



MICHAEL N. FEUER
CITY ATTORNEY

To: The Honorable Eric Garcetti
Mayor of Los Angeles
City Hall
Los Angeles, CA 90012
Attention: Cary Gross

Honorable City Council
City of Los Angeles
City Hall
Los Angeles, CA 90012
Attention: Holly Wolcott

From: Leela Kapur, Chief of Staff *LK*

Date: August 8, 2019

Re: FY 2019-20 California Office of Traffic Safety Grant Award
Council File Number 18-0838

Transmitted herewith for Mayor and City Council consideration is grant funding totaling \$724,966 awarded by the Office of Traffic Safety, which is the pass through agency for the National Institute of Traffic and Highway Safety Agency. Now in its eighth year, this award will provide reimbursable funding for the salaries and fringe benefits for three Deputy City Attorney positions from October 1, 2019 through September 30, 2020 and the addition of one new legal assistant support staff member. Together, this team will aggressively prosecute driving under the influence offenders (both alcohol and drugs) within the City of Los Angeles as part of the "Alcohol and Drug Impaired Driving Vertical Prosecution Program."

Impaired driving is a significant public safety issue. During the first three quarters of the FY 2018-19 grant period (9/1/2018 – 6/30/2019), the Los Angeles City Attorney's Office reviewed 6,081 driving while impaired referrals and filed 5,500 cases. Of these, 796 cases filed involved driving under the influence of drugs (DUID).

FY 2019-20 grant resources will maintain three full-time DUID vertical prosecution positions across the city and support one new Legal Assistant I position to work on matters directly related to the DUID vertical prosecution unit. Because the grant provides full cost recovery there is no general fund impact. The grant award will also provide reimbursable funding for travel expenses for the three prosecutors to attend trainings and traffic safety conferences.

It is anticipated that grant funding will continue beyond FY 2020-21 as a result of grantee performance and the ongoing need for resources in this area.



City of Los Angeles
Grant Award Notification and Acceptance

Recipient Department			
This Grant Award is: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation/Renewal <input type="checkbox"/> Supplemental <input type="checkbox"/> Suballocation			
Grants Coordinator:	Janette Flintoft	E-Mail: janette.flintoft@lacity.org	Phone: 310-570-0686
Project Manager:	Farhad Khadem	E-Mail: farhad.khadem@lacity.org	Phone: 310-570-0686
Department/Bureau/Agency:	City Attorney	Date:	08/05/2019

Grant Information			
Name of Grantor: National Highway Traffic Safety Administration		Pass Through Agency: CA Office of Traffic Safety	
Grant Program Title: California Office of Traffic Safety (OTS): Alcohol and Drug Impaired Driver		Notification of Award Date: 06/14/2019 informal email notification.	
Funding Source (Public / State)	Grant Type: Competitive/Discretionary	Funds Disbursement: Reimbursement	Agency's Grant ID: CFDA#: Other ID#: eCivis ID#: CA 1628
Match Requirement:	Yes	Amount:	\$0.00 %Match 0
Match Type:	N/A	Identify Source of Match:	
Fiscal Information:	Awarded Funds: \$724,966.00	Match/In-Kind Funds: \$0.00	Additional/Leverage Funds: Total Project Budget: \$724,966.00

Approved Grant Budget Summary				
<u>Category</u>	<u>Awarded</u>	<u>Match</u>	<u>Additional</u>	<u>Explanation</u>
Personnel				
DCA I	\$97,733.00	\$0.00		Salary
DCA I	\$45,074.00	\$0.00		Benefits @ 46.12%
DCA I	\$117,648.00	\$0.00		Salary
DCA I	\$54,259.00	\$0.00		Benefits @ 46.12%
DCA I	\$120,505.00	\$0.00		Salary
DCA I	\$55,577.00	\$0.00		Benefits @ 46.12%
Legal Asst I	\$60,010.00	\$0.00		Salary
Legal Asst I	\$27,677.00	\$0.00		Benefits @ 46.12%
Travel				
In State Travel	\$4,000.00	\$0.00		Annual OTS conference
Other (Indirects)				
DCA I	\$35,174.00	\$0.00		35.99% rate
DCA I	\$42,341.00	\$0.00		35.99% rate
DCA I	\$43,370.00	\$0.00		35.99% rate
Legal Asst I	\$21,598.00	\$0.00		35.99% rate
Total	\$724,966.00	\$0.00		

Approved Project	
Descriptive Title of Funded Project: DUID FY 2019-20	
Performance Period Start/End Dates (Month/Day/Year):	Citywide: Yes
Start: 10/1/2019 End: 9/30/2020	Affected Council District(s): All
	Affected Congressional District(s):
Purpose:	
Identify Internal Partners (City Dept/Bureau/Agency): LAPD	
Identify External Partners: Los Angeles County District Attorney's Office; Orange County District Attorney's Office; California Highway Patrol.	

Summary

Please provide a project summary including goals, objectives (metrics), specific outcomes, and briefly describe the activities that will be used to achieve these goals. You may attach an additional sheet of paper if necessary.

