




<b>10. PROJECTED EXPENDITURES</b>						
<b>FUND</b>	<b>CFDA</b>	<b>ITEM/APPROPRIATION</b>	<b>F.Y.</b>	<b>CHAPTER</b>	<b>STATUTE</b>	<b>PROJECTED EXPENDITURES</b>
405d AL-18	20.616	0521-0890-001	2017	2017	14/17	\$594,670.00
				<b>AGREEMENT TOTAL</b>		<b>\$594,670.00</b>
				AMOUNT ENCUMBERED BY THIS DOCUMENT		<b>\$594,670.00</b>
<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		<b>\$ 0.00</b>
				TOTAL AMOUNT ENCUMBERED TO DATE		<b>\$594,670.00</b>
ACCOUNTING OFFICER'S SIGNATURE 			DATE SIGNED			

## **1. PROBLEM STATEMENT**

Since 2011, OCDA has gradually built a model for DUID prosecutions that has proven to be innovative and successful. The program has been modified as drug trends have been identified, jury attitudes have been more readily apparent, and as the testing technology available to our forensic partners has improved. At OCDA, our approach to the DUID prosecution model has always been one of consistency, with an understanding that we must adapt our program to be responsive to the changes in the industry. Thus far, OCDA has made great strides in our prosecution efforts. DUID is now a key function of our office and although we continue to file alcohol cases, the majority of the cases handled by our DUID team involve drug and combination cases.

Our model continues to serve us well in our prosecution efforts. With the passage of Proposition 64, and the broader acceptance of marijuana as a recreational drug, we have seen a dramatic shift in juror attitudes towards marijuana-impaired driving. Specifically, there is a great deal of effort that must be made in educating jurors and the judiciary regarding the impact of marijuana on the task of driving. This continues to be a challenge for our prosecutors and for prosecutors throughout the state. There is a definite learning curve with these cases, and we encourage prosecutors to try new strategies to convey the scientific concepts that exist in DUID and Marijuana impairment prosecutions.

### **Training:**

In 2017, OCDA had the opportunity to lead the OTS Southern CA Training Network. This collaboration of multiple OTS vertical prosecution grantees has thus far, proven to be a very successful endeavor. Our training partners appear to be engaged and committed to our joint goals and objectives in the area of training and development of prosecutors and law enforcement officers. We would like to maintain this relationship in the 2018 year.

In addition to this framework, however, OCDA wishes to expand upon its training role. This request is made based on feedback and observations that have been made in the 2017 grant year. Based on our conversations with prosecutors and law enforcement officers state-wide, we believe there is a broader need for traffic safety training and resource development, outside of the southern California region and beyond our existing partners. OCDA is therefore, proposing the addition of one additional training deputy, for a total of two training deputies. The model would be to designate one of the training deputies to be a prosecution liaison and the other, a law enforcement liaison. These two deputies would then work with our southern California training partners, as well as any northern California grantees to identify training needs and in collaboration, deliver training to the broad prosecution and law enforcement communities. OCDA envisions working closely with CDAA (and the grantee that administers their grant), CHP, and individual offices and agencies to develop live training and video training curricula, facilitate roundtables, expand upon web-based resources, and consistently connect and educate our statewide partners on relevant legislative and legal changes impacting our industry.

### **Dedicated DRE**

Another area that is ripe for exploration is the idea of having a dedicated DRE assigned to the program. The DRE will serve as an active partner in conducting prosecution and law enforcement trainings, encouraging more officers to attend the DRE course by attending law enforcement agency briefings, and serving as a regional resource on case evaluations where there was no DRE on the initial investigation. The DRE will also be available to the members of the DUID Vertical Prosecution Team for consultation, courtroom testimony and training. Since many agencies do not have an abundance of certified DREs, the establishment of a DRE position will allow trial deputies to be able to consult with the DRE in advance of filing a case and through the trial preparation phase of the case. Additionally, the DRE could serve as the “investigative officer” for the trial and therefore, be permitted to sit at council table with the trial deputy. The DRE could be a witness in the case and could also assist the deputy with cross examination of the retained defense expert.

There is currently no other model that OCDA is aware of that simulates this proposal. OCDA believes that a pilot program at OCDA would allow us to explore this model and possibly establish a best-practice for other agencies that are focused on enhancing and improving their DUID prosecution efforts.

