

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

937



FROM: District Attorney

SUBMITTAL DATE:
December 18, 2012

SUBJECT: Acceptance of a California Office of Traffic Safety Grant award for the Riverside County District Attorney's Office DUI with Death and Injury Vertical Prosecution Program and Adoption of Resolution 2012-012.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve acceptance of a grant award (Grant Agreement attached) from the California Office of Traffic Safety ("OTS") in the amount of \$354,058 for the grant period October 1, 2012 through September 30, 2013.
2. Approve and direct the Auditor-Controller to make the budget adjustments as shown on Schedule A, attached.
3. Adopt Resolution 2012-012 authorizing the District Attorney and/or his designee to sign the Grant Agreement on behalf of the Board.

BACKGROUND: OTS has made grant funding available to the County of Riverside District Attorney's Office for the implementation of a DUI with Death and Injury Vertical Prosecution Program in the southwest region of Riverside County.

Continued on Page 2.

JEFFREY A. VAN WAGENEN, JR.
Assistant District Attorney for
PAUL E. ZELLERBACH, District Attorney

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 265,544	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0.00	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ 0.00	For Fiscal Year:	2012-2013

SOURCE OF FUNDS: California Office of Traffic Safety	Positions To Be Deleted Per A-30	<input checked="" type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature By: Elizabeth J. Olson

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY: Samuel Wong 12/16/12
 Departmental: SAMUEL WONG
 DATE: 12/18/12
 NEAL R. KIPNIS
 FORM APPROVED COUNTY COUNSEL
 BY: [Signature]
 ATTACHMENTS FILED
 Department Recommendation: WITH THE CLERK OF SUPERIOR COURT
 Per Executive Office:

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Acceptance of a California Office of Traffic Safety Grant award for the Riverside County District Attorney's Office DUI with Death and Injury Vertical Prosecution Program and Adoption of Resolution 2012-012.**

DATE: December 18, 2012

PAGE 2

BACKGROUND CONTINUED:

The creation of the DUI with Death and Injury Vertical Prosecution Unit will provide a central location throughout the southwest region of the county for law enforcement, victims, and the community.

In each of the past five years (2007-2011), Riverside County has accounted for the arrests of over 10,000 impaired drivers, placing it among only five counties in the State of California with a similarly high incidence of impaired driving. In 2011, a total of 10,823 Driving Under the Influence (DUI) complaint requests were received from law enforcement, of which 10,679 cases in which a violation of either Vehicle Code section 23152(a) or 23153(a) was charged were actually filed with the court against adult offenders, with an additional 60 such cases resulting in petitions being filed on behalf of juvenile offenders. Additionally, the number of DUI offenders who fail to appear in court also increased during this same reporting period, often as a result of a lack of follow through on ensuring that once the case was filed, the defendant was arrested.

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-involved traffic fatalities and injuries.

The DUI with Death and Injury Vertical Prosecution Program will consist of a Deputy District Attorney and a Senior District Attorney Investigator. This specialized team will investigate and vertically prosecute all felony DUI with injury and DUI related vehicular homicide cases in the Southwest Riverside County region. Vertical prosecution is shown to improve conviction rates, reduce victim trauma, and provide more consistent, appropriate sentencing.

The Deputy District Attorney dedicated to the grant will review all DUI cases resulting in fatality or serious injury that are submitted for filing. The Deputy District attorney will prepare investigation requests, vertically prosecute the cases accepted and/or filed under the grant and participate in outreach efforts designed to prevent DUI and raise public awareness. The prosecutor will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and to other attorneys within the District Attorney's Office. This vertical prosecution unit will implement the following policies to achieve maximum effectiveness. The Senior District Attorney Investigator will conduct all investigation for cases accepted and/or filed under the grant and will act as liaison between local law enforcement agencies.

Another component of the specialized team will be to coordinate and participate in DUI prevention and awareness activities to schools and local law enforcement agencies; and to participate in campaigns such as MADD.

An adjustment of \$34,544 is required to adjust the previously budgeted amount of \$231,000 to the nine month pro-rata amount of the grant period in Fiscal Year 2012-2013 that would equal \$265,544 (See Attachment A). The remaining portion (\$88,514) of the award will be included in the budget process for FY2013-2014.

The grant award and resolution have been reviewed and approved as to form by County Counsel.

