

1. GRANT TITLE**VENTURA COUNTY SHERIFF DRE TRAINING PROGRAM****2. NAME OF AGENCY****COUNTY OF VENTURA****4. GRANT PERIOD**

From: 10/1/15

To: 9/30/16

3. AGENCY UNIT TO ADMINISTER GRANT**VENTURA COUNTY SHERIFF'S DEPARTMENT****5. GRANT DESCRIPTION**

The Ventura County Sheriff's Office will use grant funding to cover Deputy and Senior Deputy overtime costs to expand regional DRE training to be presented at the Ventura County Criminal Justice Training Center. The training provided by these instructors will include SFST instruction, ARIDE instruction, and DRE instruction and certification. The training will support the expansion of DRE's throughout Ventura County and neighboring counties.

6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED:**\$ 243,965.00****7. TERMS AND CONDITIONS:** The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement:

- Schedule A (OTS-38b) – Problem Statement, Goals and Objectives and Method of Procedure
- Schedule B (OTS-38d) – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)
- Schedule B-1 (OTS-38f) – Budget Narrative and Sub-Budget Narrative (if applicable)
- Exhibit A – Certifications and Assurances
- Exhibit B* - OTS Grant Program Manual

Items shown with an asterisk (), are hereby incorporated by reference and made a part of this agreement as if attached hereto.

These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.

We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

8. APPROVAL SIGNATURES**A. GRANT DIRECTOR**NAME: **Donald Aguilar**

PHONE: 805-797-7349

TITLE: Captain

FAX:

ADDRESS: 800 S. Victoria Ave.
Ventura, CA 93009

E-MAIL: **don.aguilar@ventura.org**

(Signature)

(Date)

B. AUTHORIZING OFFICIAL OF AGENCYNAME: **Geoff Dean**

PHONE: 805-654-2314

TITLE: Sheriff

FAX:

ADDRESS: 800 S. Victoria Ave.
Ventura, CA 93009

E-MAIL: **geoff.dean@ventura.org**

(Signature)

(Date)

C. FISCAL OR ACCOUNTING OFFICIALNAME: **Susan Heath**

PHONE: 805-648-9223

TITLE: Sheriff's Office Fiscal Manager

FAX:

ADDRESS: 800 S. Victoria Ave.
Ventura, CA 93009

E-MAIL: **susan.heath@ventura.org**

(Signature)

(Date)

D. OFFICE AUTHORIZED TO RECEIVE PAYMENTSNAME: **Ventura County Sheriff's Office, Business Office**

ADDRESS: 800 S. Victoria Ave.
Ventura, CA 93009

9. DUNS NUMBERDUNS #: **868478850**

REGISTERED ADDRESS & ZIP: **800 S Victoria Ave.
Ventura, CA 93009-0001**

SCHEDULE A
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1. PROBLEM STATEMENT

The County of Ventura is no exception to drunk impaired driving, drug impaired traffic collisions, including drug impaired driving resulting on traffic fatalities. The challenge for Ventura County law enforcement is to bridge the gap with related training for effective enforcement to reduce these risks, involving all law enforcement agencies in a collaborative effort.

In Ventura County there has not been any regional Drug Recognition Expert (DRE) training available at the regional level, to address the above listed concerns. Geographically, Ventura County some distance between two established DRE hubs; Sacramento and Los Angeles. As a result, there has been limited training offered to police officers and deputies working on patrol in the County and surrounding counties.

Lack of training and expertise in the area of serious injury/fatal traffic collisions related to drunk/drugged impaired driving previously resulted in dismissal of criminal cases, lack of support of expert courtroom testimony.

There also has been a lack of certified DRE trained officers/deputies available to assist with DUI checkpoints, saturation patrols, and public safety education opportunities. In addition, there is a lack of consistency in investigative procedures related to DRE investigations due to the lack of local training and coordination among DRE's.

- **Advanced Roadside Impaired Driving Enforcement**

An additional tool has been provided by NHTSA to help combat drugged driving. The NHTSA-sponsored ARIDE curriculum was developed to bridge the gap between SFST and DRE courses. The ARIDE class is a 2-day course that provides students with general knowledge related to drug-impaired driving.

The training consists of a review of the NHTSA SFSTs, the 7 drug categories, physiology of drugs, courtroom testimony, report writing, and drug combinations. The training is available to sworn peace officers through certified DRE instructors across the state. The 2-day ARIDE course can be used as a valuable resource for law enforcement agencies across the state to obtain intermediate drug training without having to commit resources for the 104 hours of DRE training. The ARIDE program provides additional drugged driving training while alleviating the strain on removing patrol personnel from the street for extended periods of time.

