

On BOS Calendar for 11/6/12

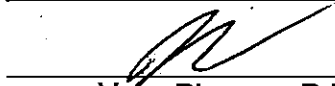
Contract #: Office of Traffic Safety FY 12/13

CONTRACT ROUTING SHEET

Date Prepared: 10/18/12

Need Date: ASAP

PROCESSING DEPARTMENT:

Department: District Attorney *Thank you!*
 Dept. Contact: Jodi Albin
 Phone #: x 6421
 Department: _____
 Head Signature: 
 Vern Pierson, DA

CONTRACTOR:


Name: Office of Traffic Safety
 Address: _____
 Phone: _____

EL DORADO COUNTY COUNSEL
 20 OCT 19 PM 4:19

CONTRACTING DEPARTMENT: District Attorney


Service Requested: FY 12/13 Grant Agreement review and approval / Resolution Included
 Contract Term: 10/1/12-9/30/13 Contract Value: \$313,325
 Compliance with Human Resources requirements? Yes: x No: _____
 Compliance verified by: n/a

COUNTY COUNSEL: (Must approve all contracts and MOU's)

Approved: ✓ Disapproved: _____ Date: 10-23-12 By: 
 Approved: _____ Disapproved: _____ Date: _____ By: _____

PLEASE HAND CARRY TO RISK MANAGEMENT
 THANKS!

RISK MANAGEMENT: (Must approve all contracts, MOU's and boilerplate grant agreements)

Approved: ✓ Disapproved: _____ Date: 10-23-2012 By: 
 Approved: _____ Disapproved: _____ Date: _____ By: _____

RECEIVED
 HUMAN RESOURCES DEPT.
 12 OCT 23 PM 3:17

OTHER APPROVAL: (Specify department(s) participating or directly affected by this contract)

Departments: _____
 Approved: _____ Disapproved: _____ Date: _____ By: _____
 Approved: _____ Disapproved: _____ Date: _____ By: _____

1. GRANT TITLE Alcohol and Drug Impaired Vertical Prosecution Program	
2. NAME OF APPLICANT AGENCY El Dorado County	4. GRANT PERIOD
3. AGENCY UNIT TO HANDLE GRANT El Dorado County District Attorney's Office	From: 10/01/12 To: 09/30/13
5. GRANT DESCRIPTION The County District Attorney's Office will assign a specialized team to prosecute alcohol and drug impaired driving cases. The DUI prosecution team will handle cases throughout each step of the criminal process. Prosecution team members will work with the Traffic Safety Resource Prosecutor Program, funded by OTS, to increase the capabilities of the team and the office by obtaining and delivering specialized training. Team members will share information with peers and law enforcement personnel throughout the county and across the state. The office will accomplish these objectives as a means to prevent impaired driving and reduce alcohol and drug-involved traffic fatalities and injuries.	
6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: \$ 313,325.00	
The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement:	
<ul style="list-style-type: none"> • Page 2 (OTS-38a) • Schedule A (OTS-38b) – Problem Statement, Goals and Objectives and Method of Procedure • Schedule B (OTS-38d) – Detailed Budget Estimate and Sub-Budget Estimate (if applicable) • Schedule B-1 (OTS-38f) – Budget Narrative and Sub-Budget Narrative (if applicable) • Schedule C (OTS-38g) – Quarterly Evaluation Data Form (if applicable) • Exhibit A – Federal Certifications and Assurances • Exhibit B* - OTS Grant Program Manual 	
Items shown with an asterisk () are hereby incorporated by reference and made a part of this agreement as if attached hereto. These documents can be viewed at: 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.	
7. APPROVAL SIGNATURES	
A. GRANT DIRECTOR	B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY
NAME: VERN PIERSON PHONE: 530-621-6472	NAME: JOHN KNIGHT PHONE: 530-621-5390
TITLE: DISTRICT ATTORNEY FAX: 530-621-1280	TITLE: CHAIR, BOARD OF SUPERVISORS FAX: 530-622-3645
ADDRESS: 515 MAIN STREET PLACERVILLE, CA 95667	ADDRESS: 330 FAIR LANE PLACERVILLE, CA 95667
E-MAIL: VERN.PIERSON@EDCGOV.US	E-MAIL: JOHN.KNIGHT@EDCGOV.US
_____ (Signature) (Date)	_____ (Signature) (Date)
C. FISCAL OR ACCOUNTING OFFICIAL	D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS
NAME: JODI ALBIN PHONE: 530-621-6421	NAME: EL DORADO COUNTY DISTRICT ATTORNEY
TITLE: FISCAL ADMINISTRATIVE FAX: 530-621-1280 MANAGER	ADDRESS: 515 MAIN STREET PLACERVILLE, CA 95667
ADDRESS: 515 MAIN STREET PLACERVILLE, CA 95667	
E-MAIL: JODI.ALBIN@EDCGOV.US	
_____ (Signature) (Date)	