Continuation funding to support the impaired driving vertical prosecution team.

Recommendations

Please provide a complete list of necessary actions for implementation, including acceptance of the award by the City, Controller instructions for fund and accounts set-up, coordination of project activities (such as contract and position authorities).

1. Authorize the City Attorney or his designee to APPROVE the accompanying grant award between the City and the Office of Traffic Safety and authorize the City Attorney or his designee to EXECUTE said grant award on behalf of the City, subject to the approval of the City Attorney as to form and legality.

2. Authorize the City Attorney or his designee to ACCEPT the grant award in the amount of \$724,966 for funding the Alcohol and Drug Impaired Driving Prosecution Program for the period of October 1, 2019 through September 30, 2020.

3. RESOLVE an employment authority in the City Attorney's Office for the period October 1, 2019 to September 30, 2020, for one Legal Assistant I (0565) position is approved;

4. AUTHORIZE the Controller to:

a. ESTABLISH a receivable in the amount of \$724,966 within Fund 368, Department 12.

b. ESTABLISH Appropriation Account 12S231 - Impaired Driving Prosecution within Fund 368, Department 12 in the amount of \$724,996.

c. TRANSFER \$ 296,922 from Fund 368, Department 12, Account 12S231-Impaired Driving Prosecution to Fund 100, Department 12, Account 001010 Salaries General.

d. Upon receipt of grant funds, TRANSFER up to \$182,587.24 from Fund 368, Department 12, Account 12S231 - Impaired Driving Prosecution to Fund 100, Department 12, to Account Revenue Source #5346 Related Costs Reimbursement – Grants.

5. AUTHORIZE the City Council to instruct the City Clerk to place on Council Calendar for July 1, 2020, the following action relative to the Alcohol and Drug Impaired Driver Vertical Prosecution Program:

"That the City Council, subject to the approval of the Mayor, AUTHORIZE the Controller to transfer \$98,974 from Fund 368, Department 12, Account No. 12S231 - FY19-20 Impaired Driving Prosecution to Fund 100, Department 12, Account 001010 Salaries General."

6. AUTHORIZE the Office of the City Attorney to prepare Controller's instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer.

Fiscal Impact Statement

Please describe how the acceptance of this grant will impact the General Fund. Provide details on any additional funding that may be required to implement the project/program funded by this grant.

Because funding provides full cost recovery for three full-time vertical prosecutors and one legal assistant there is no general fund impact.

Acceptance Packet

The above named Department has received an award for the Grant Program identified above, accepts full responsibility for the coordination and management of all Grant funds awarded to the City, and will adhere to any policies, procedures and compliance requirements set forth by the Grantor and its related agencies or agents, as well as those of the City, and its financial and administrative departments. The following items comprise the Acceptance Packet and are attached for review by the CAO Grants Oversight Unit:

- | | |
|--|--|
| <input type="checkbox"/> Grant Award Notification and Acceptance | <input type="checkbox"/> Copy of Award Notice |
| <input type="checkbox"/> Grant Project Cost Breakdown (Excel Document) | <input type="checkbox"/> Copy of Grant Agreement (if applicable) |
| <input type="checkbox"/> Detail of Positions and Salary Costs (Excel Document) | <input type="checkbox"/> Additional Documents (if applicable) |

Department Head Name:

Department Head Signature:

Date:

For CAO Use Only

The Office of the City Administrative Officer, Grants Oversight Unit has reviewed the information as requested, and has determined that the Acceptance Packet is:

- | |
|--|
| <input type="checkbox"/> Complete The Acceptance Packet has been forwarded to appropriate CAO analyst |
| <input type="checkbox"/> Returned to Department (Additional information/documentation has been requested). |
| <input type="checkbox"/> Flagged (See comments below.) |

Comments:

CAO Grants Oversight Unit Signature:

