

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



ITEM  
3.22  
(ID # 5473)

MEETING DATE:

Tuesday, October 31, 2017

FROM : RUHS-PUBLIC HEALTH:

SUBJECT: RIVERSIDE UNIVERSITY HEALTH SYSTEM-PUBLIC HEALTH: Ratify Agreement AL18025 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 [\$115,000 – 98% Federal and 2% RUHS-PH Funded]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify, approve and authorize the Chairman to sign Agreement # AL18025 between the State of California Office of Traffic Safety (OTS) and the County of Riverside Department of Public Health in the amount of \$115,000 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 Tavaglione 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 31, 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>	\$ 86,250	\$ 28,750	\$ 115,000	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> 98% Federal 2% RUHS-PH Funded			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 17/18 – 18/19	

**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 establish a peer-to-peer traffic safety education and awareness program. Trained student leaders will conduct meaningful bilingual awareness campaigns to educate youth on the dangers of poor choices and the consequences surrounding impaired and distracted driving.

**Impact on Residents and Businesses**

Program will benefit County Residents by helping reduce the number of residents killed or injured due to teen impaired and distracted driving.

**SUPPLEMENTAL:**

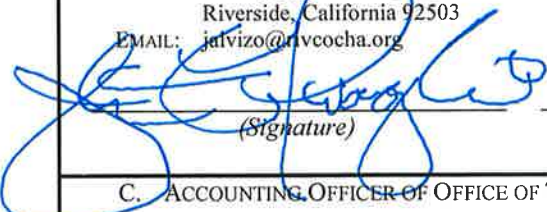
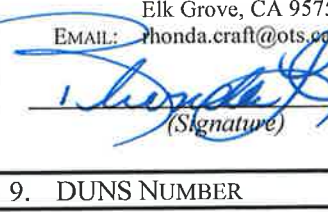
**Additional Fiscal Information**

Total cost of the program is in the amount of \$115,000. The annual amount distribution from OTS to Department of Public Health will be as follows:

<b>Year</b>	<b>Amount</b>
2017/2018	\$86,250
2018/2019	\$28,750
<b>Total</b>	<b>\$115,000</b>

  
\_\_\_\_\_  
Gregory V. Priamos, Director County Counsel 10/17/2017

State of California – Office of Traffic Safety  
GRANT AGREEMENTGRANT NUMBER  
AL18025

<b>1. GRANT TITLE</b> Be Wiser – Teen Impaired Driving 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> Riverside County Department of Public Health seeks to reduce the number of residents killed or injured due to teen impaired and distracted driving. The program focuses on 1) establishing a Be Wiser peer to peer traffic safety education and awareness program at eight (8) selected high school campuses, 2) training student leaders to create awareness campaigns around the issues of teen impaired and distracted driving and 3) conduct meaningful bilingual awareness campaigns educating youth on the dangers of poor choices and their consequences surrounding impaired and distracted driving.	
<b>6. Federal Funds Allocated Under This Agreement Shall Not Exceed:</b> <b>\$115,000.00</b>	
<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: John Tavaglione      PHONE: (951) 358-7171 TITLE: Chairman, Board of Supervisors      FAX: ADDRESS: 4065 County Circle Drive Riverside, California 92503 EMAIL: <a href="mailto:jaltvizo@rivcocha.org">jaltvizo@rivcocha.org</a>  _____ (Signature)      10/31/17 _____ (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: <a href="mailto:rhonda.craft@ots.ca.gov">rhonda.craft@ots.ca.gov</a>  _____ (Signature)      11/29/17 _____ (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 St. 3rd Floor CITY: Riverside      ZIP+4: 92501-3634

FORM APPROVED COUNTY COUNSEL  
BY:  10/17/17  
MARSHA L. VICTOR      DATE

ATTEST:

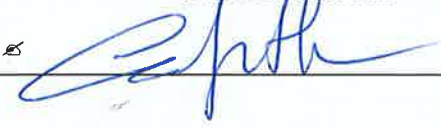
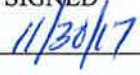
KECIA HARPER IHEN, Clerk  
By:   
DEPUTY