GRANTS MADE EASY – VERTICAL PROSECUTION

**SCHEDULE A
Grant No. PT1321
Page 1**

GRANT DESCRIPTION

PROBLEM STATEMENT

El Dorado County continues to present a significant and verifiable danger to motorists and pedestrians from drivers operating motor vehicles while under the influence of alcohol or prescription drugs. In fact, this problem has been well documented over recent years. The California Office of Traffic Safety ranked El Dorado County 10 out of 58 counties for alcohol involved collisions in 2010 based on daily vehicle miles traveled. Further, the California Office of Traffic Safety ranked El Dorado County 11 out of 58 counties for drivers between the ages of 21-34 who had been drinking and caused injury or death to a person.

Using SWITRS data for your county, complete the table below.

Collision Type	2008				2009				2010			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol Involved	9	128	9	165	5	143	6	190	8	127	8	152

The criminal defense bar has become increasingly aggressive when defending suspects in DUI trials, whether they are based on alcohol or prescription drugs. Recent defenses used in El Dorado County include “no-driving defenses,” “drinking-after-the-fact defenses,” and a frontal assault on law enforcement procedures in prescription drug cases. The defense bar in El Dorado County often does not provide its “witness list” until late in the prosecution, if not just before the jury trial. In many instances the defense witness will contradict the law enforcement version of events as depicted in the police report. Thus, the need to have defense witnesses interviewed before trial is critical to the success of the prosecution. The importance of an available investigator to handle this task cannot be understated. Routinely, prosecutors will be forced to spend valuable time seeking the assistance of an investigator who may have other pressing issues, leaving little time to assist in the DUI investigation. This process can be detrimental to a successful prosecution. Accordingly, an investigator who has the time and resources to adequately investigate the defense witness and check the accuracy of their story may be the difference between a conviction and an acquittal.

In addition, members of the general public who sit as jurors are more versed in alcohol DUIs when compared to prescription drug DUIs. The criminal defense bar seeks to exploit this information gap effectively; usually attacking the drug recognition tests performed by peace officers on the subject person at the scene of the incident. Moreover, criminalists from the California Department of Justice face tough cross-examination of minimum “cut-off levels” defined to explain the quantity of prescription drugs in the driver’s system. Usually when drug quantities in the suspect’s system rank near the cut-off level, the defense will ferociously attack any gaps or perceived inconsistencies in the peace officer’s field sobriety tests for drug recognition that were performed at the scene. Accordingly, more effective collaboration is required here between prosecutors and law enforcement and criminalists to overcome this challenge.

El Dorado County continues to experience a problem with underage drinking. Unfortunately, some of these young persons will become part of future statistics in El Dorado County’s war against driving while intoxicated. An aggressive program to interact with the young people in El Dorado County to prevent them from becoming part of the problem must be achieved. We will be researching the development of a program wherein real-life criminal DUI judgments and sentencing are done before local high school students, which will be a significant step toward greater education and hopefully the reversing of this trend.

