ Date _____

Budget Verification:

The above information has been reviewed, is complete and accurate, and the appropriations and/or unappropriated funds are sufficient to support the request.

☒ Yes ☐ No

Budget and Research Officer _____ Date _____

Recommendation: ☒ Approval ☐ Disapproval

Reasons For Disapproval:

Director of Finance _____ Date _____

City Manager Action:

☐ Approved ☐ Disapproved ☐ Not Required

City Manager _____ Date _____

City Council Action:

☐ Approved ☐ Disapproved ☐ Not Required

Date _____

OFFICE OF TRAFFIC SAFETY

GRANT AGREEMENT

Federal Fiscal Year 2012

10/1/2011 - 09/30/2012

STATE OF CALIFORNIA - OFFICE OF TRAFFIC SAFETY

GRANT AGREEMENT

(REV. 08/11)

GRANT NUMBER
20413

1. This Agreement is entered into between the Office of Traffic Safety and the City of Costa Mesa Police Department.
2. Grant Period: 10/01/2011 to 09/30/2012
3. Federal Funds allocated under this Agreement shall not exceed: $225,856.00
4. Grant Title: Selective Traffic Enforcement Program
5. Grant Description: To reduce the number of persons killed and injured in crashes involving alcohol, speed, red light running, and other primary collision factors, "best practice" strategies will be conducted on an overtime basis. The funded strategies may include: DUI/driver license checkpoints to deter potential drunk drivers and to educate the public; DUI saturation patrols to apprehend drunk drivers; "HOT Sheet" program and court stings. The program may also concentrate on speed, aggressive driving, seat belt enforcement, intersection operations with disproportionate numbers of traffic crashes and special enforcement operations encouraging motorcycle safety. These strategies are designed to earn media attention thus enhancing the overall deterrent effect.
6. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement:
   - Exhibit A – Budget Summary, Budget Estimate and Narrative
   - Exhibit A1 – Sub-Budget Summary, Sub-Budget Estimate and Narrative (if applicable)
   - Exhibit B – Goals and Objectives
   - Exhibit C – Problem Statement, Method of Procedure
   - Exhibit D – Certifications and Assurances
   - Exhibit E* – OTS Grant Program Manual

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

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

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

Grantee Agency

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

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

California Office of Traffic Safety

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

PRINTED NAME AND TITLE OF PERSON SIGNING

Christopher J. Murphy, Director

ADDRESS

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

EXHIBIT A
BUDGET SUMMARY

COST CATEGORY	TOTAL COSTS
Personnel	$218,495.00
Travel	$3,000.00
Contractual Services	$
Equipment	$0.00
Other Direct Costs	$4,361.00
Indirect Costs	$
TOTAL GRANT AMOUNT	**$225,856.00**

EXHIBIT A
BUDGET ESTIMATE AND NARRATIVE

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

FUND NUMBER	CATALOG NUMBER	FUND DESCRIPTION
164AL Alcohol Funds - HSP 2012	CFDA 20.608	Minimum Penalties for Repeat Offenders For Driving While Intoxicated
402 General Funds - HSP 2012	CFDA 20.600	State/Community Highway Safety

PERSONNEL TOTAL COSTS $218,495.00

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

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

Benefits

Narrative:

TOTAL (REGULAR POSITIONS AND BENEFITS)	$

Hourly	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
		$	%	$	$
	Subtotal	$		$	$

Benefits

Narrative:

TOTAL (HOURLY POSITIONS AND BENEFITS)	$

OVERTIME

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

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

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

Overtime Hourly Rate Range $12.44 to $83.69

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
2 Court Sting Operations @ $2,665.00	164AL Alcohol Funds - HSP 2012	$5,330.00	%	$0.00	$5,330.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
24 DUI Saturation Patrols @ $2,232.00	164AL Alcohol Funds - HSP 2012	$53,568.00	%	$0.00	$53,568.00

