

OTS-38 (Rev. 4/16)

1. GRANT TITLE SAN LEANDRO TRAFFIC SAFETY PROGRAM FOR K-8 STUDENTS AND SENIOR ADULTS	
2. NAME OF AGENCY CITY OF SAN LEANDRO	4. GRANT PERIOD From: 10/1/16 To: 9/30/17
3. AGENCY UNIT TO ADMINISTER GRANT ENGINEERING & TRANSPORTATION DEPARTMENT	
5. GRANT DESCRIPTION The City of San Leandro will implement strategies to reduce pedestrian and bicycle fatalities and injuries. Activities will include: conducting traffic safety educational programs for students at thirteen K-8 schools and for older adults; and conducting a street banner awareness camp.	
6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: \$ 134,000.00	
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: <ul style="list-style-type: none"> • 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 <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: www.ots.ca.gov.</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>	
8. APPROVAL SIGNATURES	
A. GRANT DIRECTOR NAME: Reh-Lin N. Chen PHONE: 510-577-3438 TITLE: Senior Transportation Engineer FAX: - 510-577-3294 ADDRESS: City of San Leandro 835 East 14th Street San Leandro, CA 94577 E-MAIL: rchen@sanleandro.org _____ <i>(Signature)</i> _____ <i>(Date)</i>	B. AUTHORIZING OFFICIAL OF AGENCY NAME: Keith R. Cooke PHONE: 510-577-3439 TITLE: Engineering & Transportation Director FAX: 510-577-3438 ADDRESS: City of San Leandro 835 East 14th Street San Leandro, CA 94577 E-MAIL: kcooke@sanleandro.org _____ <i>(Signature)</i> _____ <i>(Date)</i>
C. FISCAL OR ACCOUNTING OFFICIAL NAME: David Baum PHONE: 510-577-3330 TITLE: Finance Director FAX: 510-577-3312 ADDRESS: City of San Leandro 835 East 14th Street San Leandro, CA 94577 E-MAIL: dbaum@sanleandro.org _____ <i>(Signature)</i> _____ <i>(Date)</i>	D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS NAME: Engineering & Transportation Dept. ADDRESS: City of San Leandro 835 East 14th Street San Leandro, CA 94577
9. DUNS NUMBER DUNS #: 086166261 REGISTERED ADDRESS & ZIP: 835 E 14th Street San Leandro, CA 94577-3767	

EFFECTIVE DATE OF AGREEMENT: 10/1/2016	GRANTEE CITY OF SAN LEANDRO	GRANT NO. PS1715
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10. Fin Action No. 1 Date: 7/19/2016 Revision No. Date:	12. TYPE OF AGREEMENT		Initial <input checked="" type="checkbox"/>	Revision <input type="checkbox"/>	Cont. <input type="checkbox"/>
	PAID MEDIA	PROGRAM INCOME	TASK NO. 2	F.F.Y. 2017	

11. Action Taken

Initial approval of 2017 HSP funds obligated.

13. FUNDING DISPOSITION & STATUS	
Fiscal Year	Amount
2016-17	134,000.00
2015-16	
2014-15	
2013-14	
Total	134,000.00
Obligated This Action	134,000.00
Previously Obligated	0.00
Total Amount Obligated	134,000.00
TOTAL FUNDS PROGRAMMED	134,000.00

14. FUNDING DETAIL - FISCAL YEAR GRANT PERIOD ENDING: 9/30/2017

FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
402PS	20.600	0521-0890-101 (10/15)	2015	10/15	2015	\$ 80,400.00
402PS	20.600	0521-0890-101 (23/16)	2016	23/16	2016	\$ 53,600.00
-	-	-	-	-	-	\$ -
-	-	-	-	-	-	\$ -
-	-	-	-	-	-	\$ -
-	-	-	-	-	-	\$ -
-	-	-	-	-	-	\$ -
-	-	-	-	-	-	\$ -
TOTAL FEDERAL FUNDS:						\$ 134,000.00

15. GRANT APPROVAL & AUTHORIZATION TO EXPEND OBLIGATED FUNDS

A. APPROVAL RECOMMENDED BY		B. AGREEMENT & FUNDING AUTHORIZED BY	
NAME:	MITCH ZHENDER	NAME:	RHONDA L. CRAFT
TITLE:	Program Coordinator	TITLE:	Director
PHONE:	(916) 509-3026		
E-MAIL:	mitch.zehnder@ots.ca.gov		
	Office of Traffic Safety		Office of Traffic Safety
	2208 Kausen Drive, Suite 300		2208 Kausen Drive, Suite 300
	Elk Grove, CA 95758		Elk Grove, CA 95758
Signature	_____	Signature	_____