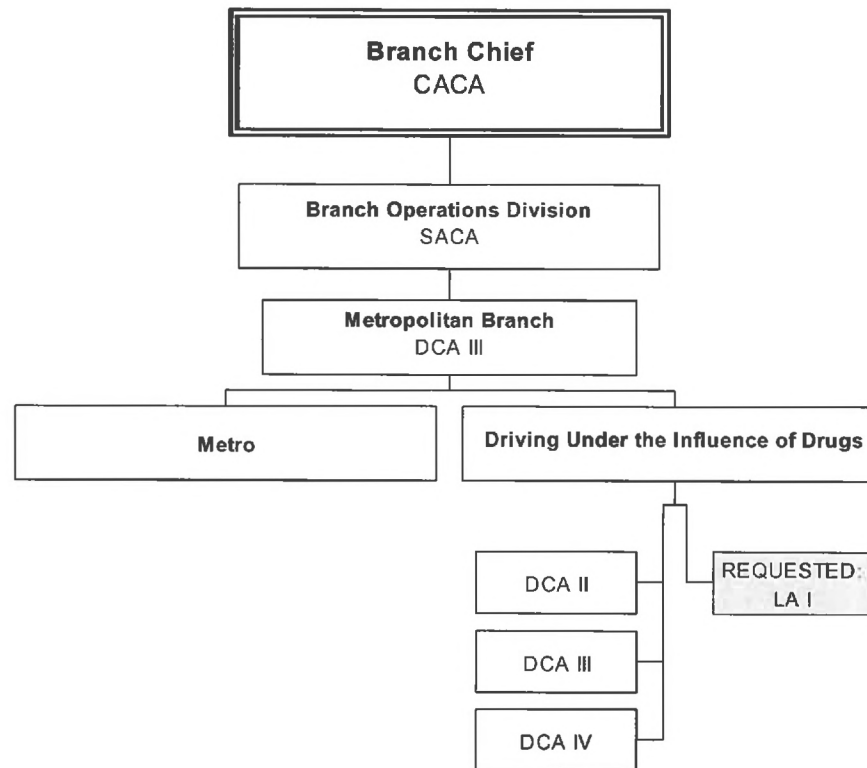
Date:

**Grant Award Notification and Acceptance
Grant Project Cost Breakdown**

Grant Name: Alcohol and Drug Impaired Driving Vertical		Additional Costs**			Department:	
Grant Project Breakdown	Grant Funds	City Funds	Non-City Funds	Total		Comments
Salaries						
1010 Salaries General	-			-		
1020 Salaries Grant Reimbursed	395,896			395,896		
1070 Salaries As Needed				-		
1090 Overtime				-		
Salaries Total:	395,896	-	-	395,896		
Related Costs*						
	CAP Rate					
Fringe Benefits	46.12%	182,587		182,587		
Indirects	35.99%	142,483		142,483		
		-	-	-		
Related Costs Total:		325,070	-	325,070		
Expense						
2120 Printing & Binding				-		
2130 Travel	4,000			4,000.00		Annual state conference
3040 Contractual Services				-		
3310 Transportation				-		
4160 Governmental Meetings				-		
6010 Office Supplies				-		
6020 Operating Supplies				-		
7300 Equipment				-		
Other						
Expenses Total:		4,000	-	4,000		
Grand Total:		724,966	-	724,966		
*Please use the full Cost Allocation Plan (CAP) rates unless disallowed by the Grantor. CAP rates should be applied to Gross Salaries (including Compensated Time Off.)						
**Other sources of funding. Please indicate whether these funds are part of a match requirement and whether they are already provided or new funding is required.						

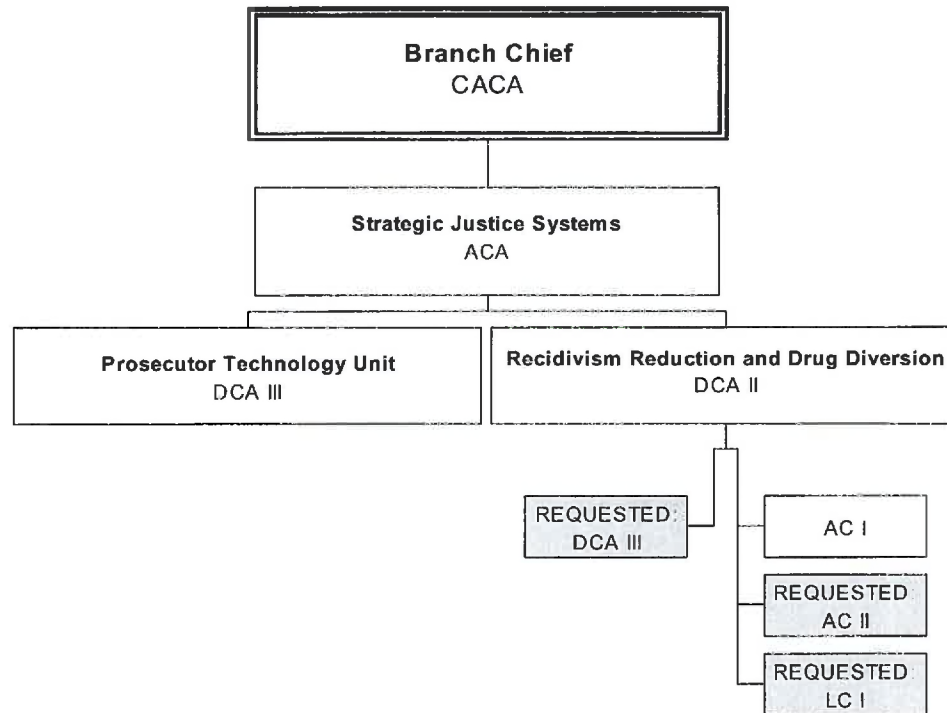
OFFICE OF THE LOS ANGELES CITY ATTORNEY

Criminal & Special Litigation Branch Driving Under the Influence of Drugs (DUID)



