

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



**ITEM**  
3.14  
(ID # 5440)

**MEETING DATE:**

Tuesday, October 17, 2017

**FROM :** RUHS-PUBLIC HEALTH:

**SUBJECT:** RIVERSIDE UNIVERSITY HEALTH SYSTEM - PUBLIC HEALTH: Ratify Agreement PS18021 between the State of California Office of Traffic Safety and the County of Riverside, Department of Public Health for the performance period of October 1, 2017 to September 30, 2018. District: ALL [\$135,000 – 98% Federal and 2% County RUHS-PH Funded]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Ratify the Agreement PS18021 between the State of California Office of Traffic Safety (OTS) and the County of Riverside Department of Public Health in the amount of \$135,000 for the period of performance of October 1, 2017 through September 30, 2018; and
2. Authorize the Director of Public Health or designee, as approved by County Counsel, to sign subsequent amendments that only make ministerial changes to the agreement.

**ACTION:** Policy


  
Susan Mora 10/2/2017

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: October 17, 2017  
xc: RUHS-Public Health

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$101,250	\$33,750	\$135,000	\$0
<b>NET COUNTY COST</b>	\$0	\$0	\$0	\$0
			<b>Budget Adjustment: No</b>	
			<b>For Fiscal Year: 17/18 - 18/19</b>	

**C.E.O. RECOMMENDATION:** [CEO use]

**BACKGROUND:**

**Summary**

The County of Riverside Department of Public Health-Injury Prevention Services (IPS) received funding from the Office of Traffic Safety (OTS) to collaborate with Safe Routes to School, Vision Zero and community based organizations to provide bilingual education, community events, and workshops to prevent fatalities and injuries of vulnerable non-motorized road users. The agreement was received on August 18, 2017.

**Impact on Residents and Businesses**

Program will benefit County Residents by reducing the number of persons killed and injured in crashes involving pedestrians and bicyclists.

**SUPPLEMENTAL :**

**Additional Fiscal Information**

Total cost of the program is in the amount of \$135,000. The annual amount distribution from OTS to Department of Public Health will be as follows:

<b>Year</b>	<b>Amount</b>
2017/2018	\$101,250
2018/2019	\$33,750
<b>Total</b>	<b>\$135,000</b>

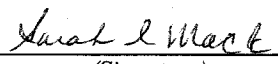
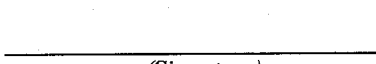
State of California – Office of Traffic Safety  
GRANT AGREEMENT

WHEN DOCUMENT IS FULLY EXECUTED RETURN

CLERK'S COPY

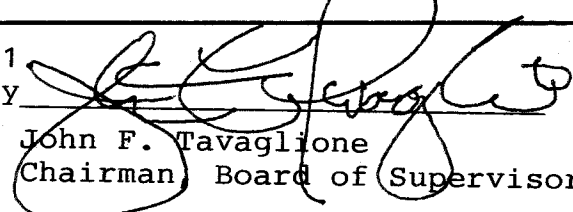
to Riverside County Clerk of the Board, Stop 1010  
Post Office Box 1147, Riverside, Ca 92502-1147  
Thank you.