The ARIDE course is a prerequisite for acceptance into the Drug Recognition Evaluator School.

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- **Standardized Field Sobriety Test Training**

The prerequisite SFST training is vitally important in the implementation of the DRE program and augments California's aggressive enforcement efforts directed toward the deterrence, detection, and arrest of driving under the influence (DUI) violators. Currently, 484 SFST instructors from 140 agencies statewide have been trained. However, the Commission on Peace Officer Standards and Training (POST) academy DUI instruction is not NHTSA-certified, which means nearly 80,000 police officers in California need SFST training. The demand for SFST training is great, but limited availability reduces the overall effectiveness of DUI enforcement statewide.

The SFST course is a prerequisite for acceptance into the Drug Recognition Evaluator School.

- **Drug Recognition Evaluator Schools**

The DRE school consists of academic training followed by field experience and certification. Initial DRE academic training requires completion of the prerequisite 16-hour NHTSA SFST course, followed by successful completion of 72 hours of classroom DRE instruction. Trainees must then attend 1 of the established DRE certification sites to demonstrate full comprehension and application of DRE knowledge during 32 hours of field certification. The DRE certification is valid for a period of 2 years, at which time, officers must recertify.

Currently, California has 38 POST-approved law enforcement academies, 4 of which provide the DRE training and certification course.¹ Although the remaining POST academies provide advanced officer training (e.g., crime scene investigation and drug lab training), it has long been problematic for these academies to provide DRE training. Since these academies are traditionally based on college campuses, which restrict certain alcohol-related activities, they have difficulty providing the required alcohol lab and field certification portions of the class. Moreover, classes are instructed by off-duty or retired peace officers who do not have the authority to conduct the field certification phase. All of the academies with DRE schools are overwhelmed with requests for this vital advanced officer training, and are unable to satisfy the current demand.

¹The CHP, the Los Angeles Police Department (LAPD), Seal Beach Police Academy (California Narcotics Officer's Association), and the Fullerton Police Department.

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2. PERFORMANCE MEASURES

A. Goals:

- 1) To reduce the number of persons killed in traffic collisions.
- 2) To reduce the number of persons injured in traffic collisions.
- 3) To reduce the number of persons killed in alcohol-involved collisions.
- 4) To reduce the number of persons injured in alcohol-involved collisions.
- 5) To reduce the number of persons killed in drug-involved collisions.
- 6) To reduce the number of persons injured in drug-involved collisions.
- 7) To reduce nighttime (2100 - 0259 hours) fatal collisions.
- 8) To reduce nighttime (2100 - 0259 hours) injury collisions.

B. Objectives:

- 1) To conduct Standardized Field Sobriety Testing (SFST) training for 50 law enforcement officers.
- 2) To conduct Advanced Roadside Impaired Driving Enforcement (ARIDE) training for 50 law enforcement officers. Training consists of 16 hours of classroom instruction.
- 3) To conduct Drug Recognition Expert (DRE) training for 50 law enforcement officers. Training consists of 72 hours of classroom instruction.
- 4) To conduct DRE field certification for 50 officers. Field certification consists of 24 hours per student with a ratio of one instructor for every two students.
- 5) To conduct DRE recertification training for 15 officers. Training consists of eight hours of classroom instruction.
- 6) To participate in 3 checkpoints with the Ventura County Sheriff's /or throughout the county of Ventura to conduct evaluations and remove drug impaired drivers from the roadways.

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- 7) To participate in 3 DUI saturation patrols with the Ventura County Sheriff's /or throughout the county of Ventura to conduct evaluations and remove drug impaired drivers from the roadways.

NOTE: Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular police officer issue a specified or predetermined number of citations in pursuance of the goals and objectives hereunder.

3. METHOD OF PROCEDURE

A. Phase 1 - Program Preparation, Training and Implementation (1st Quarter of Grant Year)

- The Ventura County Sheriff's Office will develop operational plans to implement the "best practice" strategies outlined in the objectives section
- The Ventura County Sheriff's Office will work with CHP to provide training and certification documentation.
- The Ventura County Sheriff's Office will maintain updated certification of all Sheriff's D.R.E.'s to maximize enforcement at Sheriff's patrol stations throughout Ventura County.

Media Requirements

- 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.

B. Phase 2 - Program Operations (Throughout Grant Year)

- The Ventura County Sheriff's Office will continue to offer D.R.E. prerequisite and DRE School training at the Ventura County Sheriff's Office to Sheriff's deputies and peace officers throughout Ventura County.
- The Ventura County Sheriff's Office will utilize certified Sheriff's DRE's to testify as experts in court to assist the prosecutors in "under the influence of controlled substances" arrests made by deputies
- The Ventura County Sheriff's Office will instruct 1 DRE School for Sheriff's deputies and peace officers from neighboring law enforcement agencies.