SCHEDULE A
GRANT DESCRIPTION
GRANT NO. PS1715

PAGE 1

1. PROBLEM STATEMENT

The City of San Leandro is the fifth largest city in Alameda County with a population of nearly 88,441 residents. The daytime work population is 55,000. The ethnic makeup of San Leandro residents is approximately 27.4 percent of Hispanic/Latin descent and 37 percent of Caucasian origins, 30.5 percent of Asian/Pacific Islander origins and 12.3 percent African-American. The City's population has grown without any increase in land area or major improvement to the street systems. The City spans over an area of 15.7 square miles and has a total of 176-mile road system.

The City of San Leandro has continued to install or upgrade handicapped ramps, sidewalks, highlighted crosswalks, accessible pedestrian signals, bikeways and bicycle racks to encourage safe walking and bicycling in the community.

The first concerned issue has been conflicts between vehicle and pedestrian traffic throughout the City. In pedestrian related collisions, San Leandro was ranked 46th out of 103 cities with comparable populations in 2013 OTS Ranking.

Furthermore, in terms of pedestrians younger than 15 years old, San Leandro was ranked 25th out of 103 cities with comparable populations in 2013 OTS Ranking. Concerning pedestrians at age 65 and older, San Leandro was ranked at 34th out of 103 cities with comparable populations in 2013 OTS Ranking.

The second concerned issue has been conflicts between vehicle and bicycle traffic. Although San Leandro was ranked 93rd out of 103 cities with comparable populations in 2013 OTS Ranking for the bicycle related collisions, San Leandro was ranked 45th out of 103 cities with youth who are under 15 years old.

- Youth (K-8 Students)

Data shows that youth under the age of 15 are increasingly involved in traffic-related collisions as pedestrians and bicyclists. Schools located in the San Leandro are in urban areas with heavy street traffic. The combination of land use policies, the increase urbanization of San Leandro and the increase traffic have made traffic-related collisions the leading cause of injury among youth under the age of 15. San Leandro is one of the leading cities with a large percentage of latch-key children which results in children/teens walking and bicycling unsupervised in peak drive time hours (3:00 pm to 7:00 pm). This unsupervised time is the period where most collisions occur for children/teens. In order to provide children/teens with the knowledge and skills they need to travel safely as pedestrians, a consistent and comprehensive traffic safety program must become a part of a student's day-to-day life in order to affect behavioral changes.

- Senior/Older Adults

Walking is the most basic form of transportation for seniors living in San Leandro. As a group, senior citizens are particularly dependent on safe streets for walking because many of them no longer drive. Walking also provides seniors with opportunities for low-impact exercise.

**SCHEDULE A
GRANT DESCRIPTION
GRANT NO. PS1715**

Older pedestrians are at higher risk of falling or being hit by a vehicle, because mobility and perception deteriorate as part of the aging process. An injury can be more serious and recovery takes longer for this age group. In most cases, the benefits of the exercise, independence and social activities associated with walking outweigh the risks.

A. Traffic Data Summary:

Collision Type	2012		2013		2014	
	Collisions	Victims	Collisions	Victims	Collisions	Victims
Fatal	2	2	2	2	6	6
Injury	144	186	131	172	123	164

2. PERFORMANCE MEASURES

A. Goals:

- 1) Reduce the number of persons killed in traffic collisions.
- 2) Reduce the number of persons injured in traffic collisions.
- 3) Reduce the number of bicyclists killed in traffic collisions.
- 4) Reduce the number of bicyclists injured in traffic collisions.
- 5) Reduce the number of pedestrians killed in traffic collisions.
- 6) Reduce the number of pedestrians injured in traffic collisions.
- 7) Reduce the total number of Pedestrian in pedestrian-related collisions under the age of 15.
- 8) Reduce the total number of Pedestrians in pedestrian-related injuries and deaths under the age of 15.
- 9) Reduce the total number of Bicyclists in bicycle-related collisions under the age of 15.
- 10) Reduce the total number of Bicyclists in bicycle-related injuries and deaths under the age of 15.
- 11) Reduce the total number of Pedestrian in pedestrian-related collisions over the age of 65.
- 12) Reduce the total number of Pedestrians in pedestrian-related injuries and deaths over the age of 65.