Schedule "A"

Increase Appropriations:

10000-2200100000-510040

Regular Salaries

\$ 34,544

Increase Estimated Revenue:

10000-2200100000-767450

FED-Ofc Traffic Safety Grants

\$ 34,544

2
3 RESOLUTION NO. 2012-012

4 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
5 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, REGARDING
6 CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANT AGREEMENT
7

8 WHEREAS, the Board of Supervisors of the County of Riverside has designated the DUI
9 with Death and Injury Vertical Prosecution Program to be funded from funds made available and
10 administered by the California Office of Traffic Safety (hereinafter referred to as "OTS"); now,
11 therefore,

12 BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of
13 Riverside, State of California, in regular session assembled on _____, 2012,
14 that the District Attorney of the County of Riverside, State of California and/or his designee is
15 authorized, on its behalf, to submit and to sign the Grant Agreement, as well as related
16 contracts, amendments, or extensions with OTS that do not significantly change the grant or the
17 contract.

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19 BE IT FURTHER RESOLVED that the resolution shall be in effect for a one-year period
20 beginning October 1, 2012 and ending September 30, 2013.

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FORM APPROVED COUNTY COUNSEL
BY: Neal Hopkins 12/5/12

STATE OF CALIFORNIA

EDMUND G. BROWN JR., GOVERNOR

OFFICE OF TRAFFIC SAFETY

2208 KAUSEN DRIVE, SUITE 300
ELK GROVE, CA 95758
www.ots.ca.gov
(916) 509-3030
(800) 735-2929 (TT/TDD-Referral)
(916) 509-3055 (FAX)



November 9, 2012

Grant No. AL1357

Creg Datig
Assistant District Attorney
Riverside County District Attorney's Office
3960 Orange Street
Riverside, CA 92501

Dear Mr. Datig:

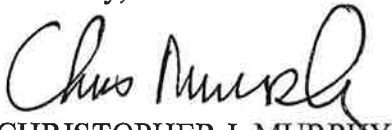
The Office of Traffic Safety (OTS) has approved your traffic safety grant as part of the California Traffic Safety Program.

Costs incurred must be in accordance with your grant agreement, and recorded in your accounting system. No other costs can be allowed without OTS approval. Costs incurred prior to the starting date or subsequent to the closing date of this grant are not reimbursable.

Within the first quarter of your grant period, your Coordinator will provide you with information about operational and fiscal requirements, as well as tools to manage your new grant.

Please refer to the above grant number in all your communications with this office. If you have any questions, please contact Ron Miller, Regional Coordinator, at (916) 509-3020 or e-mail at ron.miller@ots.ca.gov.

Sincerely,


CHRISTOPHER J. MURPHY
Director

RM:lc

Enclosures

EFFECTIVE DATE OF AGREEMENT: <u>10/1/2012</u>		GRANTEE <u>COUNTY OF RIVERSIDE</u>	GRANT NO. <u>AL1357</u>
Revision No. <u>1</u>	Date: <u>11/13/2012</u>	10. TYPE OF AGREEMENT	
Revision No.	Date:	<input checked="" type="checkbox"/> Initial	<input type="checkbox"/> Revision
		<input type="checkbox"/> PAID MEDIA	<input type="checkbox"/> PROGRAM INCOME
		TASK NO. <u>5</u>	
		F.F.Y. <u>2013</u>	

9. Action Taken

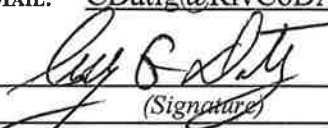
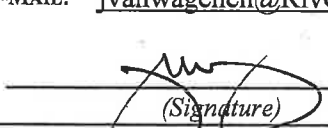
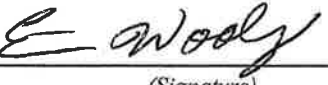
Initial approval 2013 HSP funds obligated.

11. FUNDING DISPOSITION & STATUS	
Fiscal Year	Amount
<u>2012-13</u>	354,058.00
<u>Total</u>	<u>354,058.00</u>
Obligated This Action	354,058.00
Previously Obligated	0.00
Total Amount Obligated	354,058.00
Amount Suspended	0.00
TOTAL FUNDS PROGRAMMED	<u>354,058.00</u>

