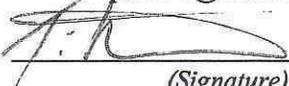


<b>1. GRANT TITLE</b> Portable Evidential Breath Test Program (PEBT)	
<b>2. NAME OF APPLICANT AGENCY</b> County of San Luis Obispo	<b>4. GRANT PERIOD</b> From: 10/1/2013 To: 9/30/2014
<b>3. AGENCY UNIT TO HANDLE GRANT</b> San Luis Obispo Sheriff's Department	
<b>5. GRANT DESCRIPTION</b> There is a need for the continued reduction of deaths and injuries due to alcohol involvement by removing alcohol impaired drivers from the roads in San Luis Obispo County. The most efficient way of dealing with the needs of the 12 law enforcement agencies within the County is to update the currently used PEPT analyzers. Through updated certifications and new available state of the art PEPT device technology San Luis Obispo County can continue the decline in motorist fatalities and injuries involving DUI drivers.	
<b>6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED:</b> \$ 226,309.00	
<b>7. TERMS AND CONDITIONS:</b> The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none"> <li>• Schedule A (OTS-38b) – Problem Statement, Goals and Objectives and Method of Procedure</li> <li>• Schedule B (OTS-38d) – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)</li> <li>• Schedule B-1 (OTS-38f) – Budget Narrative and Sub-Budget Narrative (if applicable)</li> <li>• Exhibit A –Certifications and Assurances</li> <li>• Exhibit B* - OTS Grant Program Manual</li> </ul> <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto. These documents can be viewed at the OTS home web page under Grants: <a href="http://www.ots.ca.gov">www.ots.ca.gov</a>.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
<b>8. APPROVAL SIGNATURES</b>	
<b>A. GRANT DIRECTOR</b> NAME: Teri Prince TITLE: Forensic Lab Specialist ADDRESS: 1585 Kansas Ave San Luis Obispo, CA 93405 E-MAIL: <a href="mailto:tprince@co.slo.ca.us">tprince@co.slo.ca.us</a>  _____ (Signature) 8/13/13 _____ (Date)	<b>B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY</b> NAME: Ian Parkinson TITLE: Sheriff ADDRESS: 1585 Kansas Ave San Luis Obispo, CA 93405 E-MAIL: <a href="mailto:iparkinson@co.slo.ca.us">iparkinson@co.slo.ca.us</a>  _____ (Signature) 8-13-13 _____ (Date)
<b>C. FISCAL OR ACCOUNTING OFFICIAL</b> NAME: Ann Bradley TITLE: Accountant II ADDRESS: 1585 Kansas Ave San Luis Obispo, CA 93405 E-MAIL: <a href="mailto:abradley@co.slo.ca.us">abradley@co.slo.ca.us</a>  _____ (Signature) 8-13-13 _____ (Date)	<b>D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS</b> NAME: San Luis Obispo County Sheriff's Office ADDRESS: 1585 Kansas Ave San Luis Obispo, CA 93405
<b>9. DUNS NUMBER</b> DUNS #: 035116404 REGISTERED ADDRESS & ZIP: 1585 Kansas Ave San Luis Obispo, CA 93405	

SCHEDULE A  
GRANT NO. AL1418

**GRANT DESCRIPTION**

PAGE 1

**PROBLEM STATEMENT**

Collision Type	FEDERAL FISCAL YEAR 2009				FEDERAL FISCAL YEAR 2010				FEDERAL FISCAL YEAR 2011			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	26		29		24		24		17		20	
Injury	920		1185		863		1113		800		915	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol Involved	12	138	12	185	7	119	7	162	4	101	5	133