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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
164-AL-18	20.608	0521-0890-101	2017	2017	14/17	\$92,000.00
164-AL-18	20.608	0521-0890-101	2018	2018	BA/18	\$23,000.00
				<b>AGREEMENT TOTAL</b>		<b>\$115,000.00</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>\$115,000.00</b>		
				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		
ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED	TOTAL AMOUNT ENCUMBERED TO DATE		
				<b>\$115,000.00</b>		

## 1. PROBLEM STATEMENT

Becoming a licensed driver is a rite of passage for many young adults in the United States. The autonomy gained by having the ability to get in a car and go where ever you desire is exhilarating and represents a freedom many teens strive to gain. Unfortunately, what is often not considered is the added responsibility that comes with this privilege. Driver's training covers basic vehicle control skills; however, it has not reduced the crash rate for novice drivers. According to the Insurance Institute for Highway Safety (IIHS) the risk is highest at age 16 due to immaturity and inexperience. IIHS reported that 55 percent of teen passenger deaths in 2015 were in crashes with a teen driver, which indicates that distractions and peer pressure are also factors. Dangers for teen drivers include risky behaviors such as speeding and tailgating, underestimating the danger of distracted driving and failing to recognize and respond to hazardous situations. Pairing this with the rising issue of impaired driving, and our young drivers are primed for increased collision rates. In 2014, the California Highway Patrol reported that teen drivers are found at fault in 66 percent of all collisions, but only represent 4 percent of the total driving population.

Current media campaigns that target teen drivers largely focus on the adverse effects of impaired and distracted driving. While these messages effectively outline the financial, social and emotional burden of traffic collisions, youth are not responding to these campaigns. Positive messaging offers the opportunity to engage youth to change behavior, while showcasing alternative choices in traffic safety. According to a survey conducted by the Pew Internet and American Life project, 93 percent of teens are using social networks, and text messaging outlets. Awareness campaigns targeting youth should be supported and led by engaged youth, challenging their peers and highlighting the autonomy that comes with making positive choices.

Underage drinking continues to be a major cause for concern. The Riverside County (RC) traffic collision data for the 2013 - 2015 reveal that 2,705 of all motor vehicle related crashes are caused by an alcohol-impaired driver. More disturbing is the fact that approximately 16 percent of these collisions were caused by an underage driver. While these statistics provide a sobering glimpse into the larger issue of teen impaired driving, for families and friends, the loss of a child is life changing. In January 2016, three RC teens were killed in an apparent alcohol involved collision. The youth ages ranging from 13-18 years were celebrating a friend's birthday when they lost control of the vehicle, hit a guard rail and died upon impact. Family and friends are left mourning the loss of their loved ones and wondering how they could have prevented this tragedy.

While many efforts have been made to educate the community at large on the laws associated with impaired driving, many youth fail to recognize these efforts. As part of a previous teen traffic safety program, RC Department of Public Health surveyed 2,701 students across 10 high schools and found that 44 percent of students did not understand the definition or purpose of California's Zero Tolerance law. Education on current laws and consequences associated with teen impaired and distracted driving is imperative if we want to increase awareness and affect positive change among our youth.

The RC is one of the fastest growing counties in the U.S, increasing its population 44 percent in the past decade. The fourth most populated county in California, RC is home to 2.3 million residents. Almost one half (45.5 percent) of the population in RC is of Latino origin (2012 Census data), which is 8 percent higher than the state average. Of this population, 38 percent report that Spanish is the primary language spoken in the home. In addition, 26 percent of the total population is youth ages 14 through 18 years (223,792).

Geographically, RC stretches 200 miles across and over 7,200 square miles, with 26 incorporated cities and 25 school districts. First incorporated in 1832, RC is a diverse area of urban, suburban and rural communities. It is currently divided by two main highways (I-15 and I-10), and two main freeways (R-91 and R-60). As a result of this population surge and the diversity of terrain, RC faces numerous traffic issues.