Benefits

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

10 DUI/DL Checkpoints @ $9,000.00	164AL Alcohol Funds - HSP 2012	$90,000.00	%	$0.00	$90,000.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
10 Intersections with Disproportionate Traffic Collision Operations @ $2,232.00	402 General Funds - HSP 2012	$22,320.00	%	$0.00	$22,320.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
2 Motorcycle Safety Enforcement Operations @ $2,434.50	402 General Funds - HSP 2012	$4,869.00	%	$0.00	$4,869.00

Benefits

Overtime	Fund Number	Total All Positions	Total % Benefits	Total All Benefits	Total Compensation
10 Red Light Enforcement Operations @ $2,232.00	402 General Funds - HSP 2012	$22,320.00	%	$0.00	$22,320.00

Benefits

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

9 Speed Enforcement Operations @ $2,232.00	402 General Funds - HSP 2012	$20,088.00	%	$0.00	$20,088.00

Benefits

Subtotal	**$218,495.00**	**$0.00**	**$218,495.00**

TOTAL (OVERTIME POSITIONS AND BENEFITS)	**$218,495.00**

TRAVEL TOTAL COSTS $3,000.00

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

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

Type	Fund Number	In State Travel Costs
In State Travel	164AL Alcohol Funds - HSP 2012	$3,000.00

Additional Anticipated Travel:
Attend the OTS Vehicle Homicide Conference.

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

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

Additional Anticipated Travel:

CONTRACTUAL SERVICES TOTAL COSTS $

Description	Contractual Services Costs

	$

Narrative:

EQUIPMENT TOTAL COSTS $0.00

Description	Fund Number	Equipment Costs
		$

Narrative:

OTHER DIRECT TOTAL COSTS $4,361.00

Description	Fund Number	Other Direct Costs
1 Printing/Duplication @ $500.00	164AL Alcohol Funds - HSP 2012	$500.00

Narrative: Costs include the purchases of paper, production, printing and/or duplication of materials associated with grant operations.

Description	Fund Number	Other Direct Costs
2 Digital Camera @ $275.00	164AL Alcohol Funds - HSP 2012	$550.00

Narrative: To capture images of enforcement operations, collision scenes, warrant sweeps, probation compliance checks, educational events/activities and to aid in prosecution of DUI cases. Includes accessories such as memory, carrying case, and tripod.

Description	Fund Number	Other Direct Costs
1 DUI Checkpoint Supplies @ $3311.00	164AL Alcohol Funds - HSP 2012	$3,311.00

Narrative: Supplies to conduct sobriety checkpoints. Include cones, signage, reflective vests (maximum of 10), generator, lighting, reflective banners, flares, PAS device supplies, heater, fan and canopy. Additional items may be purchased if approved by OTS.

INDIRECT TOTAL COSTS $

Description	Fund Number	Indirect Costs

TOTAL GRANT AMOUNT **$225,856.00**

EXHIBIT B
GOALS AND OBJECTIVES

Goals

Order	Goal ID#	Goal
1	5	To reduce the number of persons killed in traffic collisions.
2	6	To reduce the number of persons injured in traffic collisions.
3	7	To reduce the number of persons killed in alcohol-involved collisions.
4	8	To reduce the number of persons injured in alcohol-involved collisions.
5	52	To reduce the number of persons killed in drug involved collisions.
6	53	To reduce the number of persons injured in drug involved collisions.
7	9	To reduce the number of motorcyclists killed in traffic collisions.
8	10	To reduce the number of motorcyclists injured in traffic collisions.
9	11	To reduce the number of motorcyclists killed in alcohol-involved collisions.
10	12	To reduce the number of motorcyclists injured in alcohol-involved collisions.
11	13	To reduce hit & run fatal collisions.
12	14	To reduce hit & run injury collisions.
13	15	To reduce nighttime (2100 - 0259 hours) fatal collisions.
14	16	To reduce nighttime (2100 - 0259 hours) injury collisions.
15	40	To reduce fatal collisions involving red light runners.
16	41	To reduce injury collisions involving red light runners.
17	38	To reduce fatal collisions at intersections.
18	39	To reduce injury collisions at intersections.
19	44	To reduce fatal collisions where unsafe speed was the primary collision factor.
20	45	To reduce injury collisions where unsafe speed was the primary collision factor.
21	46	To increase seat belt use.