### **Youth Education and Collaboration**

There is no doubt that education has always been a key component of the OCDA grant application. We believe that educating the youth on the dangers of drug-impaired driving is the most proactive approach to reducing DUI collisions

and fatalities. In the past, OCDA has conducted outreach to school-aged children and college-aged young adults. We believe it is time to go beyond these individual efforts. In order to create an impactful, behavior changing education model, OTS seeks to work in collaboration with the Orange County Health Agency to develop a curriculum to educate the youth on marijuana and prescription drug-impaired driving. Programs like "Every 15 minutes" have been proven successful in delivering the message to large groups of high-school aged students. We believe it is time to develop a similar curriculum for DUID. OCDA is therefore, seeking funds from OTS to start an education and outreach program with the Orange County Health Care Agency.

#### Web Based Training Resource

OCDA is in the process of developing a web-based training website. In order to continue to expand the website and broaden the number of people who can access the expected password protected site, OCDA will need to fund additional maintenance and content development for the site. Additionally, OCDA seeks funds to transcribe defense expert audio from our DUID trials. We hope to create a large expert witness database that can be accessed by prosecutors throughout the state.

## 2. PERFORMANCE MEASURES

### A. Goals:

1. Improve the prosecution and law enforcement knowledge and expertise of DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combination cases statewide.
2. Increase the number of training resources on DUI Alcohol, DUI Drug, and DUI Alcohol/Drug Combination cases available to prosecution and law enforcement statewide.

### B. Objectives:

	<b>Target Number</b>
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. Coordinate and facilitate 4 regional roundtable vertical prosecution meetings (throughout California) with grantees in the California Traffic Safety Resource Prosecutor Training Network. The first meeting should be scheduled within the first 30 days of the grant cycle. The last meeting shall be scheduled for the final quarter of the grant.	4
3. Coordinate and facilitate 4 regional roundtable law enforcement meetings (throughout California) to provide information on the DUI Vertical Prosecution Program, interact with law enforcement to identify means to improve DUI/DUID investigation and prosecution, and assess technical assistance needs for training on DUI/DUID investigation and court testimony.	4
4. Create 4 prosecution or law enforcement focused training videos on traffic related legal issues.	4
5. Develop and conduct two 4-day "Traffic Safety College" training's (one in Northern CA and one in Southern CA) in fiscal year 2018.	2
6. Facilitate and provide comprehensive training in the prosecution of DUI Alcohol and DUI Drug cases for prosecuting and law enforcement agencies within California. This training should take place throughout the grant cycle. Information about the training such as the training schedule and content of the training material should be conveyed to all prosecutors and law enforcement agencies during the quarterly meetings.	4
7. Provide 4 regional live training's on the investigation, report writing, courtroom testimony, and legal updates in traffic safety and DUI/DUID related cases. This training should be given to at least 400 law enforcement officers in California during the grant cycle. This training should be given in addition to trainings at local DRE and FSTS schools, police officer briefings and information conveyed during quarterly meetings.	4
8. Work with Orange County Health Agency to develop an outreach and education campaign designed to educate high-school aged youth on the dangers of drug-impaired driving.	1

## 3. METHOD OF PROCEDURE

### A. Phase 1 – Program Preparation (1<sup>st</sup> Quarter of Grant Year)

- Recruit and hire all staff for the grant.
- Procure all materials necessary to implement the grant.
- Identify dates and schedule the four Roundtable Meetings (one each quarter with telephone conference capabilities). Notify the OTS coordinator of the dates.

- Develop protocols to be used to measure the success of the TSRP Training Program.
- **Media Requirements**
  - 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](mailto:pio@ots.ca.gov), and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release

#### **B. Phase 2 – Program Operations (Throughout Grant Year)**

- Training for law enforcement personnel, District Attorney Investigators, and other Deputy District/City Attorneys will begin and continue throughout the program.
- Obtain and deliver high quality DUI prosecution training program to prosecutors throughout the State.
- Obtain and deliver high quality DUI investigation, report writing, and courtroom testimony training programs to law enforcement personnel (police officers, deputies, District Attorney Investigators, and crime lab scientists throughout the State).
- Develop and implement the outreach and education campaign for high-school aged youth on the dangers of drug-impaired driving.
- Host Quarterly Roundtable meetings with law enforcement personnel and OTS Coordinator.
- Develop and maintain a web-based DUI training resource for prosecutors and law enforcement.
- **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](mailto:pio@ots.ca.gov), with a copy to your OTS Coordinator.
    - If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead time would be 10-20 days prior to the release date to ensure adequate turn-around time.
    - Press releases reporting the results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
    - 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.
  - Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
  - Email the OTS PIO at [pio@ots.ca.gov](mailto: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.
  - 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](mailto:pio@ots.ca.gov) and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
  - Include the OTS logo, space permitting, on grant-funded print materials; consult your OTS Coordinator for specifics.