SCHEDULE A
GRANT DESCRIPTION
GRANT NO. PS1715

PAGE 3

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. Participate in the following campaigns:
 - National Walk to School Day– October 5, 2016
 - National Bicycle Safety Month – May 2017
 - California’s Pedestrian Safety Month – September 2017
3. Conduct OTS safety helmet usage observational survey. Surveys will be conducted once at the beginning and once at the end of the grant period.

Older Adult (Senior) Program

4. Conduct a media kick-off event to announce the program.
5. Conduct **12** traffic safety workshops on bicycles and/or pedestrian safety in an effort to reach **300** adults and senior citizens.
6. Conduct **12** Walking Field Trips in an effort to reach **300** adults and senior citizens.
7. Conduct **7** community outreach events in an effort to reach **525** adults and senior citizens.
8. Collaborate with **10** health care providers or senior citizen centers.
9. Provide lesson plans and updated information for adults and senior citizen centers to each traffic partner.

Youth Program:

10. Collaborate with and provide outreach to at least **10** elementary schools and **2** middle schools.
11. Conduct **20** activities of Pedestrian Safety Education (i.e., presentations) at **10** elementary schools in an effort to reach **500** 1st grade elementary school students.
12. Conduct **50** activities of “Rock the Block” musical assemblies at **8** elementary schools in an effort to reach **4,000** elementary school students.
13. Conduct **15** activities of Bicycle Rodeos at **8** elementary schools in an effort to reach **1,000** 4th and 5th grade elementary school students.
14. Conduct **7** activities of “Drive your Bike” Program at **2** middle schools in an effort to reach **500** middle school students.
15. Provide lesson plans and updated information for students to each elementary and middle school.

3. METHOD OF PROCEDURE

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

SCHEDULE A
GRANT DESCRIPTION
GRANT NO. PS1715

PAGE 4

The City of San Leandro will release a Request for Proposals in order to contract with qualified vendors to provide both aforementioned youth and senior adult educational programs.

Youth Program

The contractor will meet with City officials to discuss and confirm the work plans. The contractor will meet with school officials, principals, PTA/PTO officials, law enforcement and community organizations and other city stakeholders concerning implementation of the youth program.

The contractor will prepare a database of school name, address, and number of students, grade levels and school official. The contractor will prepare a letter and material that will introduce the Project and identify Project Administrator and funding source. Letters and materials will be sent out to all school officials. The contractor will call each school to confirm receipt of material and schedule meetings to discuss the Project and schedule dates for the program. The contractor will prepare a master calendar for the period of October 1, 2016 through September 30, 2017 with scheduled programs listed.

Senior Adult Program

The contractor will meet with City officials to discuss and confirm the work plan for the Senior Adult Program. The contractor will meet with community organization and other city identified stakeholders to implement the senior adult traffic safety education program.

The contractor will identify all facilities, centers and sites serving the general public and prepare a database of name, address, number of participants and facility coordinator. Letters will be sent out to all site officials. The contractors will call each site to confirm receipt of material and schedule meetings to discuss the Project and schedule dates for the Adult Program. Contractor will prepare a master calendar for the period of October 1, 2016 through September 30, 2017 with scheduled programs listed.

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

The contractors will meet with:

- a. City Staff to identify the locations of pedestrian-related collisions.
- b. San Leandro Police Department to discuss pedestrian-related collisions and traffic at key locations as well as meet monthly to collect collision data.
- c. Community and City organizations that serve older adults to identify locations for workshops, walking field trips and community outreach events.
- d. Health Care Providers that serve older adults to identify opportunities to educate older adults.

The contractor will perform following tasks for the youth safety program:

1. Pedestrian Safety Education – Conduct twenty (20) activities of Pedestrian Safety Education (i.e., presentations) at ten (10) elementary schools to reach 1st grade elementary school students.