Objectives

Order	Objective ID #	Objective	User Input
1	25	To issue a press release announcing the kick-off of the grant by November 15 of the first grant year. The press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	
2	225	To send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator. If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, a draft press release must first be sent to the OTS PIO for approval. Drafts should be sent for approval as early as possible to insure adequate turn-around time. Optimum lead time would be 10-20 days prior to the operation. Media communications reporting the results of grant activities such as checkpoints and saturation patrols are exempt from the advance approval requirement. Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report results.	
3	34	To use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.	
4	55	To issue a press release prior to each motorcycle safety enforcement operation to raise awareness about motorcycle safety in general and to draw attention to the motorcycle safety enforcement operations. If you (grantee) choose not to use the OTS template, the press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov and copied to your OTS Coordinator for approval 14 days prior to the issuance date of the release.	
5	226	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.	
6	227	To submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS Public Information Officer at pio@ots.ca.gov, and copy your OTS Coordinator, for approval 14 days prior to the production or duplication.	

7	228	To include the OTS logo, space permitting, on grant funded print materials; consult your OTS Coordinator for specifics relating to this grant.	
8	144	To conduct pre- and post-seat belt usage rate surveys during the months of October (start of the grant) and September (end of the grant) of each grant year.	
9	39	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 will be distributed to patrol and traffic officers every three to four weeks.	
10	263	To send__ supervisory and other interested law enforcement personnel to the OTS sponsored "DUI Checkpoints – Planning and Management" 8 hour, POST Certified training course by December 31.	Target number: 2
11	35	To conduct Standardized Field Sobriety Testing (SFST) training for __ officers by January 31. Note: At least one sworn officer who has received NHTSA-certified SFST training should participate in each DUI/DL checkpoint conducted under this grant.	Target number: 5
12	264	To send __ law enforcement personnel to the NHTSA "Advanced Roadside Impaired Driving Enforcement" (ARIDE) 16 hour, POST-Certified training by January 31.	Target number: 2
13	36	To submit a California Law Enforcement Challenge application to CHP according to instructions on the CHP website http://www.chp.ca.gov/features/clec.html and submit a copy of the application to CHP and the Office of Traffic Safety by the last Friday of March in each grant year.	
14	266	To report the procurement status of all equipment planned to be purchased as part of this grant.	
15	1	To conduct __ DUI/DL Checkpoints.Note: To enhance the overall deterrent effect and promote high visibility, be sure to issue an advance press release for each checkpoint operation. For combination DUI/DL checkpoints, departments must issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Also, according to the Attorney General's Office all DUI/DL checkpoint operations must have signs reading "DUI/Driver's License Checkpoint Ahead." . OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoint operations that begin prior to 1800 hours.	Target number: 10
16	6	To conduct __ DUI Saturation Patrols.	Target number: 24
17	201	To conduct __ highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or collisions resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning and other primary	Target number: 2

		collision factor violations by motorcyclists and other drivers.	
18	366	To track the number of DUID reports submitted to the City or District Attorney for case issuance. Note: "DUID reports" are defined as reports seeking criminal charges upon a suspect for violation of California Vehicle Code sections 23152(a) or 23153(a) without a corresponding violation of 23152(b) or 23153(b).	
19	367	To report the number of DUID reports returned to law enforcement where the City or District Attorney's Office declined to issue DUID charges against the suspect.	
20	368	To develop a tracking system that can track DUID report submissions and rejections and includes unique case identifiers and attributes (e.g. report number, suspect name, etc.).	
21	196	To conduct __ enforcement operations targeting red light running.	Target number: 10
22	199	To conduct __ enforcement operations at or near intersections with a disproportionate number of traffic collisions.	Target number: 10
23	200	To conduct __ enforcement operations targeting drivers exhibiting excessive speed.	Target number: 9
24	19	To conduct __ Court Sting operations to cite individuals driving from court after having their license suspended or revoked.	Target number: 2
25	37	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.	