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

- 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.

#### **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.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405d AL	20.616	Impaired Driving Countermeasures	\$594,672.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
<b>A. PERSONNEL COSTS</b>		
Positions and Salaries		
<b>Full-Time</b>		
Deputy District Attorney III	20.616	\$229,688.00
Benefits	20.616	\$123,963.00
Investigator	20.616	\$134,779.00
Benefits	20.616	\$72,740.00
<b>Overtime</b>		\$0.00
<b>Part-Time</b>		\$0.00
Category Sub-Total		\$561,170.00
<b>B. TRAVEL EXPENSES</b>		
In State Travel	20.616	\$10,000.00
		\$0.00
Category Sub-Total		\$10,000.00
<b>C. CONTRACTUAL SERVICES</b>		
		\$0.00
Category Sub-Total		\$0.00
<b>D. EQUIPMENT</b>		
		\$0.00
Category Sub-Total		\$0.00
<b>E. OTHER DIRECT COSTS</b>		
Facilities Fees	20.616	\$5,000.00
Transcription Services	20.616	\$13,500.00
Web Based Training Resource	20.616	\$5,000.00
Category Sub-Total		\$23,500.00
<b>F. INDIRECT COSTS</b>		
		\$0.00
Category Sub-Total		\$0.00
<b>GRANT TOTAL</b>		<b>\$594,670.00</b>

<b>BUDGET NARRATIVE</b>	
<b>PERSONNEL COSTS</b>	<b>QUANTITY</b>
Deputy District Attorney III - Two DDAs will identify training needs and deliver training to the prosecution and law enforcement communities throughout the state.	2
Benefits - 53.97% 00.84% - Dental Insurance 09.85% - Health Insurance 00.04% - Life Insurance 00.02% - Accidental Death & Dismemberment Insurance 01.43% - Medicare 00.54% - Salary Continuance Insurance 36.04% - Retirement 02.64% - Workers' Compensation 02.57% - Optional Benefit Plan	1
Investigator - A DRE will join the California Traffic Safety Resource Prosecution Training Network for training, consultation and courtroom testimony.	1
Benefits - 53.97% 00.84% - Dental Insurance 09.85% - Health Insurance 00.04% - Life Insurance 00.02% - Accidental Death & Dismemberment Insurance 01.43% - Medicare 00.54% - Salary Continuance Insurance 36.04% - Retirement 02.64% - Workers' Compensation 02.57% - Optional Benefit Plan	1
<b>TRAVEL EXPENSES</b>	
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. 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
<b>CONTRACTUAL SERVICES</b>	
-	
<b>EQUIPMENT</b>	
-	
<b>OTHER DIRECT COSTS</b>	
Facilities Fees - To rent facilities for training events coordinated by the California Traffic Safety Resource Prosecutor Training Network.	1
Transcription Services - To provide outside agency transcription of audio or court reporter fees of select audio recordings in order to expand the expert witness database for prosecutors to use as a reference.	25
Web Based Training Resource - To publish and share training videos online with law enforcement officers and prosecutors.	1
<b>INDIRECT COSTS</b>	
-	



**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**

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

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

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended
- 49 CFR Part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Part 1200—Uniform Procedures for State Highway Safety Grant Programs

**NONDISCRIMINATION**

The Grantee Agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88- 352), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (Pub. L. 101-336), as amended (42 U.S.C. 12101, et seq.), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), which requires Federal-aid recipients and all sub-recipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

**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 (HATCHACT)**

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

**CERTIFICATION REGARDING FEDERAL LOBBYING**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

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

**RESTRICTION ON STATE LOBBYING**

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

**CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

Instructions for Primary Certification

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

is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

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

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

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

#### **Instructions for Lower Tier Certification**

1. By signing and submitting this grant agreement, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this grant agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *grant agreement*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this grant agreement is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this grant agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or

voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this grant agreement that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion— Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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

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