FUNDING DETAIL				
FUND	CFDA	ITEM/APPROPRIATION	FY	AMOUNT
410	20.601	2700-101-0890 (21/12)	2012-13	\$ 354,058.00

12. BUDGET SUMMARY (From Schedule B Detail) - FISCAL YEAR GRANT PERIOD ENDING:				9/30/2013
COST CATEGORY	2012-13 GRANT PERIOD	PRIOR GRANT	2012-13 TOTAL GRANT	TOTAL GRANT BUDGET ESTIMATE
A. Personnel Costs	340,858.00	0.00	340,858.00	340,858.00
B. Travel Expenses	3,500.00	0.00	3,500.00	3,500.00
C. Contractual Services	0.00	0.00	0.00	0.00
D. Equipment	0.00	0.00	0.00	0.00
E. Other Direct Costs	9,700.00	0.00	9,700.00	9,700.00
F. Indirect Costs	0.00	0.00	0.00	0.00
TOTAL FEDERAL FUNDS	354,058.00	0.00	354,058.00	354,058.00

13. GRANT APPROVAL & AUTHORIZATION TO EXPEND OBLIGATED FUNDS	
A. APPROVAL RECOMMENDED BY	B. AGREEMENT & FUNDING AUTHORIZED BY
<p>NAME: RON MILLER TITLE: Regional Coordinator PHONE: (916) 509-3020 E-MAIL: ron.miller@ots.ca.gov Office of Traffic Safety 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758</p> <p>Signature </p>	<p>NAME: CHRISTOPHER J. MURPHY TITLE: Director Office of Traffic Safety 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758</p> <p>Signature </p>

1. GRANT TITLE Alcohol Impaired Driver Vertical Prosecution Program	
2. NAME OF APPLICANT AGENCY Riverside County	4. GRANT PERIOD From: 10/01/12 To: 09/30/13
3. AGENCY UNIT TO HANDLE GRANT Riverside County District Attorney’s Office	
5. GRANT DESCRIPTION The Riverside County DA’S Office will continue its DUI with Death and Injury Vertical Prosecution Program in the southwest (mid-county) region of Riverside County. The Program will consist of a Deputy District Attorney and a Senior District Attorney Investigator. This specialized team will investigate and vertically prosecute all felony DUI with injury and DUI related vehicular homicide cases in the Southwest Riverside County region. The team 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. The DUI with Death and Injury Vertical Prosecution team will share information with peers and law enforcement personnel countywide.	
6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: \$ 354,058.00	
<p>The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement:</p> <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 <p>*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.</p>	
7. APPROVAL SIGNATURES	
A. GRANT DIRECTOR	B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY
NAME: CREG DATIG PHONE: 951-955-9370 TITLE: ASSISTANT DISTRICT ATTORNEY FAX: 951-955-5877 ADDRESS: 3960 ORANGE STREET RIVERSIDE, CA 92501 E-MAIL: CDatig@RivCoDA.org  _____ 10/31/12 (Signature) (Date)	NAME: JEFFERY VAN WAGENEN, JR PHONE: 951-955-5689 TITLE: ASSISTANT DISTRICT ATTORNEY FAX: 951-955-0190 ADDRESS: 3960 ORANGE STREET RIVERSIDE, CA 92501 E-MAIL: jvanwagenen@RivCoDA.org  _____ 10.31.12 (Signature) (Date)
C. FISCAL OR ACCOUNTING OFFICIAL	D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS
NAME: ERIC WOOLERY PHONE: 951-955-8804 TITLE: DEPUTY DIRECTOR FAX: 951-955-9455 ADDRESS: 3960 ORANGE STREET RIVERSIDE, CA 92501 E-MAIL: ERICWOOLERY@RIVCODA.ORG  _____ 10/31/2012 (Signature) (Date)	NAME: RIVERSIDE COUNTY DISTRICT ATTORNEY ADDRESS: 3960 ORANGE STREET RIVERSIDE, CA 92501

GRANTS MADE EASY – VERTICAL PROSECUTION

**SCHEDULE A
Grant No. AL1357
Page 1**

GRANT DESCRIPTION

PROBLEM STATEMENT

Describe the traffic safety related problem/deficiency and how was it identified. Include any data that is relevant to your request (i.e. alcohol-involved fatalities/injuries).

Complete the table below using CHP SWITRS and/or DMV DUI MIS data for your county.

Collision Type	2008				2009				2010			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	220		253		203		219		190		203	
Injury	8,561		12,565		7,974		11,705		7,632		11,298	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol Involved	101	1,090	119	1,655	87	986	96	1,493	69	930	76	1,417

PROBLEM

In each of the past five years (2007-2011), Riverside County has accounted for the arrests of over 10,000 impaired drivers, placing it among only five counties in the State of California with a similarly high incidence of impaired driving.¹ In 2011, a total of 10,823 Driving Under the Influence (DUI) complaint requests were received from law enforcement, of which 10,679 cases in which a violation of either Vehicle Code section 23152(a) or 23153(a) was charged were actually filed with the court against adult offenders, with an additional 60 such cases resulting in petitions being filed on behalf of juvenile offenders. Additionally, the number of DUI offenders who fail to appear in court also increased during this same reporting period, often as a result of a lack of follow through on ensuring that once the case was filed, the defendant was arrested.