OFFICE OF THE LOS ANGELES CITY ATTORNEY

Criminal & Special Litigation Branch Recidivism Reduction and Drug Diversion



POSITION DESCRIPTION
City of Los Angeles

DO NOT USE THIS SPACE

1. Name of Employee: N/A (New Position)	2. Employee's Present Class Title/Code: N/A (New Position)	3. Present Salary or Wage Rate
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4. Reason for Preparing Description: Legal Assistant I (NEW) (0565-1) Allocation	<input checked="" type="checkbox"/> New Position <input type="checkbox"/> Change in Existing Position <input type="checkbox"/> Routine Report of Duties <input type="checkbox"/> Review for Proper	Date Prepared: July 25, 2019
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5. Location of office or place of work: Metropolitan Court House (City Attorney Office)	6. Name of Department: City Attorney
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7. Name and title of the person from whom you ordinarily receive instructions and who supervises or reviews your work:

Name: **Farhad Khadem** Title: **Drug DUI Coordinator**

8. Describe in detail the duties and work of this position, describing each duty in a separate paragraph. Begin with the duties that normally take most of your time and then describe the duties that are infrequent. Be certain to tell what is done, how it is done and what materials or equipment are used. Using percentages, show the distribution of the total working time. Also, if the duties and responsibilities of the position have changed, indicate how and when the changes occurred.

PERCENT OF TIME	DUTIES
100% (overall)	<p>The responsibilities of the Legal Assistant I position are specific to the City Attorney's Federal Grant funding to prosecute drug DUI cases (DUID). The DUID Unit vertically prosecutes drivers impaired by the full spectrum of drugs from cannabis and commonly known controlled substances to new, prescription and designer drugs.</p> <p>The Legal Assistant is responsible for working on matters directly related to the DUID vertical prosecution unit. Tasks include; communicating with law enforcement agencies to obtain discovery evidence to be used at trial including but not limited to officer body worn video and toxicology reports. Gathering documents and other materials as needed from other City departments and law enforcement agencies; analyzing and organizing documents; redacting criminal rap sheets in whole or in part, under the law. Preparing exhibits, securing litigation maps, and securing certified copies of prior convictions and other court documents. Assisting attorneys both in and out of court; photocopying documents; assisting with research on trial issues and calling witnesses to coordinate their presence at trial. Obtain and interpret computer-generated documents such as TCIS searches, CCHRS raps, CII raps, FBI raps, S101 booking information. Act as Custodian of Records for Metropolitan, Van Nuys, and San Fernando Branch. Assist with the preparation of all grant-related reports as requested by the Office of Traffic Safety; communicate with appropriate parties to obtain guidance and to provide updates on grant progress and other duties as assigned.</p>

9. How long have the duties been substantially as described above? N/A (new position)

- 10. List any machinery or equipment operated and any unusual or hazardous working conditions. N/A
- 11. Percent of time spent supervising (training and evaluating employees, assigning and reviewing work). 0%
- 12. Indicate the number of employees supervised by class titles.
- 13. I certify that the above statements are my own and to the best of my knowledge are accurate and complete.

Signature _____ Date _____ Extension _____

ITEMS TO BE FILLED IN BY THE IMMEDIATE SUPERVISOR

- 14. Indicate in what respects if any the duties and responsibilities on the other side are not sufficiently or accurately described. N/A
- 15. SUPERVISION RECEIVED: Describe the nature, frequency, or closeness of supervision received by the employee, including the way that the employee's work is assigned and reviewed. N/A
- 16. REQUIREMENTS. Indicate the minimum requirements to perform the duties of this position:
 - (a) Education (include specific matter).
 - (b) Experience (type and length; list appropriate city classes, if any).

This position requires an accurate typist who pays close attention to detail, is able to work under pressure with minimal supervision, and can perform in a team environment. Applicants must be able to lift boxes (up to 25 lbs). Valid Driver License is required; Applicant are required to drive. Reliable attendance and punctuality are mandatory.


- 17. PHYSICAL REQUIREMENTS. Check below all physical capabilities needed to do this job. Hours per week 40

<input type="checkbox"/> Strength to: <input type="checkbox"/> Lift <input type="checkbox"/> Push <input type="checkbox"/> Pull <input type="checkbox"/> Average weight <input type="checkbox"/> Heaviest weight <input type="checkbox"/> 25lbs <input type="checkbox"/>	SPECIAL NEED FOR: <input type="checkbox"/> Vision, to read fine print/numbers <input type="checkbox"/> Hearing, for telephones/alarms <input type="checkbox"/> Balance, for working heights <input type="checkbox"/> Other/explain _____ _____	EXTENSIVE USE OF: <input type="checkbox"/> Legs, for walking/standing <input type="checkbox"/> Hands and fingers <input type="checkbox"/> Back, for strenuous labor <input type="checkbox"/> Other/explain _____ _____
<input type="checkbox"/> Climbing (stairs, ladders, poles) <input type="checkbox"/> How far _____ <input type="checkbox"/> Face severe work conditions <input type="checkbox"/> Outdoors <input type="checkbox"/> on/near water _____ <input type="checkbox"/> Other/explain _____ _____		

(a) List any alternative methods or devices that can be used to aid in meeting the physical requirements checked above.