San Luis Obispo County has taken a proactive stance on decreasing the number of motorists driving under the influence (DUI) from the road with a goal of reducing the number of deaths and injuries attributable to alcohol and drug involvement. Through the use of up to date chemical testing equipment law enforcement agencies, within the county, can perform roadside sobriety checkpoints, mobile task forces, zero tolerance legislation for minors, and use portable evidentiary breath test (PEBT) devices to remove DUI drivers from the road. San Luis Obispo County Law Enforcement agencies are currently participating in the Avoid DUI Campaign and utilize PEBT devices that must work reliably. Equipment, technical support, certified operator training, and expert testimony as specified by Title 17 of the California Code of Regulations must be provided to agencies for these programs to be successful. There are currently 12 agencies, with a total of 17 stations, covering the incorporated and unincorporated areas of San Luis Obispo County. The San Luis Obispo County Sheriff's Office (SLOSO) is taking on the responsibility of insuring that the existing Forensic Alcohol Program has the most up to date, reliable, evidentiary technology available to distribute among the agencies supported. By insuring that up to date PEBT technology is in place the law enforcement agencies in San Luis Obispo County can continue to improve the efficiency in the way sobriety check points are operated. Having reliable PEBT devices used in conjunction with field sobriety testing (FTS) and drug recognition (DRE), trained officers can determine if testing for DUI due to drug use should be considered. San Luis Obispo County purchased 43 state of the art PEBT devices in 2006. These devices have been used in almost 10,000 DUI stops to date. There has been an overall downward trend in the number of drivers tested due in part to the success of the Avoid DUI Campaign in the County. In 2006, there were 1294 Blood Alcohol Levels tested and 1453 Breath Alcohol Levels recorded. In 2011, those numbers dropped to 1162 and 1183, respectively. As noted in the Collision Ranking chart, there has also been a decrease in the number of alcohol involved fatal collisions between 2009 through 2011.

Due to the age of the PEBT devices and the cessation of support by the manufacturer, the SLOSO is seeking funds for replacing the 43 devices currently in use. The average lifespan of a fuel cell in a PEBT device is 3 to 5 years. All of the PEBT devices currently in use are over 6 years old, exceeding this range. Most of the currently used PEBT equipment contain obsolete components that without replacement parts available will become inoperable. Because of the increased need for availability of new and reliable fuel cell devices and support equipment in the Avoid DUI Campaign, as well as daily patrol of law enforcement agencies throughout the county, San Luis Obispo County Sheriff's Office is requesting funding necessary to maintain the current evidential breath alcohol program.

**PERFORMANCE MEASURES**

**GRANT GOALS**

1. To reduce the number of persons killed in traffic collisions.
2. To reduce the number of persons injured in traffic collisions.
3. To reduce the number of persons killed in alcohol-involved collisions.
4. To reduce the number of persons injured in alcohol-involved collisions.
5. To reduce the number of persons killed in drug involved collisions.
6. To reduce the number of persons injured in drug involved collisions.

**GRANT OBJECTIVES**

1. To issue a press release announcing the kick-off of the grant by November 15 of the first grant year. The press releases and media advisories, alerts, and materials should be emailed to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
2. To send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), with a copy to your OTS Coordinator. If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used or is substantially changed, a draft press release should first be sent to the OTS PIO for approval. Drafts should be sent for approval as early as possible to ensure adequate turn-around time. Optimum lead time would be 10-20 days prior to the operation. Media communications reporting the results of grant activities such as Enforcement Operations are exempt from the recommended advance approval requirement. Activities such as warrant service operations, probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.
3. To use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
4. To report the procurement status of all equipment planned to be purchased as part of this grant.
5. To develop a CA Department of Public Health (DPH) approved and Title 17 compliant breath alcohol analysis methods for the new PEBT devices.
6. To obtain DPH approval of the new PEBT analysis method.
7. To complete certified technical training on the maintenance of the new PEBT devices.
8. To install new software upgrades and hardware in 12 agencies.
9. To train all PEBT operators throughout the county.