OFFICE OF TRAFFIC SAFETY - 2010 RANKINGS

AGENCY	NCIC COUNTY	GROUP POPULATION (AVG)	DVMT
Riverside County	3300 RIVERSIDE COUNTY	2,198,735	55,167,650
<u>TYPE OF COLLISION</u>	VICTIMS KILLED AND INJURED	RANKING BY DAILY VEHICLE MILES TRAVELED	RANKING BY AVERAGE POPULATION
Total Fatal and Alcohol	11,417	29/58	46/58
HBD Driver	1,471	29/58	36/58
HBD Driver 21-Motorcyclists	193	12/58	19/58
	564	27/58	32/58
	538	54/58	41/58

¹ 2011 DMV DUI-MIS Report, pp. 5, 8; Riverside County District Attorney's Office Filing statistics.

GRANTS MADE EASY – VERTICAL PROSECUTION

**SCHEDULE A
Grant No. AL1357
Page 2**

GRANT DESCRIPTION

Pedestrians.....	396	32/58	44/58
Pedestrians	87	29/58	32/58
Pedestrians	36	37/58	37/58
Bicyclists.....	340	38/58	41/58
Bicyclists	84	28/58	28/58
Composite			
COLLISIONS			
Speed	2,573	28/58	39/58
Nighttime.....	1,076	22/58	37/58
Hit and	528	26/58	33/58

We continue to have a critical need for vertical prosecution of DUI with death and/or injury cases, as the Riverside County District Attorney’s Office has found that this allows for more effective prosecution and accountability of offenders. For example, since being funded by OTS under the grant award #20565, the Vertical Prosecution DDA and Investigator have handled 92 cases which included: 2-Vehicular Homicides [187 PC]; 6- Gross Negligence Vehicular Manslaughters with Intoxication [191.5(a) PC]; 2- Gross Negligence Vehicular Manslaughters [192(c)(1) PC]; 20- DUIs with Great Bodily Injury [23153(a)/(b) PC with 12022.7 PC]; 36- DUIs with Injury [23153(a)/(b) VC]; and 23 Felony DUIs [23152(a)/(b)]. In addition, DDA Tahan filed 3- Gross Negligence Vehicular Manslaughters with Intoxication, 35 DUI with Injury [23153(a) (b)] and 18 felony DUIs; seven of which had three prior DUI convictions and one with eight prior DUI convictions.

DDA Tahan and Sr. Investigator Cristinziani (vertically assigned since October 1, 2011) established a new protocol for tracking newly filed cases on out of custody defendants to ensure that once the warrant became active the defendant was promptly arrested. The protocol was so successful that during the quarter, every out of custody defendant on newly filed cases was arrested within 10 days of the warrant going active. In addition, 11 defendants who were previously identified as being out of warrant were arrested.

Vertical prosecution of DUI with death and/or injury cases is also critical in the early communication with injured victims, the family of the decedent or injured, witnesses, and law enforcement. Continuing to fund the Riverside County District Attorney’s Office Southwest DUI with Death and/or Injury Vertical Prosecution Unit will significantly enhance the District Attorney’s efforts to prosecute felony DUI cases.

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.

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
Grant No. AL1357
Page 3

GRANT DESCRIPTION

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 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 continue the Riverside County District Attorney "Southwest DUI with Death and Injury Vertical Prosecution Program". The program will facilitate the prosecution of all DUI cases that fall within the grant description.
5. To designate 1 prosecutor position to the DUI with Death and Injury caseload to prosecute DUI cases with death or serious injury. This prosecutor shall be an experienced attorney having knowledge and skill with DUI jury trials. The individual will be dedicated solely to this assignment allowing him to gain expertise in combating defense tactics and prosecuting DUI Alcohol 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, 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 arrest, 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 eight (and any new) prosecutors who are hired by the District Attorney's Office during the grant period.
9. To work with the Traffic Safety Resource Prosecutor (TSRP) to provide comprehensive training in the prosecution of DUI Alcohol cases to 2 DA Investigator(s).
10. To meet with the Traffic Safety Resource Prosecutor (TSRP) quarterly to provide updates on the Vertical Prosecution Program.
11. To increase the number of drug-related DUI cases filed.