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
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Page 2

GRANT DESCRIPTION

El Dorado County has a population of more than 180,000 persons according to local data. Most of the County is rural with almost 1100 miles of County-maintained roadways. Highway 50 runs through the middle of El Dorado County sending motorists from the valley and coastal areas through the western slope of El Dorado County to the ever-popular Lake Tahoe region. Tragically, some of these motorists will drive through El Dorado County while intoxicated. In addition, the driving population increases significantly during the Friday to Sunday weekend period due to all of the people traveling to and from Lake Tahoe. This increased visitor role presents a challenge for law enforcement in every aspect of its job, and especially with traffic issues related to DUIs.

Prosecutions can occur procedurally in different ways. Specifically, the El Dorado County District Attorney's Office files misdemeanor and felony cases based on the standards allowed by law. Felony cases are filed when the suspect has three or more prior DUIs, including "wet reckless" convictions, or the suspect has a prior felony DUI conviction that occurred within the ten years preceding his or her current DUI arrest. Furthermore, felony cases are filed when there has been a serious injury that was caused by the DUI driver, or when multiple victims have been injured. Misdemeanors are filed in most other cases. Finally, probation violations are filed when the suspect is currently on misdemeanor or felony probation based on a prior criminal conviction. This last category, the probation violation, is very important. A person who is on felony probation may be facing prison time, or sentencing pursuant to Penal Code Section 1170(h), for driving while intoxicated, even where the new DUI does not end in a conviction. In other words, the suspect would only have a right to a hearing before a judge, not a jury trial, on the probation violation. Therefore, a vertical prosecutor could use this important tool as part of their approach to send the more incorrigible members of the community to prison by filing a petition to violate the suspect's probation without ever having the case heard before a jury. This tool is very effective in protecting the community.

PERFORMANCE MEASURES

GRANT GOALS

1. To reduce the number of persons killed in traffic collisions.
2. To reduce the number of persons injured in traffic collisions.
3. To reduce the number of persons killed in alcohol-involved collisions.
4. To reduce the number of persons injured in alcohol-involved collisions.
5. To reduce the number of persons killed in drug-involved collisions.
6. To reduce the number of persons injured in drug-involved collisions.

GRANT OBJECTIVES

1. To issue a press release announcing the kick-off of the grant by November 15. The press releases and media advisories, alerts, and materials should be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
2. To send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator. If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed, a draft press release should first be sent to the OTS PIO for approval. Drafts should be sent for approval as early as possible to

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
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Page 3

GRANT DESCRIPTION

ensure adequate turn-around time. Optimum lead time would be 10-20 days prior to the operation. Media communications reporting the results of grant activities such as ENFORCEMENT OPERATIONS are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press. Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.