10. To deploy 40 new PEBT devices to 12 new law enforcement agencies.
11. To provide training to interested individuals from District Attorney (DA), Department of Motor Vehicles (DMV), and Public Defender offices about the new PEBT devices.
12. To provide on-going comprehensive technical and software system support of the new PEBT device as well as ongoing maintenance.

**METHOD OF PROCEDURE**

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

October 2013 – November 2013: San Luis Obispo County Sheriff's Office (SLOSO) will purchase 43 PEBT devices and related supplies.

November 2013 – December 2013: Forensic Alcohol Supervisor and other appropriate staff will attend required factory training on new PEBT devices. This training will result in 2 staff members becoming certified PEBT trainers per Title 17 requirements. Appropriate staff will attend the Borkenstein Course in Sacramento, CA.

November 2013 – January 2014: SLOSO will write an updated PEBT training procedure and submit it to the California Department of Public Health to ensure compliance with Title 17 requirements.

January 2014: PEBT software support will be tested.

**Phase 2 – Program Operations (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Quarters of the Grant Year)**

January 2014 – February 2014: Law enforcement agency stations will be equipped with any docking stations and supplies necessary to manage the new PEBT devices.

January 2014 – February 2014: Public Information Officer (PIO) will prepare media releases to notify the community of funds received through the Office of Traffic Safety and the National Highway Safety Act and how they will be used to enhance the effort toward zero deaths due to DUI drivers.

February 2014 – September 2014: SLOSO's Forensic Alcohol Program certified training staff will coordinate and provide training on the new model of PEBT devices to be used as mandated by Title 17 requirements.

February 2014 – September 2014: As trainings at each of the 17 stations of the 12 agencies is completed the new PEBT devices will be deployed there.

**Phase 3 – Data Gathering & Reporting – (Throughout Grant Period)**

Agencies are required to collect and report quarterly, appropriate data that supports the progress of each goals and objective.

Statistical data relating to the grant goals and objectives will be collected, analyzed, and incorporated in Quarterly Performance Reports (QPRs). QPRs for the quarter ending September 30 will include year-to-date comparisons of goals and objectives. If required, a 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 in accordance with OTS requirements specified in the Grant Program Manual, Chapter 7, and submitted in compliance with the signed Acceptance of Conditions and Certifications (OTS-33) included within this agreement.

**METHOD OF EVALUATION**

Using the data compiled during the grant, the Grant Director will evaluate: (1) briefly state the original problem, (2) specify the most significant goals and objectives, (3) highlight the most significant activities that contributed to the success of the program and the strategies used to accomplish the goals, and (4) describe the program's accomplishments as they related to the goals and objectives.

**ADMINISTRATIVE SUPPORT**

This program has full support of the County of San Luis Obispo. Every effort will be made to continue the activities after the grant conclusion.

SCHEDULE B  
 DETAILED BUDGET ESTIMATE  
 GRANT NO. AL1418  
 PAGE 1

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION
164AL	20.608	MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 10/1/13 thru 9/30/14		
<b>A. PERSONNEL COSTS</b>				
Positions and Salaries				
<u>Hourly</u>				
Forensic Alcohol Analyst				
1 x \$18.53 x 1060 hours	20.608	\$ 19,642.00		\$ 19,642.00
Benefits @ 0.6784	20.608	\$ 13,325.00		\$ 13,325.00
Category Sub-Total		\$ 32,967.00		\$ 32,967.00
<b>B. TRAVEL EXPENSE</b>				
In-State	20.608	\$ 4,871.00		\$ 4,871.00
Out-of-State	20.608	\$ 2,560.00		\$ 2,560.00
Category Sub-Total		\$ 7,431.00		\$ 7,431.00
<b>C. CONTRACTUAL SERVICES</b>				
None				\$ -
Category Sub-Total		\$ -		\$ -
<b>D. EQUIPMENT</b>				
None				
Category Sub-Total		\$ -		\$ -
<b>E. OTHER DIRECT COSTS</b>				
Portable Evidential Breath Test Device	20.608	\$ 162,707.00		\$ 162,707.00
Software Stations	20.608	\$ 22,104.00		\$ 22,104.00
PAS Device/Calibration Supplies	20.608	\$ 1,100.00		\$ 1,100.00
Category Sub-Total		\$ 185,911.00		\$ 185,911.00
<b>F. INDIRECT COSTS</b>				
None				\$ -
Category Sub-Total		\$ -		\$ -
<b>GRANT TOTAL</b>		<b>\$ 226,309.00</b>		<b>\$ 226,309.00</b>