GRANT NUMBER  
PS18021

<b>1. GRANT TITLE</b> Pedestrian and Bicycle Safety Program	
<b>2. NAME OF AGENCY</b> Riverside County	<b>3. Grant Period</b>  From: 10/01/2017 To: 09/30/2018
<b>4. AGENCY UNIT TO ADMINISTER GRANT</b> Riverside County Department of Public Health	
<b>5. GRANT DESCRIPTION</b> Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving pedestrians and bicyclists. The funded strategies may include classroom education, bicycle rodeos, community events, presentations, and workshops. These countermeasures should be conducted in communities with high numbers of pedestrian and/or bicycle related collisions including underserved communities, older adults, and school-aged children. Coordinated efforts such as Safe Routes to School initiatives, Vision Zero campaigns, and working with community based organizations are highly encouraged to prevent fatalities and injuries of vulnerable non-motorized road users.	
<b>6. Federal Funds Allocated Under This Agreement Shall Not Exceed:</b> \$135,000.00	
<b>7. TERMS AND CONDITIONS:</b> 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"><li>Schedule A – Problem Statement, Goals and Objectives and Method of Procedure</li><li>Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)</li><li>Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable)</li><li>Exhibit A – Certifications and Assurances</li><li>Exhibit B* – OTS Grant Program Manual</li></ul> <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: <a href="http://www.ots.ca.gov">www.ots.ca.gov</a>.</p> <p>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.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
<b>8. Approval Signatures</b>	
<b>A. AUTHORIZING OFFICIAL OF DEPARTMENT</b> NAME: Sarah S. Mack      PHONE: 951-358-7036 TITLE: Director      FAX: 951-358-5120 ADDRESS: 4065 County Circle Dr. Riverside, CA 92503 EMAIL: ssmack@rivcocha.org   (Signature)      9/18/17 (Date)	<b>B. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY</b> NAME: Rhonda L. Craft      PHONE: (916) 509-3030 TITLE: Director      FAX: (916) 509-3055 ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758 EMAIL: rhonda.craft@ots.ca.gov   (Signature)      (Date)
<b>C. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY</b> NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	<b>9. DUNS NUMBER</b> DUNS #: 072514789 REGISTERED ADDRESS: 4080 Lemon Street, 11th Floor, Riverside, CA 92501 CITY: Riverside      ZIP+4: 92501-3609

A1

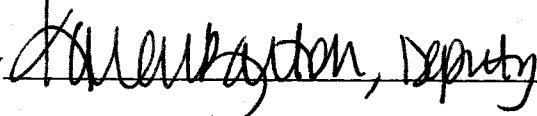
By

  
John F. Tavaglione

Chairman

Board of Supervisors By

ATTEST: Kecia Harper-Ihem, Clerk

  
Deputy

Date

OCT 17 2017


8/10/2017 11:16:16 AM

FORM APPROVED COUNTY COUNSEL

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OCT 17 2017 3.14

BY:  9/29/17  
MARSHAL VICTOR DATE

10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
402PS-18	20.600	0521-0890-101	2016	2016	23/16	\$27,000.00
402PS-18	20.600	0521-0890-101	2017	2017	14/17	\$108,000.00
				<b>AGREEMENT TOTAL</b>		<b>\$135,000.00</b>
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				AMOUNT ENCUMBERED BY THIS DOCUMENT		
				<b>\$135,000.00</b>		
				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		
ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED	TOTAL AMOUNT ENCUMBERED TO DATE		
			09/20/17	<b>\$135,000.00</b>		

## 1. PROBLEM STATEMENT

During 2013-2015 in Riverside County, there were a total of 753 pedestrian and bicycle collision victims between the ages of 5 to 18 years old. Among these collision victims, ages 10 to 18 years old have shown an increase of injuries and fatalities. Ages 10 to 13 years old account for 204 of the pedestrian and bicycle victims, while ages 14 to 18 years old account for 477 victims, 13 of which resulted in a fatality. More recently in 2016, there were 82 pedestrian and bicycle fatalities in Riverside County, with 87 percent of them pedestrians.

Current data suggests that certain cities in Riverside County have a higher rate of pedestrian and bicycle injuries than others, including Desert Hot Springs, Indio, Hemet, Palm Springs, and Riverside. According to a report by Smart Growth America, the Inland Empire cities including the City of Riverside is nationally ranked 18th for the most dangerous metro areas for pedestrian safety. In the Coachella Valley, an area in eastern Riverside County, rates of pedestrian fatalities reached an all-time high of 29 people hit by vehicles, the largest increase in the last 12 years. Riverside County's pedestrian death rate from 2008 to 2014 exceeded both state (1.51) and national averages (1.47) at 1.81 deaths each year per 100,000 people. In the same seven years, Palm Springs averaged 6.16 fatalities per 100,000 people, the highest rate among the Coachella Valley area.