3. To use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
4. To create or expand a “Vertical Prosecution Program” with the District Attorney’s Office by November 30. The program will facilitate the prosecution of all DUI cases that fall within the grant description.
5. To designate one (1) prosecutor position(s) to the DUI caseload to prosecute felony DUI Alcohol and DUI Drug cases and all DUI cases in South Lake Tahoe. This prosecutor shall be an experienced attorney having knowledge and skill with DUI jury trials. The individual(s) will be dedicated solely to this assignment allowing them to gain expertise in combating defense tactics and prosecuting DUI Alcohol and DUI Drug cases. While employed by the District Attorney’s Office, the individual in the grant-funded DUI Vertical Prosecutor position will remain the same throughout the term of the grant.
6. To develop and implement a system for gathering, tracking and reporting on all DUI arrests received by the District Attorney’s Office, filings and convictions in the County by December 31, differentiating between 1) DUI Alcohol-only, 2) DUI Drug-only and 3) DUI Combination Alcohol & Drug cases.
7. To report on all DUI arrests received by the District Attorney’s Office, filing and conviction outcomes in the County throughout the grant, differentiating between 1) DUI Alcohol-only, 2) DUI Drug-only and 3) DUI Combination Alcohol & Drug cases.
8. To work with the Traffic Safety Resource Prosecutor (TSRP) to provide comprehensive training in the prosecution of DUI Alcohol cases to 3 prosecutors.
9. To work with the Traffic Safety Resource Prosecutor (TSRP) to provide comprehensive training in the prosecution of DUI Alcohol cases to 1 DA Investigator(s).
10. To work with the Traffic Safety Resource Prosecutor (TSRP) to provide comprehensive training in the prosecution of DUI Drug cases to 3 prosecutors.
11. To work with the Traffic Safety Resource Prosecutor (TSRP) to provide comprehensive training in the prosecution of DUI Drug cases to 1 DA Investigator(s).
12. To meet with the Traffic Safety Resource Prosecutor (TSRP) quarterly to provide updates on the Vertical Prosecution Program.
13. To increase the number of DUI drug cases filed.
14. To increase the number of prosecutors trained in filing and prosecuting DUI cases.
15. To increase the number of prosecutors trained in filing and prosecuting DUI Drug cases.
16. To send a prosecutor to the DUI Drug Enforcement Seminar sponsored by OTS and CDAA.
17. To coordinate and host four regional roundtable law enforcement meetings to provide information on the DUI Vertical Prosecution Program and assess their technical assistance needs for training on DUI injury and death investigation and court testimony. OTS staff, Traffic Resource Prosecutors, local law enforcement, CHP and probation should be included in the roundtable.

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
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GRANT DESCRIPTION

18. To coordinate with local law enforcement agencies on the development of an on-call response protocol for the investigation of fatal and major injury DUI vehicle collisions.
19. To participate in Warrant Service Operations targeting DUI Offenders who violate probation terms or fail to appear in court.

METHOD OF PROCEDURE

Phase 1 – Program Preparation (1st Quarter of the Grant Year)

Activities include hiring staff, training, sub-contract preparation, acquisition of equipment and supplies, etc.

- The District Attorney’s office will recruit and hire all staff for the project.
- The District Attorney’s Office will procure all materials necessary to implement the project.
- The Deputy District Attorney will identify dates and schedule the four (one each quarter) Regional Roundtable Meetings.
- The Deputy District Attorney and Investigator under the grant will attend training and visit other jurisdictions to gather ideas and methods related to forming the new DUI Prosecution Program.
- The Deputy District Attorney will begin development of a training program for all program staff that will outline the goals and objectives of the project.
- Cases for prosecution will be referred to the Deputy District Attorney as soon as the project is funded. The Deputy District Attorney will begin development of a training protocol for law enforcement agencies within the county and start a process of coordinating all reporting, investigation, and referral of cases that qualify under the grant.

Phase II (2nd, 3rd, and 4th Quarters of the Grant Year)

Activities include meeting with allied agencies to coordinate activities, coordination of media events, development of print and promotional materials, etc.

- Begin development and implementation of the outreach campaign. This will consist of developing brochures, public service announcements, and presentations to community organizations, schools, pharmacies, and medical clinics.
- Prosecution will be on-going. The Deputy District Attorney will prosecute all felony DUI cases from all law enforcement agencies in the county in addition to all South Lake Tahoe DUI’s.
- The District Attorney’s Office staff will develop protocols to be used to measure the success of the DUI Prosecution Program.
- Training for law enforcement and other Deputy District Attorneys will begin and continue throughout the program.

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
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GRANT DESCRIPTION

- Implement the outreach element of the program. Establish target dates for conducting the schools, parent/teacher associations, community groups, pharmacies, and medical clinics.
- The team will present sentencing and education scenarios to students in local schools that will educate them to the risks inherent to underage drinking and driving while intoxicated, as well as prescription drug use/abuse and driving.

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

Agencies are required to collect and report quarterly, appropriate data that supports the progress of each goal and objective.

Statistical data relating to the grant goals and objectives will be collected, analyzed, and incorporated in Quarterly Performance Reports (QPRs). QPRs for the quarter ending September 30 will include year-to-date comparisons of goals and objectives. If required, a separate quarterly data reporting form will be completed each quarter and submitted as part of the QPR.