SCHEDULE B-1  
GRANT NO. AL1418

BUDGET NARRATIVE

Page 1

**PERSONNEL COSTS**

The existing San Luis Obispo County Sheriff's office part time Forensic Alcohol Analysts will increase their availability by 20 hours per week starting November 2013. This is a non-benefit position earning a straight hourly wage. Through grant funding, this Forensic Alcohol Analyst will become a certified trainer available to teach law enforcement agents about the new Portable Evidentiary Breath Test devices, as well as, help set up docking stations and write methods.

**Hourly Benefit Rates**

Health Insurance	22.6%
Medicare	1.45%
Retirement	32.27%
Social Security/FICA/OASDI	6.2%
Unemployment Insurance	0.098%
Workers Compensation	2.02%
Post Employment Benefit	3.2%
<b>TOTAL BENEFIT RATE</b>	<b>67.84%</b>

**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 the Borkenstein Course. *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 will attend certified training from the manufacturer of the PEBT devices in support of the grant goals and objectives. This certification will allow them to train all the law enforcement agencies benefitting from the use of the PEBT instruments. *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.*

SCHEDULE B-1  
GRANT NO. AL1418

BUDGET NARRATIVE

Page 2

CONTRACTUAL SERVICES

NONE

EQUIPMENT

None

OTHER DIRECT COSTS

**40 Portable Evidential Breath Test Device** – Portable Evidential Breath Testing instruments will be purchased for testing and distribution to law enforcement agencies within San Luis Obispo County. These instruments are used during DUI checkpoints and DUI saturation to determine the alcohol level in the breath. These instruments will be tested, calibrated, and repaired as required for court evidence. Costs may include Portable Evidentiary Breath Test Device, license for software use, tax, shipping.

**17 Software Stations** – The 17 stations will be shared for multiple PEBT devices to upload information regarding calibration of instruments and records of testing. Items will include system software, docking ports, modem, and cables.

**5000 PAS Device/Calibration Supplies** - preliminary alcohol screening devices to detect the presence of alcohol in a person's breath and calibration supplies to ensure accuracy. Costs may include mouth pieces, gas and accessories.

INDIRECT COSTS

NONE

PROGRAM INCOME

There will be no program income generated from this grant.

**EXHIBIT A**  
**CERTIFICATIONS AND ASSURANCES**

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

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

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Chapter II - (§§1200, 1205, 1206, 1250, 1251, & 1252) Regulations governing highway safety programs
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

**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 (88), 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 (101), 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 (100), which requires Federal-aid recipients and all subrecipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (92), 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 (91), 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.

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

**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, 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.

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

**RESTRICTION ON STATE LOBBYING**

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

**CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

Instructions for Primary Certification

1. By signing and submitting this Grant Agreement, the Grantee Agency official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant 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.

**EXHIBIT A  
CERTIFICATIONS AND ASSURANCES**

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

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

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

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

**Instructions for Lower Tier Certification**

1. By signing and submitting this Grant Agreement, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this Grant Agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *Grant Agreement*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of [49 CFR Part 29](#). You may contact the person to whom this Grant Agreement is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this Grant Agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR Part 9](#), subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this Grant Agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR Part 9](#), subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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

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

APPROVED AS TO FORM  
AND LEGAL EFFECT  
Rita L. Neal, County Counsel  
By: [Signature] 10/29/13  
Deputy County Counsel Date