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EXHIBIT C
PROBLEM STATEMENT AND METHOD OF PROCEDURE

PROBLEM STATEMENT

Using local data (not OTS Rankings or SWITRS), complete the table below.

Collision Type	2007				2008				2009			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	8		10		6		7		2		2	
Injury	666		905		698		928		660		872	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol Involved	1	62	3	94	1	76	1	110	1	46	1	61
Hit and Run	1	49	1	59	0	45	0	51	0	51	0	74
Nighttime (2100-0259 hours)	2	85	2	130	0	87	0	115	2	92	2	120

PROVIDE DETAILED ANSWERS TO THE FOLLOWING QUESTIONS AS PART OF THE PROBLEM STATEMENT:

1. Describe current traffic unit complement (number of personnel and classifications). If applicable, describe how the size of the traffic unit has fluctuated in the past five years and why.
   At our peek in 2008, we were allocated (1) Lieutenant, (3) Sergeants, (19) Officers, (10) Community Services Specialists, (1) Secretary, and (7) Part Time Aides. As a result of City budget concerns, 41% of line personnel and support staff in the Traffic Safety bureau were cut in 2010/2011. Currently the Traffic Safety Bureau is allocated (1) Lieutenant, (2) sergeants, (12) Officers, (3) Community Service Specialists, and (6) Part Time Aides. The drastic reduction in staffing resulted in changes in operation procedures. In order to utilize staffing in the most effective manner under the circumstances, we no longer investigate non-injury collisions, we substituted 1-day impounds for 30-day impounds, we only have minimum parking enforcement rather than maximum enforcement, we have slower response to community complaints, and the radar trailer is no longer deployed daily. Additional lay-offs of sworn personnel are expected.

2. How many sobriety checkpoints did your department conduct between October 1, 2009 and September 30, 2010? (Include checkpoints from all funding sources, i.e. OTS grants or mini-grants, and department funded).

OTS Grant Number	PT1021	Number of Checkpoints (Not Avoid)	12
AVOID the	28	Number Of Checkpoints In Your Jurisdiction	0

EXHIBIT C
PROBLEM STATEMENT AND METHOD OF PROCEDURE

Mini-Grant Number	SC10096	Number of Checkpoints	4
		Number of Department Funded Checkpoints (Not OTS Funded)	0

Additional information:

3. What is the average number of DUI arrests per checkpoint?
   2
4. Does your Agency participate in an AVOID DUI program? (If yes, complete 4a).
   ◉ Yes ○ No
   a. AVOID the 26 DUI Campaign in Orange County
5. What percent of your DUI arrests between October 1, 2009 and September 30, 2010 were made as a result of a collision?
   11%
6. What percent of your total fatal and injury collisions between October 1, 2009 and September 30, 2010 occurred at intersections?
   45%
7. Describe the problem caused by red light running in your city.
   Red light collisions usually involve a vehicle traveling at a higher speed, which results in more injuries and suffering, 59% of our collisions caused by running red lights resulted in injuries. Red light violations accounted for the fourth highest category of Severe Injuries, was the number one cause of Other Visible Injuries, and the third highest cause of Complaint of Pain Injuries.
8. What are your primary collision factors?
   Our primary collision factors are 20% Unsafe Speed, 18% Unknown, 12% Improper Turning, 12%Auto right of Way, 11% DUI, 9% Traffic Signals and Signs, 5% Other Improper Driving, 4% unsafe Starting or backing, 3% Wrong Side of Road, 3% Unsafe lane Change, 1% Ped Right of Way, 1% Ped Violations.
9. Seat belt citations make up what percent of all hazardous citations issued?
   18%
10. How many "hand held" cell phone usage while driving citations did your department issue between October 1, 2009 and September 30, 2010?
    3,788
11. How many "texting" while driving citations did your department issue between October 1, 2009 and September 30, 2010?
    85