SCHEDULE A
GRANT DESCRIPTION
GRANT NO. PS1715

PAGE 5

2. Pedestrian and Bicycle Safety Assembly – Conduct fifty (50) activities of a professional quality theatrical assembly “Rock the Block: a Walk and Roll Musical” to teach students about bicycle and pedestrian safety, and encourage students to walk and bike to school at eight (8) elementary schools
3. Bicycle Rodeos – Conduct fifteen (15) activities of a comprehensive bicycle safety education program through a mini-town "bike rodeo" to 4th and 5th graders at eight (8) elementary schools (Note: Reduced by two elementary schools that have been covered by the ongoing Alameda CTC SR2S Program)
4. Drive Your Bike Program – Conduct seven (7) activities of a Drive Your Bike Program through their P.E. classes at two (2) middle schools so that students learn to ride bicycles in City streets.

The contractor will perform following tasks for senior adults:

1. Conduct one (1) public awareness campaign by utilizing public service space from local newspaper, city cable station, radio and flyers mailed in utility bills.
2. Hold one (1) kick-off media event to announce the program.
3. Conduct twelve (12) traffic safety workshops for older adults.
4. To conduct twelve (12) “Walking Field Trips” for older adults.
5. Conduct seven (7) community outreach events for older adults.
6. Distribute information through health care providers, senior centers, etc.

Media Requirements

- Submit all grant-related activity press releases, media advisories, and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator.
 - ✓ If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is 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.
- 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, 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.

**SCHEDULE A
GRANT DESCRIPTION
GRANT NO. PS1715**

PAGE 6

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

- Invoice Claims (due January 30, April 30, July 30, and November 30)
- Quarterly Performance Reports (due January 30, April 30, July 30, and November 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.
- Schedule C – Data Collection Form, if applicable.
 - ✓ 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 support of the city of San Leandro. Every effort will be made to continue the activities after the grant conclusion.

SCHEDULE B
 DETAILED BUDGET ESTIMATE
 GRANT NO. PS1715

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
402 PS	20.600	State and Community Highway Safety	134,000.00

COST CATEGORY	FISCAL YEAR ESTIMATES 10/1/16 thru 9/30/17			TOTAL COST TO GRANT
	CFDA	FY-1		
A. PERSONNEL COSTS				
None				
Category Sub-Total		\$ -		\$ -
B. TRAVEL EXPENSE				
In-State	20.600	\$ 2,500.00		\$ 2,500.00
Category Sub-Total		\$ 2,500.00		\$ 2,500.00
C. CONTRACTUAL SERVICES				
Traffic Safety Education for Youth	20.600	\$ 80,000.00		\$ 80,000.00
Traffic Safety Education Program for Seniors	20.600	\$ 51,500.00		\$ 51,500.00
Category Sub-Total		\$ 131,500.00		\$ 131,500.00
D. EQUIPMENT				
None				\$ -
Category Sub-Total		\$ -		\$ -
E. OTHER DIRECT COSTS				
Category Sub-Total		\$ -		\$ -
F. INDIRECT COSTS				
None				
Category Sub-Total		\$ -		\$ -
GRANT TOTAL				
		\$ 134,000.00		\$ 134,000.00

SCHEDULE B-1
GRANT NO. PS1715

BUDGET NARRATIVE

Page 1

PERSONNEL COSTS

None

TRAVEL EXPENSE

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. *All conferences, seminars or training not specifically identified in the Schedule B-1 (Budget Narrative) must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.*

CONTRACTUAL SERVICES

Traffic Safety Education Program for Youth- The City of San Leandro will contract with one vendor to implement the City of San Leandro Traffic Safety Program. The funds allocated to the vendor for contractual services will include all costs associated with the implementation of the Project including staff, administration of all Project elements, equipment, materials, liability insurance and any and all Project related costs.

Traffic Safety Education Program for Seniors- The City of San Leandro will contract with one vendor to implement the City of San Leandro Traffic Safety Program. The funds allocated to the vendor for contractual services will include all costs associated with the implementation of the Project including staff, administration of all Project elements, equipment, materials, liability insurance and any and all Project related costs.

EQUIPMENT

None

OTHER DIRECT COSTS

None

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

Page 1

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.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

Page 2

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.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

Page 3

RESTRICTION ON STATE LOBBYING

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

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

Instructions for Primary Certification

1. By signing and submitting this grant agreement, the Grantee Agency Official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency Official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency Official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The Grant Agency Official shall provide immediate written notice to the department or agency to which this grant agreement is submitted if at any time the Grantee Agency Official learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *grant agreement*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this grant agreement is being submitted for assistance in obtaining a copy of those regulations.
6. The Grantee Agency Official agrees by submitting this grant agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

Page 4

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.