- 18. RESPONSIBILITIES
 - (a) Policy and Methods: n/a
 - (b) Materials or Products: n/a
 - (c) Machinery and equipment: Must be proficient in use of personal computer. Must be proficient Microsoft Word and Excel. Must be able to enter data accurately and efficiently.
 - (d) Money: n/a
 - (e) Personal Contacts: Will be responsible for basic office duties, requiring receptionist duties, taking messages, and communicating with members of the public, other city agencies, or non-city organizations.
 - (f) Records and reports: Must keep accurate records in files as directed.

Signature of the immediate supervisor _____ Date _____
 Class Title _____ Extension _____
 Signature of department head _____ Date _____

10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
405d AL-20	20.616	0521-0890-101	2019	2019	BA/19	\$724,966.00
					AGREEMENT TOTAL	\$724,966.00
<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 \$724,966.00	
					PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT \$ 0.00	
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED	TOTAL AMOUNT ENCUMBERED TO DATE		
				\$724,966.00		

1. PROBLEM STATEMENT

As the **largest city in the state of California** and the **second largest city in the nation**, local traffic safety is paramount in Los Angeles due to the magnitude of traffic related injury and fatality rates. Per the latest OTS Collision Ranking data, in 2016 the City of Los Angeles had the fourth highest number (**44,207 individuals**) of victims killed or injured in vehicular collisions for cities with populations over 250,000 in the state of California.

Further compounding the problem, Los Angeles is the largest city in the nation to allow recreational cannabis use. As a result, the availability and access to cannabis is projected to increase sharply starting in early 2018, with a causal increase in the amount of traffic related injuries and fatalities. This is evidenced by neighboring states' data following their legalization of recreational cannabis, such as in Colorado. For example, in Colorado the number of fatalities involving positive tests for marijuana has nearly doubled since recreational legalization in 2014, from 75 that year to 125 in 2016 and 139 in 2017.

STRAINED PROSECUTION RESOURCES

The Los Angeles City Attorney's Office (LACA) is solely responsible for all misdemeanor drug impaired driving cases within the city of Los Angeles. Covering more than 500 square miles, LACA's jurisdiction spans from the North Valley to the Harbor. LACA prosecutors review and file cases at six different courthouses located throughout the city: two are located in downtown Los Angeles, two in the Van Nuys area, one in the Pacific region (near LAX) and one in San Pedro, nearly 50 miles south from the most northerly courthouse.

Currently, a team of three DUID vertical prosecutors staff the courthouses experiencing the highest rates of DUID case filings: Metropolitan ("Hill Street") and Van Nuys. Although six courthouses review misdemeanor drug DUI cases only two of the six have specialized vertical prosecutors to review and prosecute such cases. In addition to managing all of their own legal administrative tasks related to their case filings, these attorneys strive to support attorneys citywide prosecuting DUID cases. Freeing up prosecutors from administrative tasks will enable the DUID prosecution team to focus their efforts on DUID trials, expand thier training base, and grow the capacity of other prosecutors around the city. Most notably, it will improve the conviction rate sending a strong message to the public, and build capacity for other attorneys across the city to effectively prosecute these cases.

Drug impaired driving is a complex issue to prosecute. The vertical prosecution format is the most efficient and effective manner to handle these multifaceted cases because it allows prosecutors to acquire and apply the specialized knowledge necessary to successfully prosecute these unique offenses.

As seen in 2016 OTS Collision Ranking data, the City of Los Angeles ranks fourth for the highest number of alcohol involved collisions (**3,546 individuals**), an increase from 2015 (**3,300 individuals**). Moreover, in recent years, drug impaired driving arrest rates have increased throughout the City of Los Angeles, which corresponds with the 13.8% increase seen in drug-involved crash fatalities during the past decade per the 2015 DUI-MIS Report. Cannabis is the drug most often identified by the Los Angeles Police Department arresting officers and/or DREs. This undoubtedly correlates with the legalization of recreational cannabis and the existence of more than 1,000 cannabis dispensaries in the City of Los Angeles.

While advancements in DUID prosecutions have occurred through training and specialized experience, DUID trial convictions are among the most challenging to secure even for the most experienced and dedicated attorneys due to evidentiary issues related to impairment, along with the public's perception that certain drugs are "non-offensive." It is paramount to maintain grant resources to maintain progress already made and introduce new legal assistance resources to streamline the efforts of prosecutors to prosecute.

NEED FOR IMPROVED DATA COLLECTION

An ancillary problem is the lack of data being recorded as it relates to drug impaired driving. Accurate and reliable data is the first step in being able to address the problem of driving under the influence of drugs. Without accurate data it will be impossible to understand the magnitude and characteristics of the problem. Data will provide stakeholders

individual, regional and legislative intelligence to address and implement countermeasures to the problems presented by DUID's. The current date detection systems all lack the type of drug that is detected in drivers and the amount of drug.