METHOD OF PROCEDURE

EXHIBIT C
PROBLEM STATEMENT AND METHOD OF PROCEDURE

Phase I: Program Preparation, Training and Implementation (1st Quarter of the Grant Year)

- The police department will develop operational plans to implement the "best practice" strategies outlined in the objectives section.
- A draft news release will be submitted to OTS to announce the grant program.
- All training needed to implement the program will be conducted this quarter.
- All grant related purchases needed to implement the program will be made this quarter.
- In order to develop the "Hot Sheets", research will be conducted to identify the "worst of the worst" repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver's name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. Hot Sheets will be updated and distributed to traffic and patrol officers every three to four weeks.
- Implementation of the STEP program will be accomplished by deploying personnel at high collision locations.
- DUI/Driver's License checkpoint site locations will have a history of significant alcohol involved collisions and/or DUI arrests.

Phase II: Community Awareness (Throughout Grant Period)

- The police department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.

Phase III: Data Collection & Reporting (Throughout Grant Period)

- The police department will submit a Quarterly Performance Report (QPR) and a separate quarterly data reporting form within 30 days following each calendar quarter.
- The final QPR, Data Form, Claim and Executive Summary are due to OTS 30 days following the grant's termination.
- Reports shall be completed and submitted in accordance with OTS requirements specified in the Grant Program Manual.

Method of Evaluation

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

EXHIBIT C
PROBLEM STATEMENT AND METHOD OF PROCEDURE

EXHIBIT D
CERTIFICATIONS AND ASSURANCES

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

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

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

Certifications and Assurances

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

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

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

Other Federal Requirements

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

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

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

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

EXHIBIT D
CERTIFICATIONS AND ASSURANCES

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

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

Federal Funding Accountability and Transparency Act

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

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

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

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

- Other relevant information specified by OMB guidance.

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

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

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

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

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

b. Establishing a drug-free awareness program to inform employees about:

    1. The dangers of drug abuse in the workplace.
    2. The grantee's policy of maintaining a drug-free workplace.
    3. Any available drug counseling, rehabilitation, and employee assistance programs.
    4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.

c. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).

d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

    1. Abide by the terms of the statement.
    2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.

f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted:

    1. Taking appropriate personnel action against such an employee, up to and including termination.
    2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

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CERTIFICATIONS AND ASSURANCES

Buy America Act

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

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

Political Activity (Hatch Act)

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

Certification Regarding Federal Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The Grantee Agency official shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

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

EXHIBIT D
CERTIFICATIONS AND ASSURANCES

Restriction on State Lobbying

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

Certification Regarding Debarment And Suspension

Instructions for Primary Certification

1. By signing and submitting this Grant Agreement, the Grantee Agency official is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Grantee Agency official shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The Grantee Agency official shall provide immediate written notice to the department or agency to which this Grant Agreement is submitted if at any time the Grantee Agency official learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this Grant Agreement is being submitted for assistance in obtaining a copy of those regulations.

6. The Grantee Agency official agrees by submitting this Grant Agreement that, should the covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The Grantee Agency official further agrees by submitting this Grant Agreement that it will include the clause

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

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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

1. The Grantee Agency official certifies to the best of its knowledge and belief, that its principals:

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

2. Where the Grantee Agency official is unable to certify to any of the Statements in this certification, such Grantee Agency official shall attach an explanation to this Grant Agreement.

Instructions for Lower Tier Certification

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1. By signing and submitting this Grant Agreement, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this Grant Agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this Grant Agreement is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this Grant Agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that is it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

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

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

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

1. The prospective lower tier participant certifies, by submission of this Grant Agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this Grant Agreement.

Policy to Ban Text Messaging While Driving

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

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving-

   a. Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or

   b. Privately-owned when on official Government business or when performing any work on or on behalf of the Government.

2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as-

   a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

   b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Environmental Impact

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