Problem areas and intervention efforts to improve health and well-being of RC residents are highlighted in the 2013 *Riverside County Community Health Profile*, published by RC Department of Public Health. The report reveals that Riverside County ranks higher than Los Angeles, Orange, San Bernardino and San Diego Counties for alcohol involved fatalities. The research also indicates that motor vehicle crashes continue to be a leading cause of unintentional injury and fatality for ages 15-24 years accounting for 62 percent of all the deaths in this age group. Motor vehicle related crashes are disproportionately claiming the lives of RC youth and young adults.

One of the inherent problems in providing prevention education to young people, is their perception that they are "bullet-proof", or somehow, magically immune to threats to their health and safety. As a result, teens take more unnecessary risks and fail to recognize hazardous situations. Because of their "live for the moment" attitude, teens are often unable to perceive the serious consequences to themselves and others as a result of their risk taking behavior.

## 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 persons killed in alcohol-involved collisions.
4. Reduce the number of persons injured in alcohol-involved collisions.
5. Reduce the number of Had Been Drinking (HBD) drivers under age 21 related fatal and injury collisions.

### 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 pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	
2. Conduct a Be Wiser training at each of the 8 selected high school campuses, to a student group that will take the lead and establish a traffic safety program.	8
3. Conduct a pre/post retrospective evaluation at each of the 8 selected high schools campuses, assessing student's attitudes and behavior towards impaired and distracted driving.	16
4. Conduct 2 awareness campaigns at each of the 8 selected high school campuses, addressing the topics of impaired and distracted driving.	16
5. Identify bilingual impaired and distracted educational and resource materials to be distributed through program activities.	1
6. Obtain commitment from a service group or pool of students on each high school campus to implement traffic safety programs at 8 high school campuses.	8
7. Update the Be Wiser training curriculum that will assist students to develop and implement awareness campaigns addressing the topics of impaired and distracted driving.	1

## 3. METHOD OF PROCEDURE

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

- Complete and route all necessary forms to the Riverside County Public Health Department Administration and Board of Supervisors for approval of grant activities.
- Conduct a search for current appropriate educational and resource materials available for distribution at participating high school campuses.
- Update Be Wiser training curriculum that assists students to develop and implement an awareness campaign that addresses the dangers of impaired and distracted driving.
- Develop all program forms and evaluation tools.
- Obtain commitment from eight high schools to participate in the Be Wiser program located county-wide.
- Identify at each school site a liaison that will communicate with Public Health on all Be Wiser activities.
- Obtain commitment from local law enforcement agency to provide Be Wiser technical support, resources and/or participation on each high school campus.
- Create a master calendar that schedules all awareness campaigns.
- Update Public Health website listing new traffic safety program activities.
- Identify media outlets in Riverside County.
- Develop a filing system to monitor all grant activities to ensure adequate reporting to funding source.
- Develop a data base to capture all demographic/statistical information and track objective progress relevant to grant activities.
- Purchase all necessary equipment and supplies (education materials and office supplies) to conduct grant related activities.
- Identify pool of student facilitators on each campus that will be responsible for developing and implementing their school's educational awareness campaigns.

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

- Establish a youth awareness program at selected high school that will educate youth on the dangers of impaired and distracted driving conducted by student facilitators and Public Health county-wide.
- Conduct 1 Be Wiser training at each selected high school to student leaders who will take the lead creating awareness campaigns regarding the dangers of impaired and distracted driving. Campaigns will be youth derived and focused on how best to implement messaging to fellow students for maximum results. Campaigns will bring awareness to the consequences of poor decision making regarding impaired and distracted driving.
- Conduct 2 Be Wiser awareness campaigns at each high school that are planned around student life events that traditionally encourage under age alcohol consumption as; Homecoming, Prom, Winter Formal, Spring Break and/or Graduation. Each awareness campaign will impact a minimum of 500 students on each campus for a total of (6,000) students impacted countywide.
- Compile all evaluations forms on Be Wiser program activities.
- Maintain all demographic and statistical data related to grant activities.