DATA SYSTEM TRACKS DRUG AND ALCOHOL SEPARATELY TRACKS

DRUG TYPE

DETECTED TRACKS

DRUG AMOUNT DETECTEDFARSXXN/ASWITERS N/AN/AN/ADUIMISXN/AN/ATCISXN/AN/A

By maintaining the three current vertical prosecutors and adding a new support staff member, more misdemeanor data points can be collected. Los Angeles is the most ideal location for data collection as it is the first Group A city in California to legalize commercial sales, the region is comprised of a diverse group of people, and has the infrastructure (LAPD Drug Recognition Experts) to conduct evaluations and analyze the toxicology through the Forensic Scientific Division. Regionally, the LACA and Los Angeles District Attorney's Offices are in alignment with mutual goals related to DUID enforcement and support each other's trainings, DUID enforcement, and data collection efforts toward the common goal of zero deaths.

CONTINUED NEED FOR LAW ENFORCEMENT TRAINING

Another major component to identifying and combating DUID cases is well trained officers. Although proper training on how to investigate a DUID is important, it is equally imperative that officers are aware of how cases are presented in trial. This relates to the importance of their observations related to driving, evidence gathering, investigations, and effectively communicating to jurors as to perceived impairment. OTS grant funded prosecutors help maintain training of new and established officers regarding IDAP, ARIDE and DRE trial components, set by the Los Angeles Police Department and California Highway Patrol, which is a critical component of the efforts to combat impaired drug driving.

At a time when impaired driving continues to consume law enforcement, prosecutorial, and judicial resources across the nation, grant funding to maintain the three current vertical prosecutors is critically needed within the LACA to have a positive impact toward the common goal of zero deaths. OTS grant funded vertical prosecutors serve the role of providing in-house expertise across LACA branches as needed. They assume the most difficult and challenging DUID cases, achieve higher conviction rates than branch trial deputies conducting drug DUI trials, and maintain a personal fidelity to the cases they prosecute that inspires others to achieve the same goal of zero deaths. Moreover, their roles help drive impaired driving policy improvements through their participation in task forces, round-tables with other prosecuting agencies, research projects, and innovative new initiatives (such as pioneering the first pilot program utilizing oral fluid for DUID evidentiary purposes). Maintaining the three vertical prosecutors and adding a legal assistant to the team during the FFY 2020 will allow for increased attention on DUID prosecutions and ensure that the collaborative efforts of the LACA with other prosecuting agencies and law enforcement will remain in full force and effect.

2. PERFORMANCE MEASURES

A. Goals:

1. Improve the prosecution knowledge and expertise of DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combination cases.
2. Increase the number of DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combination cases filed and prosecuted.

B. Objectives:

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. Create or expand a "Vertical Prosecution Program" with the City Attorney or District Attorney's Office by November 30. The program will facilitate the prosecution of all DUI drug cases, all DUI alcohol and drug combination cases, and if applicable, all felony DUI alcohol cases with death or injury.
3. Designate prosecutor position(s) and investigator position(s) to the DUI caseload to prosecute DUI Alcohol and DUI Drug cases. The individual(s) will be dedicated solely to this assignment allowing them to gain expertise in the investigation and prosecution of DUI Alcohol and DUI Drug cases. While employed by the City Attorney' s or District