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

Reports 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 prepare the Executive Summary to accompany the final QPR. The Executive Summary will: (1) briefly state the original problem; (2) specify the most significant goals and objectives; (3) highlight the most significant activities that contributed to the success of the program and the strategies used to accomplish the goals; and (4) describe the program's accomplishments as they relate to the goals and objectives.

ADMINISTRATIVE SUPPORT

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

SCHEDULE B
 DETAILED BUDGET ESTIMATE
 GRANT NO. AL13

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION
410	20.601	Alcohol Impaired Driving Countermeasures Incentive Grants

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 10/1/12 thru 9/30/13		
A. PERSONNEL COSTS				
Positions and Salaries				
Full-Time				
Prosecutor				
1 x 12 MO x \$7,746.25 x 100%	20.601	\$ 92,955.00		\$ 92,955.00
Benefits @ 43.71%	20.601	\$ 40,631.00		\$ 40,631.00
Investigator				
1 x 12 MO x \$8,130.67 x 100%	20.601	\$ 97,568.00		\$ 97,568.00
Benefits @ 54.89%	20.601	\$ 53,555.00		\$ 53,555.00
Legal Secretary				
1 x 12 MO x \$3,468.41 x 15.746889%	20.601	\$ 6,554.00		\$ 6,554.00
Benefits @ 19.00%	20.601	\$ 1,245.00		\$ 1,245.00
Overtime				
Warrant Sweeps				
40 Hours @ \$65.39	20.601	\$ 2,616.00		\$ 2,616.00
Benefits @ 0.01%	20.601	\$ 1.00		\$ 1.00
Category Sub-Total		\$ 295,125.00	\$ -	\$ 295,125.00
B. TRAVEL EXPENSE				
In-State	20.601	\$ 4,000.00	\$ -	\$ 4,000.00
Category Sub-Total		\$ 4,000.00	\$ -	\$ 4,000.00
C. CONTRACTUAL SERVICES				
		\$ -		\$ -
Category Sub-Total		\$ -	\$ -	\$ -
D. EQUIPMENT				
		\$ -		\$ -
Category Sub-Total		\$ -	\$ -	\$ -
E. OTHER DIRECT COSTS				
Vehicle Lease	20.601	\$ 4,200.00		\$ 4,200.00
Prosecution Costs	20.601	\$ 10,000.00		\$ 10,000.00
Category Sub-Total		\$ 14,200.00	\$ -	\$ 14,200.00
F. INDIRECT COSTS				
			\$ -	\$ -
Category Sub-Total		\$ -	\$ -	\$ -
GRANT TOTAL		\$ 313,325.00	\$ -	\$ 313,325.00

SCHEDULE B-1

GRANT NO. AL1321

BUDGET NARRATIVE

Page 1

PERSONNEL COSTS

Full-Time

Prosecutor

The Deputy District Attorney will be dedicated to vertically prosecute all felony cases involving driving under the influence of alcohol and/or drugs and all DUI cases in South Lake Tahoe. Prosecutor will review all felony and South Lake Tahoe DUI cases submitted for filing and vertically prosecute the cases accepted and or filed, appear at arraignments, conduct preliminary hearings, file/respond to motions, conduct jury trials and appear at sentencing hearings. Prosecutor will work closely the District Attorney Investigator to address emerging defense strategies and conduct outreach efforts designed to increase awareness of alcohol-related injuries and deaths. The vertical prosecution unit will implement the following policies to achieve maximum effectiveness:

- 1) Resist pre-trial releases of charged defendants.
- 2) Charge all enhancements and prior felony convictions that might be used to increase bail.
- 3) Make personal appearances at arraignments and request bail be set at bail schedule or higher, based on the perceived threat to the safety of the public.
- 4) Vigorously advocate that continuances only be granted upon a showing of good cause, consistent with the provision of Penal Code Section 1050, to ensure that the People’s right to a speedy trial will be considered by the Court.
- 5) Reduce the caseloads of unit attorneys so that they can be available to handle cases throughout the county and attend to the needs of victims or families of victims.
- 6) Establish a working relationship with law enforcement agencies countywide. The agencies will be trained on the investigative and filing expectations for the crimes covered by this grant in order to facilitate successful prosecution.