**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.

**GRANT AGREEMENT**

Schedule B

**AL18025**

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164AL	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$115,000.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
<b>A. PERSONNEL COSTS</b>		
Positions and Salaries		
<b>Full-Time</b>		
Program Coordinator	20.608	\$32,683.00
Benefits - Program Coordinator	20.608	\$15,034.00
Health Services Assistant	20.608	\$13,184.00
Benefits - Health Services Assistant	20.608	\$6,065.00
Health Services Assistant	20.608	\$14,339.00
Benefits - Health Services Assistant	20.608	\$6,596.00
<b>Overtime</b>		\$0.00
<b>Part-Time</b>		\$0.00
Category Sub-Total		\$87,901.00
<b>B. TRAVEL EXPENSES</b>		
In State Travel	20.608	\$2,999.00
		\$0.00
Category Sub-Total		\$2,999.00
<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	20.608	\$3,000.00
Office Space	20.608	\$2,684.00
Communications	20.608	\$3,780.00
Printing/Duplication	20.608	\$5,500.00
Educational Materials	20.608	\$4,500.00
Simulation Googles	20.608	\$4,000.00
Laminators	20.608	\$636.00
Category Sub-Total		\$24,100.00
<b>F. INDIRECT COSTS</b>		
		\$0.00
Category Sub-Total		\$0.00
<b>GRANT TOTAL</b>		<b>\$115,000.00</b>



BUDGET NARRATIVE	
<b>PERSONNEL COSTS</b>	<b>QUANTITY</b>
Program Coordinator - will act as a liaison between the Riverside University Health System – Public Health, schools, local LE agencies and OTS. The PC will have oversight and assist in all activities. 1 x 12 months x \$6,809 x 40%	12
Benefits - Program Coordinator - Total Benefit Rate @ 46% 15.61% Health Insurance 0.1% Life Insurance 1.45% Medicare 19.3% Retirement 6.2% Social Security/FICA/OASDI 1.44% State Disability/SDI 1.9% Workers Compensation	1
Health Services Assistant - will work directly on grant funded activities. This includes, but is not limited to developing educational materials, setting up meetings, assisting with Be Wiser trainings and preparing informational materials. 1 x 12 months x \$2,920 x 50%	12
Benefits - Health Services Assistant - Total Benefit Rate @ 46% 15.61% Health Insurance 0.1% Life Insurance 1.45% Medicare 19.3% Retirement 6.2% Social Security/FICA/OASDI 1.44% State Disability/SDI 1.9% Workers Compensation	1
Health Services Assistant - will provide clerical support to program coordinator directly on grant funded activities. This includes filing, ordering supplies, education materials, and answering phone calls for grant staff. 1 x 12 mo x \$3,983 x 30%	12
Benefits - Health Services Assistant - Total Benefit Rate @ 46% 15.61% Health Insurance 0.1% Life Insurance 1.45% Medicare 19.3% Retirement 6.2% Social Security/FICA/OASDI 1.44% State Disability/SDI 1.9% Workers Compensation	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, paints, brushes, 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
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: \$213 x 12 months x 1.05 FTE. Reimbursement will be claimed on an actual cost basis and proportional to the grant-related use of the space.	1
Communications - costs of telephone service, mail/messenger service (excluding overnight priority mail) and communications services. \$300 x 12 months x 1.05 FTE.	1
Printing/Duplication - costs include the purchase of paper, production, printing and/or duplication of materials associated with daily grant operations.	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
Simulation Goggles - purchase 8 impaired vision simulation goggles for impaired driving awareness programming kits. One kit for each school site to utilize for peer to peer led campaigns.	8
Laminators - purchase 8 laminators and laminating supplies. One unit will be given to each school for the primary purpose of assisting students to create and deliver Be Wiser awareness campaign messages.	8
<b>INDIRECT COSTS</b>	
<b>STATEMENTS/DISCLAIMERS</b>	
<p>There will be no program income generated from this grant.</p> <p>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.</p> <p>Any non-grant funded vacancies created by reassignment to a grant-funded position must be filled at the expense of the grantee agency.</p>	

**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.