Target Number

1

1

3

Attorney' s Office, the individual(s) in the grant-funded DUI Vertical Prosecutor position(s) should remain the same throughout the term of the grant.	
4. Develop and implement a system for gathering, tracking, and reporting all DUI case reviews, filings, and outcomes in the county/city by December 31, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination	1
5. Report on all DUI case reviews, filings and outcomes in the county or city throughout the grant, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination Alcohol and Drug cases.	4
6. Partner with the California Traffic Safety Resource Prosecutor Training Network to provide comprehensive training in the prosecution of DUI Alcohol and DUI Drug cases with an effort to reach prosecutors and investigators.	1
7. Send the funded prosecutor(s) to trainings/meetings sponsored by OTS and/or the California Traffic Safety Resource Prosecutor Training Network.	1
8. Coordinate and host four regional roundtable law enforcement meetings (one each quarter, with telephone conference capabilities) to provide information on the DUI Vertical Prosecution Program, interact with law enforcement to identify means to improve DUI investigation and prosecution, and assess technical assistance needs for training on DUI investigation and court testimony. OTS staff, local law enforcement, CHP and probation staff should be included in the roundtable. Agenda and minutes should be produced and distributed. All four meetings for the year should be scheduled in the first quarter of the grant.	4
9. Participate in at least one DUI saturation ride-along and attend/observe at least one DUI checkpoint. Note: The funded vertical prosecutor(s) and investigator should participate within the first quarter of the grant. Saturation patrol ride-along and checkpoint observation may be combined into one evening.	1
3. METHOD OF PROCEDURE	
A. Phase 1 – Program Preparation (1st Quarter of Grant Year)	
<ul style="list-style-type: none"> • Recruit and hire all staff for the grant. • Procure all materials necessary to implement the grant. • Identify dates and schedule the four Roundtable Meetings (one each quarter with telephone conference capabilities). Notify the OTS coordinator of the dates. Meetings are meant to provide information on the DUI Vertical Prosecution Program, interact with law enforcement to identify means to improve DUI investigation and prosecution, and assess technical assistance needs for training on DUI investigation and court testimony. OTS staff, TSRP staff, local law enforcement, CHP and probation staff should be included in the roundtable. Agenda and minutes should be produced and distributed. All four meetings for the year should be scheduled in the first quarter of the grant. • Develop protocols to be used to measure the success of the DUI Prosecution Program. • Conduct training for all program staff outlining the goals and objectives of the project. • Refer cases for prosecution to the grant-funded Deputy District/City Attorney(s). • Transfer all pending DUI cases which qualify under this program so that vertical prosecution may begin. • Develop a training protocol for law enforcement agencies within the county, and start a process of coordinating all reporting, investigation, and referral of cases that qualify under the grant. 	
Media Requirements	
<ul style="list-style-type: none"> • Issue a press release announcing the kick-off of the grant by November 15, but no earlier than October 1. If unable to meet the November 15 date, communicate reasons to your OTS Coordinator. The kick-off press releases and any related media advisories, alerts, and materials must be emailed for approval to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, 14 days prior to the issuance date of the release. 	
B. Phase 2 – Program Operations (Throughout Grant Year)	
<ul style="list-style-type: none"> • Prosecution will be on-going. The Deputy District/City Attorney(s) will review DUI cases from all law enforcement agencies in the county/city. • Training for law enforcement personnel, District Attorney Investigators and other Deputy District/City Attorneys will begin and continue throughout the program. • Prosecutor(s) will: <ul style="list-style-type: none"> a) Work to secure convictions (as justice requires) and appropriate sentences that reflect the public safety risk posed by the offender. 	

- b) Mentor trial attorneys on how to successfully try high-risk DUI offenders.
- c) Host Quarterly Roundtable meetings with law enforcement personnel, TSRP and OTS Coordinator.
- d) Work with the TSRP to obtain and deliver high quality DUI prosecution training programs to non-grant-funded prosecutors.
- e) Work with the TSRP to obtain and deliver high quality DUI investigation, report writing and courtroom testimony training programs to law enforcement personnel (police officers, deputies, District Attorney Investigators and crime lab scientists).
- f) Attend training programs that cover evaluation and preparation of DUI drug cases, marijuana, prescription drugs, drug trends, people's experts, defense challenges, cross-examination of experts, SFST evidence, jury considerations and toxicology evidence, and incorporate this information into DUI trainings for attorneys and law enforcement personnel.

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. The following requirements are for grant-related activities and are different from those regarding any grant kick-off release or announcement.
 - If an OTS-supplied, template-based press release is used, there is no need for pre-approval, however, the OTS PIO and Coordinator should be copied when at the same time as the release is distributed to the press.
 - If an OTS-supplied template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead-time would be 10 days prior to the release distribution date, but should be no less than 5 working days prior to the release distribution date.
 - Press releases reporting the immediate and time-valued 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.
- 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.
- Space permitting, include the OTS logo, on grant-funded print materials; consult your OTS Coordinator for specifics and format-appropriate logos.
- Contact the OTS PIO or your OTS Coordinator, sufficiently far enough in advance of need, for consultation when deviation from any of the above requirements might be contemplated

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

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

4. METHOD OF EVALUATION

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

5. ADMINISTRATIVE SUPPORT

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

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405d AL-20	20.616	Impaired Driving Countermeasures	\$724,966.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
A. PERSONNEL COSTS		
<u>Straight time</u>		
Deputy City Attorney A	20.616	\$97,739.00
Benefits - Deputy City Attorney A @ 46.12%	20.616	\$45,077.00
Deputy City Attorney B	20.616	\$117,645.00
Benefits - Deputy City Attorney B @ 46.12%	20.616	\$54,258.00
Deputy City Attorney C	20.616	\$120,515.00
Benefits - Deputy City Attorney C @ 46.12%	20.616	\$55,582.00
Legal Assistant	20.616	\$60,008.00
Benefits - Legal Assistant @ 46.12%	20.616	\$27,676.00
<u>Overtime</u>		
		\$0.00
Category Sub-Total		\$578,500.00
B. TRAVEL EXPENSES		
In State Travel	20.616	\$3,979.00
		\$0.00
Category Sub-Total		\$3,979.00
C. CONTRACTUAL SERVICES		
		\$0.00
Category Sub-Total		\$0.00
D. EQUIPMENT		
		\$0.00
Category Sub-Total		\$0.00
E. OTHER DIRECT COSTS		
		\$0.00
Category Sub-Total		\$0.00
F. INDIRECT COSTS		
Indirect Rate - 35.99% of Salaries	20.616	\$142,487.00
Category Sub-Total		\$142,487.00
GRANT TOTAL		\$724,966.00