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
Grant No. AL1357
Page 4

GRANT DESCRIPTION

12. To increase the number of prosecutors trained in filing and prosecuting DUI cases.
13. To send a prosecutor to the DUI Drug Enforcement Seminar sponsored by OTS and CDAA.
14. 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.
15. 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.
16. To respond to fatal and injury DUI vehicle collisions within the Southwest Riverside County regional and assist law enforcement agencies as needed.
17. To coordinate and/or participate in 4 DUI prevention and awareness activities.
18. To provide press releases and updates on the status of traffic fatality cases that are filed or set for prosecution.

METHOD OF PROCEDURE

To meet the goals and objectives of the project—Southwest DUI with Death and Injury Vertical Prosecution Unit—the Riverside County District Attorney's Grants Administrative Analyst will receive all statistical reports from the Southwest Vertical Prosecution DUI with Death and Injury prosecutor. The Riverside County District Attorney's Grants Administrative Analyst will be responsible for filing appropriate Office of Traffic Safety progress and financial reports and for ensuring that press releases and all media materials are submitted for approval to the Office of Traffic Safety 14 days prior to the issuance date of the release. The Riverside County District Attorney's Office will prepare and issue a press release announcing the kick-off of the grant by November 15 of the first grant year.

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

The Riverside County District Attorney's Office will continue to staff the Southwest DUI with Death and Injury Vertical Prosecution positions with one experienced prosecutor (Deputy District Attorney IV-S classification) and one experienced Senior DA Investigator. Both positions will be based in Riverside County's Southwest geographical region. Qualifying cases under the terms of the project will continue to be referred to DUI with Death and Injury Vertical Prosecution Unit. The Deputy District Attorney will identify dates and schedule the four (one each quarter) Regional Roundtable Meetings. The Southwest DUI Vertical Deputy District Attorney will continue to receive specialized and intensive training in DUI and Vehicular Homicide prosecution under the supervision of Creg Datig, former Traffic Safety Resource Prosecutor Program Director-now Assistant District Attorney for Riverside County District Attorney's Office. The DUI Vertical Deputy District Attorney will coordinate with the Traffic Safety Resource Prosecutor to identify training resources related to investigating and prosecuting DUI cases. The Riverside County District Attorney's Grants Administrative Analyst will continue to receive all statistical reports from the Southwest DUI with Death and Injury Vertical Prosecution Unit and will be responsible for filing appropriate Office of Traffic Safety program and financial reports. The DA's Grants Administrative Analyst will continue to ensure that press releases and all media materials are submitted for approval 14 days prior to the issuance date of the release. The DA's Office will prepare and issue a press release announcing the kick-off of the grant by November 15 of the first grant year.

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
Grant No. AL1357
Page 5

GRANT DESCRIPTION

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

The Southwest DUI with Death and Injury Vertical Prosecution Unit will continue to vertically investigate and prosecute all filed alcohol/drug related injury and death cases, including those under Penal Code sections 191.5, 23153(a) and 23153(b). These cases will be prosecuted using major stage vertical prosecution, which involves the same prosecutor filing the charges, OR making the first appearance, AND all significant appearances such as: preliminary hearing, trial, sentencing, contested motions affecting bail, admissibility of evidence, dismissal of charges, change of venue, motions to sever or consolidate, discovery, setting aside the verdict, or motions concerning search warrants. This will create an environment where law enforcement and victims are assured of one investigator and prosecutor handling their case throughout of all the proceedings, as well as greater oversight of the file as it navigates the criminal justice system.

The Southwest DUI Vertical Deputy District Attorney and Senior DA Investigator will continue to investigate and prosecute DUI cases and actively seek increased penalties for individuals convicted of these crimes.

The Southwest DUI Vertical Deputy District Attorney will continue to coordinate program-related media releases and outreach activities with allied agencies (MADD, law enforcement, schools). The Southwest DUI Vertical Deputy District Attorney and Senior DA Investigator will continue to identify protocols involving law enforcement agencies. Training on DUI trends, defenses and legislation will continue throughout the project-funded period.

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 Riverside. Every effort will be made to continue the activities after the grant conclusion.