## 2. PERFORMANCE MEASURES

### A. Goals:

1. Reduce the number of persons killed in traffic collisions.
2. Reduce the number of persons injured in traffic collisions.
3. Reduce the number of pedestrians killed in traffic collisions.
4. Reduce the number of pedestrians injured in traffic collisions.
5. Reduce the number of pedestrians killed under age 18 in traffic collisions.
6. Reduce the number of pedestrians killed under age 18 in traffic collisions.
7. Reduce the number of pedestrians killed over age 65 in traffic collisions.
8. Reduce the number of pedestrians injured over age 65 in traffic collisions.
9. Reduce the number of bicyclists killed in traffic collisions.
10. Reduce the number of bicyclists injured in traffic collisions.
11. Reduce the number of bicyclists under age 18 killed in traffic collisions.
12. Reduce the number of bicyclists under age 18 injured in traffic collisions.
13. Increase bicycle helmet usage.

### B. Objectives:

	Target Number
1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at <a href="mailto:pio@ots.ca.gov">pio@ots.ca.gov</a> , and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	1
2. Participate in traffic safety fairs, community events, and/or presentations with an effort to reach individuals.	8
3. Work closely with community-based organizations at both the neighborhood and community level with an effort to reach individuals.	1
4. Participate in the following campaigns, National Walk to School Day, National Bicycle Safety Month and California's Pedestrian Safety Month.	1
5. Distribute pedestrian safety equipment to children that may include reflective armbands and/or zipper pulls.	1
6. Distribute bicycle headlights and tail lights during bicycle safety community events or bicycle safety courses.	1
7. Conduct pedestrian safety presentations with an effort to reach older adults.	4
8. Conduct pre and post-grant bicycle helmet usage surveys during the months of October (start of the grant) and September (end of the grant). A pre-survey will be required to determine the base year helmet use rate and a post-survey will be required to determine the operational rate.	1

9. Conduct bicycle rodeos with an effort to reach individuals.	4
10. Distribute and properly fit bicycle helmets at bicycle rodeos, workshops, and community events.	200
11. Hold quarterly meetings with countywide pedestrian and/or bicycle safety stakeholders to collaborate on events, share best practices, and leverage resources.	4
12. Collaborate with law enforcement agencies to increase knowledge and awareness of pedestrian and bicycle safety.	1
13. Conduct training sessions for local law enforcement, explorers, cadets, and after school program staff to conduct Pedestrian and Bicycle rodeos. (Pedestrian and Bicycle Safety Education Instructor Training)	3
14. Recruit crossing guards, school resource officers, and school campus supervisors to encourage safe ped/bike/skater behavior around schools utilizing the "Good Ticket, Bad Ticket" program.	25

### 3. METHOD OF PROCEDURE

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

- Develop operational plans to implement the “best practice” strategies outlined in the objectives section.
- All training needed to implement the program should be conducted this quarter.
- All grant related purchases needed to implement the program should be made this quarter.
- Complete and route all necessary forms to the County of Riverside Department of Public Health administration and Board of Supervisors for approval of grant activities.
- Identify all target areas where Pedestrian and Bicycle Safety Instructor Trainings will be conducted.
- Obtain commitment from cities, local law enforcement agencies, and community programs to assist with implementation of pedestrian and bicycle rodeos and workshops.
- Update all educational and evaluation material for Pedestrian and Bicycle Instructor Trainings in English and Spanish, including trainer handbook, instructor tests, and worksheets.
- Develop, print and order all educational material for “Good ticket, Bad ticket” program.
- Conduct helmet usage evaluations at various school locations in high risk areas.
- Coordinate and recruit necessary partners for Pedestrian and Bicycle Instructor Trainings and “Good ticket, Bad ticket” program.
- Schedule Pedestrian and Bicycle Instructor Trainings for law enforcement, after school programs, and community partners to become instructors.
- Recruit participants for Pedestrian and Bicycle Instructor Trainings.
- Develop evaluation for Pedestrian and Bicycle Safety Instructor Trainings and Workshops.
- Research available vendors for quotes on supplies needed for the grant activities.
- Purchase all necessary supplies (bicycle helmets, etc.) to conduct grant related activities.
- Update Injury Prevention website and social media listing new traffic safety programs and events available to county residents.
- Create spreadsheets to monitor all grant activities to ensure adequate reporting to the funding source.
- Participate in Walk to School Day 2017
- Conduct Senior Center outreach