BUDGET NARRATIVE	
<p>PERSONNEL COSTS Deputy City Attorney A - \$46.99 x 2080 hrs = \$97,739.00</p> <p>Hours for prosecutor dedicated to vertically prosecute all misdemeanor cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the City Attorney's Office.</p>	<p>QUANTITY 2,080</p>
<p>Benefits - Deputy City Attorney A @ 46.12% - TOTAL BENEFIT RATE: 46.12% Dental and Health Insurance - 9.88% Life Insurance - 0.09% Medicare - 1.34% Retirement - 27.28% Unemployment Insurance - 0.03% Workers Compensation - 1.34% Carry Forward - 4.68% Unused sick/vacation - 1.44% Union sponsored benefits - 0.04%</p>	<p>1</p>
<p>Deputy City Attorney B - \$56.56 x 2080 hrs = \$117,645.00</p> <p>Hours for prosecutor dedicated to vertically prosecute all misdemeanor cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the City Attorney's Office.</p>	<p>2,080</p>
<p>Benefits - Deputy City Attorney B @ 46.12% - TOTAL BENEFIT RATE: 46.12% Dental and Health Insurance - 9.88% Life Insurance - 0.09% Medicare - 1.34% Retirement - 27.28% Unemployment Insurance - 0.03% Workers Compensation - 1.34% Carry Forward - 4.68% Unused sick/vacation - 1.44% Union sponsored benefits - 0.04%</p>	<p>1</p>
<p>Deputy City Attorney C - \$57.94 x 2080 hrs = \$120,515.00</p> <p>Hours for prosecutor dedicated to vertically prosecute all misdemeanor cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the City Attorney's Office.</p>	<p>2,080</p>
<p>Benefits - Deputy City Attorney C @ 46.12% - TOTAL BENEFIT RATE: 46.12% Dental and Health Insurance - 9.88% Life Insurance - 0.09% Medicare - 1.34% Retirement - 27.28%</p>	<p>1</p>

Unemployment Insurance - 0.03% Workers Compensation - 1.34% Carry Forward - 4.68% Unused sick/vacation - 1.44% Union sponsored benefits - 0.04%	
Legal Assistant - \$28.85 x 2080 hrs = \$60,008.00 Assist the vertical prosecution team with preparing DUID case filings, securing evidence such as toxicology reports, coordinating witnesses, assisting with legal discovery requests, and inputting data and collecting data.	2,080
Benefits - Legal Assistant @ 46.12% - TOTAL BENEFIT RATE: 46.12% Dental and Health Insurance - 9.88% Life Insurance - 0.09% Medicare - 1.34% Retirement - 27.28% Unemployment Insurance - 0.03% Workers Compensation - 1.34% Carry Forward - 4.68% Unused sick/vacation - 1.44% Union sponsored benefits - 0.04%	1
TRAVEL EXPENSES 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. Anticipated travel may include TSRP Traffic Colleges. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.	1
CONTRACTUAL SERVICES -	
EQUIPMENT -	
OTHER DIRECT COSTS -	
INDIRECT COSTS Indirect Rate - 35.99% of Salaries - Federally approved Indirect Cost Rate is 35.99% of total salaries.	1
STATEMENTS/DISCLAIMERS There will be no program income generated from this grant. Salaries may include wages, salaries, special compensations, or authorized absences such as annual leave and sick leave provided the cost for the individual employee is (a) reasonable for the services rendered, and (b) follows an appointment made in accordance with state or local laws and rules and meets federal requirements. Any non-grant funded vacancies created by reassignment to a grant-funded position must be filled at the expense of the grantee agency.	

CERTIFICATIONS AND ASSURANCES
HIGHWAY SAFETY GRANTS
(23 U.S.C. CHAPTER 4 AND SEC. 1906, PUB. L. 109-59, AS AMENDED)

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 1300—Uniform Procedures for State Highway Safety Grant Programs

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100)).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding

recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and

- To insert this clause, including paragraphs (a) through (e), in every subcontract and sub agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

The State 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

(applies to subrecipients as well as States)

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, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients 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

(applies to subrecipients as well as States)

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

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

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 primary tier 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 prospective primary tier participant 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 prospective primary tier participant 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 or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal 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 prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "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 and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
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 the transaction for cause or default.

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

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

- (b) Have not within a three-year period preceding this proposal 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 records, 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 prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
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 or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal 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, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200.
You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal 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 "Instructions for Lower Tier Participant Certification" including the "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 and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
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 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 proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions 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 proposal.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items 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. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

LAW ENFORCEMENT AGENCIES

All subrecipient law enforcement agencies shall comply with California law regarding profiling. Penal Code section 13519.4, subdivision (e), defines "racial profiling" as the "practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." Then, subdivision (f) of that section goes on to provide, "A law enforcement officer shall not engage in racial profiling."