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- The Ventura County Sheriff's Office will instruct 2 SFST Schools for Sheriff's deputies and peace officers from neighboring law enforcement agencies.
- The Ventura County Sheriff's Office will instruct 2 ARIDE Schools for Sheriff's deputies and peace officers from neighboring law enforcement agencies.

The Ventura County Sheriff's Office will conduct 10 DRE Certification events throughout the year.

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.
 - a) If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead time would be 10-20 days prior to the release date to ensure adequate turn-around time.
 - b) Press releases reporting the results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
 - c) Activities such as warrant service operations and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.
- Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.
- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Include the OTS logo, space permitting, on grant-funded print materials; consult your OTS Coordinator for specifics.

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

- Agencies are required to collect and report quarterly, appropriate data that supports the progress of goals and objectives.
- Statistical data relating to the grant goals and objectives will be collected, analyzed, and incorporated in Quarterly Performance Reports (QPRs). QPRs for the quarter ending September 30 will include year-to-date comparisons of goals and objectives. If required, a separate quarterly data reporting form will be completed each quarter and submitted as part of the QPR.
- Reports will compare actual grant accomplishments with the planned accomplishments. They will include information concerning changes made by the Grant Director in planning and guiding the grant efforts.
- Reports shall be completed and submitted in accordance with OTS requirements as specified in the Grant Program Manual.

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 support of the county of Ventura. Every effort will be made to continue the activities after the grant conclusion.

SCHEDULE B
DETAILED BUDGET ESTIMATE
GRANT NO. DI1629

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405d AL	20.616	NATIONAL PRIORITY SAFETY PROGRAMS	243,965.00

COST CATEGORY	FISCAL YEAR ESTIMATES 10/1/15 thru 9/30/16			TOTAL COST TO GRANT
A. PERSONNEL COSTS	CFDA	FY-1		
Positions and Salaries				
<u>Overtime</u>				
SFST/ARIDE/DRE Instruction & Certification	20.616	\$ 201,265.00		\$ 201,265.00
Benefits @ 11.34%	20.616	\$ 22,825.00		\$ 22,825.00
Category Sub-Total		\$ 224,090.00		\$ 224,090.00
B. TRAVEL EXPENSE				
In-State	20.616	\$ 6,000.00		\$ 6,000.00
Out-of-State	20.616	\$ 11,875.00		\$ 11,875.00
Category Sub-Total		\$ 17,875.00		\$ 17,875.00
C. CONTRACTUAL SERVICES				
None				
Category Sub-Total				
D. EQUIPMENT				
None				
Category Sub-Total				
E. OTHER DIRECT COSTS				
Printing/Duplication	20.616	\$ 2,000.00		\$ 2,000.00
Category Sub-Total		\$ 2,000.00		\$ 2,000.00
F. INDIRECT COSTS				
None				
Category Sub-Total				
GRANT TOTAL		\$ 243,965.00		\$ 243,965.00

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BUDGET NARRATIVE

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PERSONNEL COSTS

Overtime

Overtime for grant funded law enforcement operations may be conducted by personnel such as a Senior Deputy, Deputy, etc., depending on the titles used by the agency and the grantees overtime policy. Personnel will be deployed as needed to accomplish the grant goals and objectives.

Costs are estimated based on an overtime hourly rate range of \$73.76/hour to \$81.30/hour.

Overtime reimbursement will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified.

Overtime Benefit Rates

Unemployment Insurance	0.12%
Workers Compensation	8.07%
Medicare	1.45%
In-Lieu Contribution	1.70%
TOTAL BENEFIT RATE	11.34%

TRAVEL EXPENSE

In State

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include Lifesavers and Vehicular Homicide/DUID. *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.*

Out-Of-State

Appropriate staff may attend International Association for Chiefs of Police Annual Training Conference on Drugs, Alcohol, and Impaired Driving (Denver, Colorado) in support of the grant goals and objectives. *All out-of-state travel not specifically identified in the Schedule B-1 (Budget Narrative) must receive written approval from the OTS Director. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.*

CONTRACTUAL SERVICES

None

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BUDGET NARRATIVE

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EQUIPMENT

None

OTHER DIRECT COSTS

Printing/Duplication - costs include the purchase of paper, production, printing and/or duplication of materials associated with daily grant operations.

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

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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.

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BUY AMERICA ACT

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

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

POLITICAL ACTIVITY (HATCH ACT)

The Grantee Agency will comply 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.

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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

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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

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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.

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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.