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

- Coordinate the Pedestrian and Bicycle Instructor Trainings with community partners.
- Promote Pedestrian and Bicycle Instructor trainings within Riverside County through community events, media outlets, and partnerships.
- Conduct Pedestrian and Bicycle Safety Instructor trainings for community members, program staff, and law enforcement.
- Properly fit and distribute helmets for participants at scheduled Pedestrian and Bicycle Safety Instructor trainings.
- Conduct evaluation of Pedestrian and Bicycle Instructor Trainings.
- Create a Pedestrian and Bicycle Safety Instructor contact list for future community events.
- Supply school community including security guards, campus supervisors, crossing guards and School Resource Officers with materials to implement “Good ticket, Bad ticket” program.
- Complete vendor applications for 4 community events.
- Conduct Pedestrian and Bicycle Rodeos at community events for youth and their families.
- Conduct post evaluation of helmet usage.
- Properly fit and distribute helmets for youth at scheduled community events.

- Track all activities in appropriate spreadsheets for reporting.
- Promote Bike to School Month and Pedestrian Safety Month as per Media Requirements
- Conduct presentations to older adult population.

#### Media Requirements

- Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator.
  - 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 changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead time would be 10-20 days prior to the release date to ensure adequate turn-around time.
- Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.
- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Include the OTS logo, space permitting, on grant-funded print materials; consult your OTS Coordinator for specifics.

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

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

#### **4. METHOD OF EVALUATION**

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

#### **5. ADMINISTRATIVE SUPPORT**

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

State of California – Office of Traffic Safety  
**GRANT AGREEMENT**  
 Schedule B

**GRANT NUMBER**  
**PS18021**

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
402PS	20.600	State and Community Highway Safety	\$135,000.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
<b>A. PERSONNEL COSTS</b>		
Positions and Salaries		
<b>Full-Time</b>		
Program Coordinator II	20.600	\$38,788.00
Health Education Assistant I(a)	20.600	\$20,688.00
Health Education Assistant I(b)	20.600	\$19,110.00
<b>Overtime</b>		
Benefits	20.600	\$36,150.00
<b>Part-Time</b>		
		\$0.00
Category Sub-Total		\$114,736.00
<b>B. TRAVEL EXPENSES</b>		
In State Travel	20.600	\$2,000.00
		\$0.00
Category Sub-Total		\$2,000.00
<b>C. CONTRACTUAL SERVICES</b>		
		\$0.00
Category Sub-Total		\$0.00
<b>D. EQUIPMENT</b>		
		\$0.00
Category Sub-Total		\$0.00
<b>E. OTHER DIRECT COSTS</b>		
Office Supplies	20.600	\$2,279.00
Printing/Duplication	20.600	\$2,000.00
Bicycle Helmets	20.600	\$2,000.00
Office Space	20.600	\$3,706.00
Communications	20.600	\$5,220.00
Bicycle Safety Equipment	20.600	\$1,000.00
Educational Materials	20.600	\$1,009.00
Pedestrian Safety Equipment	20.600	\$400.00
Bicycle Safety Course/Rodeo Supplies	20.600	\$650.00
Category Sub-Total		\$18,264.00
<b>F. INDIRECT COSTS</b>		
		\$0.00
Category Sub-Total		\$0.00
<b>GRANT TOTAL</b>		<b>\$135,000.00</b>