SCHEDULE B
 DETAILED BUDGET ESTIMATE
 GRANT NO. AL1357

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				
Deputy District Attorney				
1 x 12 MO x \$11,173.79 x 100%	20.601	\$ 134,086.00		\$ 134,086.00
Benefits @ 35.340%	20.601	\$ 47,386.00		\$ 47,386.00
Senior District Attorney Investigator				
1 x 12 MO x \$8,924 x 100%	20.601	\$ 107,088.00		\$ 107,088.00
Benefits @ 35.600%	20.601	\$ 38,124.00		\$ 38,124.00
Overtime				
Crash Response and Investigation	20.601	\$ 14,174.00		\$ 14,174.00
Category Sub-Total		\$ 340,858.00	\$ -	\$ 340,858.00
B. TRAVEL EXPENSE				
In-State	20.601	\$ 3,500.00	\$ -	\$ 3,500.00
Category Sub-Total		\$ 3,500.00	\$ -	\$ 3,500.00
C. CONTRACTUAL SERVICES				
		\$ -		\$ -
Category Sub-Total		\$ -	\$ -	\$ -
D. EQUIPMENT				
		\$ -		\$ -
Category Sub-Total		\$ -	\$ -	\$ -
E. OTHER DIRECT COSTS				
Office Supplies	20.601	\$ 944.00		\$ 944.00
Communications	20.601	\$ 3,191.00		\$ 3,191.00
Vehicle Lease	20.601	\$ 2,587.00		\$ 2,587.00
Office Space	20.601	\$ 2,978.00		\$ 2,978.00
Category Sub-Total		\$ 9,700.00	\$ -	\$ 9,700.00
F. INDIRECT COSTS				
			\$ -	\$ -
Category Sub-Total		\$ -	\$ -	\$ -
GRANT TOTAL		\$ 354,058.00	\$ -	\$ 354,058.00

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SCHEDULE B-1
GRANT NO. AL1357

BUDGET NARRATIVE

PERSONNEL COSTS

Full-Time

Deputy District Attorney

The Deputy District Attorney dedicated to the grant will review all DUI cases resulting in fatality or serious injury that are submitted for filing. The Deputy District attorney will prepare investigation requests, vertically prosecute the cases accepted and/or filed under the grant and participate in outreach efforts designed to prevent DUI and raise public awareness. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and to other attorneys within the District Attorney's Office. This 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

Unemployment	0.61%
Retirement (*less than actual)	18.97%
Social Security	5.09%
Medicare	1.45%
Long Term Disability Insurance	0.76%
Health	6.78%
Deferred Compensation	0.97%
Life	0.10%
Optical	0.12%
Workers Compensation	0.49%
TOTAL BENEFIT RATE	35.34%

SCHEDULE B-1
GRANT NO. AL1357

BUDGET NARRATIVE

Senior District Attorney Investigator

The Senior District Attorney Investigator will conduct all investigation for cases accepted and/or filed under the grant and will act as liaison between local law enforcement agencies.

Full Time Benefit Rates

Unemployment	0.61%
Retirement	24.08%
Medicare	1.45%
Long Term Disability Insurance	0.26%
Health	7.98%
Deferred Compensation	0.61%
Workers Compensation	0.61%
TOTAL BENEFIT RATE	35.60%

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.

Crash Response and Investigation

Overtime for the Senior District Attorney Investigator and the Deputy District Attorney to conduct investigations and respond to fatal and serious injury DUI collisions

Costs are estimated based on an overtime hourly rate range of **\$64/hour to \$77.28/hour**.

TRAVEL EXPENSE

In State

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. 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

Office Supplies - used for standard office supplies to support grant related activities, grant monitoring and reporting. Costs may include paper and desk top supplies such as pens, pencils, binders, folders, flip charts, easels and clips. *Additional items may be purchased if approved by OTS.*

Communications - costs of telephone, cell phone, mail/messenger service (excluding overnight priority mail) and communications services.

Vehicle Leases - lease of vehicles for activities supporting the grants goals and objectives and traffic safety. Uses may include conducting investigations of DUI collisions. Lease charges to the grant will be in accordance with the following formula or rate: Maintenance of \$91/month x 12 months + Lease fee of \$25.20/month x 12 month + actual fuel cost of grant related vehicle use estimated at \$99.38/month. Reimbursement will be claimed on an actual cost basis and proportional to the grant-related use of the vehicle.

Office Space - Costs include utilities and building maintenance associated with grant goals and objectives. Charges to the grant will be in accordance with the following formula or rate: 2 persons @ \$124.07 x 12 months = \$2,978. Reimbursement will be claimed on an actual cost basis and proportional to the grant-related use of the space.

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

(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.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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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).