Full Time Benefit Rates

Health Insurance	25.07 %
Medicare	.02 %
Retirement	18.61 %
Unemployment Insurance	.01 %
TOTAL BENEFIT RATE	43.71 %

Investigator

The District Attorney Investigator will assist the Deputy District Attorney in the prosecution of DUI Alcohol and DUI Drug cases by gathering evidence, following up on leads, and conducting other duties as requested.

Full Time Benefit Rates

Health Insurance	25.90 %
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SCHEDULE B-1

GRANT NO. AL1321

BUDGET NARRATIVE

Page 2

Medicare	.01 %
Retirement	28.97 %
Unemployment Insurance	.01 %
TOTAL BENEFIT RATE	54.89 %

Legal Secretary

Legal Secretary to provide administrative support to both prosecutors and investigators assigned to this grant. Responsibilities include, but not limited to, maintaining statistical records to be reported in accordance with Goals and Objectives in addition to vertical handling of case files with felony DUI's.

Full Time Benefit Rates

Medicare	0.02%
Retirement	18.97 %
Unemployment Insurance	0.01 %
TOTAL BENEFIT RATE	19.00 %

Overtime

Personnel will be deployed as needed to accomplish the grant goals and objectives. Costs are estimated based on an overtime hourly rate range (excluding benefits). Overtime reimbursement will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified and benefits.

The DA investigator may respond to suspected DUI collisions resulting in fatality or serious injury and will participate in DUI Warrant Sweeps conducted in participation with other law enforcement agencies within the county.

Costs are estimated based on an overtime hourly rate range of \$65.39/hour to \$65.39/hour.

Overtime Benefit Rates

Medicare	0.01 %
TOTAL BENEFIT RATE	0.01 %

TRAVEL EXPENSE

In State

SCHEDULE B-1

GRANT NO. AL1321

BUDGET NARRATIVE

Page 3

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel will include the DUI Drug Enforcement Seminar and Quarterly Roundtable Meetings, training provided by the Traffic Safety Resource Prosecutor (TSRP) program and the training activities in association with local law enforcement agencies. *All conferences, seminars or training not specifically identified in the Schedule B-1(Budget Narrative) must be approved by OTS.*

All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.

CONTRACTUAL SERVICES

None

EQUIPMENT

None

OTHER DIRECT COSTS

Vehicle Leases- lease of vehicles for activities supporting the grants goals and objectives and traffic safety. Uses may include (list use of vehicle such as decoy operations, training sessions with local law enforcement agencies or meetings with stakeholders and department personnel at the district/branch offices). Lease charges to the grant will be in accordance with the following formula or rate: \$0.2536 per mile with an estimated monthly mileage of 1,380 miles x 12 months. Reimbursement will be claimed on an actual cost basis and proportional to the grant-related use of the vehicle.

Prosecution Costs – expenses for items necessary for proper prosecution of DUI cases may include consultation with and/or testimony from experts in fields such as collision reconstruction, crush analysis, evidence gathering, scene analysis, toxicology, oral fluid collection and alcohol and drug impairment and effects on driving as well as fees for toxicology reports, recording of traffic court proceedings, law enforcement transcriptions, copies of death certificates, and copies of television news clips.

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

EXHIBIT A
CERTIFICATIONS AND ASSURANCES

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

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

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

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 A
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.fsr.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSR.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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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.

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Restriction on State Lobbying

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

Certification Regarding Debarment And Suspension

Instructions for Primary Certification

1. By signing and submitting this Grant Agreement, the Grantee Agency official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The 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 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).