<b>BUDGET NARRATIVE</b>	
<b>PERSONNEL COSTS</b>	<b>QUANTITY</b>
Program Coordinator II - 1x 12mo. x \$7183x 45% Program Coordinator(PC)- The PC will oversee all grant objectives and prepare all performance reports. Will act as a liaison between the County of Riverside Department of Public Health, the sub-contracted organizations and OTS.	12
Health Education Assistant I(a) - 1 x 12mo. x \$3,448 x 50% Under the direction of the PC, will work directly on grant funded activities. This includes, but is not limited to developing educational material, setting up meetings, assisting with trainings, and preparing informational materials.	12
Health Education Assistant I(b) - 1 x 12mo. x \$3,185 x 50% Under the direction of the PC, will work directly on grant funded activities. This includes, but is not limited to developing educational material, setting up meetings, assisting with trainings, and preparing informational materials.	12
Benefits - Health Insurance 15.61% Life Insurance 0.10% Medicare 1.45% Retirement 19.30% Social Security/FICA/OASDI 6.20% State Disability/SDI 1.44% Workers Compensation 1.90% Total Benefit rate @ 46%	1
<b>TRAVEL EXPENSES</b>	
In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. . All conferences, seminars or training not specifically identified in the 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.	1
<b>CONTRACTUAL SERVICES</b>	
-	
<b>EQUIPMENT</b>	
-	
<b>OTHER DIRECT COSTS</b>	
Office Supplies - Used for standard office supplies to support grant related activities, grant monitoring and reporting. Costs may include paper, toner, ink cartridges, CDs/DVDs and desk top supplies such as pens, pencils, binders, folders, flip charts, easels and clips. Excludes office furnishings and fixtures such as but not limited to the following: desk, chair, table, shelving, coat rack, credenza, book, filing cabinet, floor covering, office planter, storage cabinet, portable partition, picture, wall clock, draperies and hardware, and fixed lighting/lamp.	1
Printing/Duplication - Costs include the purchase of paper, production, printing and/or duplication of materials associated with daily grant operations.	1
Bicycle Helmets - 200 Helmets to be distributed during bicycle rodeos and other bicycle safety related events.	200
Office Space - Costs include rent and utilities associated with grant goals and objectives. Charges to the grant will be in accordance with the following formula or rate: 1.45FTE x \$213.00 x 12= \$3706.00. Reimbursement will be claimed on an actual cost basis and proportional to the grant-related use of the	1

space.	
Communications - Costs of telephone service, mail/messenger service (excluding overnight priority mail) and communications services. 1.45 FTE x \$300.00 x 12= \$5220.00	1
Bicycle Safety Equipment - Safety equipment such as bicycle headlights/taillights, reflectors, and reflective arm and leg bands to be distributed during bicycle rodeos and other bicycle safety related events.	1
Educational Materials - Costs of purchasing, developing or printing brochures, pamphlets, fliers, coloring books, posters, signs, and banners associated with grant activities, and traffic safety conference and training materials. Items shall include a traffic safety message and if space is available the OTS logo. Additional items may be purchased if approved by OTS.	1
Pedestrian Safety Equipment - Cost to include reflective armbands and reflective zipper pulls. Additional items may be purchased if approved by OTS.	1
Bicycle Safety Course/Rodeo Supplies - On-scene supplies to conduct bicycle safety courses and/or Rodeos. Costs may include cones, chalk and event signage. Additional items may be purchase with OTS approval.	1
<b>INDIRECT COSTS</b> -	
<b>STATEMENTS/DISCLAIMERS</b> There will be no program income generated from this grant. Salaries may include wages, salaries, special compensations, or authorized absences such as annual leave and sick leave provided the cost for the individual employee is (a) reasonable for the services rendered, and (b) follows an appointment made in accordance with state or local laws and rules and meets federal requirements. Any non-grant funded vacancies created by reassignment to a grant-funded position must be filled at the expense of the grantee agency.	

**CERTIFICATIONS AND ASSURANCES**

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

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

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

**NONDISCRIMINATION**

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

**BUY AMERICA ACT**

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

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

**POLITICAL ACTIVITY (HATCHACT)**

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

## **CERTIFICATION REGARDING FEDERAL LOBBYING**

### **Certification for Contracts, Grants, Loans, and Cooperative Agreements**

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

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

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

## **RESTRICTION ON STATE LOBBYING**

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

## **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

### **Instructions for Primary Certification**

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

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

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

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

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

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

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

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

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

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

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