

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Dante Elbin, Chief of Police
Date: July 31, 2013
Subject: MS Office of Highway Safety FY 2014 Alcohol Impaired Driving
DUI Enforcement Program Grant Acceptance

REQUEST:

The Gautier Police Department requests City Council approval to enter into a grant agreement with the Mississippi Office of Highway Safety (MOHS) for the 2014 Alcohol Impaired Driving DUI Enforcement Program effective October 1, 2013.

BACKGROUND:

The National Highway Traffic Safety Act of 1966 provides Federal funds to states for approved highway safety projects. The City of Gautier received grant award notification on July 30, 2013 for the 2014 fiscal year.

DISCUSSION:

Grant funding for FY2013-2014 was approved in the amount of \$46,088.00 for salary, travel, and equipment costs. The program will include officer training, checkpoints, saturation patrols, and community outreach. This program requires no local match. Once approved, contract documents must be submitted to MOHS within 30 days of notification date.

RECOMMENDATION:

The Police Department recommends that City Council approve acceptance of the grant from the MS Office of Highway Safety for the Alcohol Impaired Driving Program as outlined above.

The City Council may:

1. Approve acceptance of the grant award as presented; or
2. Disapprove acceptance of the grant award as presented.

ATTACHMENT(S):

Gautier Approval Letter
Contract Documents



STATE OF MISSISSIPPI
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PUBLIC SAFETY PLANNING

PHIL BRYANT
GOVERNOR

ALBERT SANTA CRUZ
COMMISSIONER

July 24, 2013

Mayor Tommy Fortenberry, City of Gautier
Gautier Police Department
3329 Highway 90
Gautier, MS 39553

Project Number: **14-ST-210-1** Effective Date: **October 1, 2013**

Dear Mayor Fortenberry:

The MS Office of Highway Safety (MOHS) is pleased to inform you that the grant application for the 2014 *154 TNRS Impaired Driving Program* in the amount of **\$46,088.00** has been approved. Enclosed are the contractual items needed to finalize the award agreement. Please return three (3) original contract documents signed in **blue** ink:

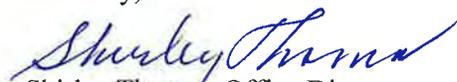
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|--|--|
| 1) Subgrant Signature Sheet | 4) Budget Summary |
| 2) Goals, Performance Measures and Tasks | 5) Cost Summary Support Sheet |
| 3) Project Task by Quarter | 6) Agreement of Understanding and Compliance |

The Agreement of Understanding contains all State and Federal requirements, guidelines, compliances, certifications and assurances, resolutions, approval signatures, required policies, etc. The Agreement is legally binding once approved and agreed upon by both parties via appropriate signatures. Please thoroughly read all documents.

All of the enclosed documents must be signed, where applicable, and returned within 30 days after receipt of this notice. You will later receive notice of the FY14 implementation meeting where you will receive an award letter and one (1) original contract.

Should you have any questions or need additional information, please contact Tyra M. Simpson at 601-977-3718 or tsimpson@dps.ms.gov.

Sincerely, \


Shirley Thomas, Office Director
Governor's Representative

SJT
Enclosures

SUBGRANT SIGNATURE SHEET
MS Office of Highway Safety
 1025 Northpark Drive
 Ridgeland, MS 39157
 Phone: (601) 977-3700; Fax: (601) 977-3701

1. Subgrantee's Name, Address and Phone No. Gautier Police Department 3329 Highway 90 Gautier, MS 39553 Program Title: Alcohol Impaired Driving DUI Enforcement Program TEL: 228-497-2486 FAX: 228-497-8018 E-Mail: delbin@gautier-ms.gov	2. Effective Date: 10/1/2013 3. Subgrant Number: 14-ST-210-1 4. Grant Identifier (Funding Source & Year): FY14 – 154TRNS Impaired Driving 5. Beginning and Ending Dates: 10/1/2013-9/30/2014 6. Subgrant Payment Method: <input checked="" type="checkbox"/> Cost Reimbursement Method	
7. CFDA # - 20.607	8. DUNS # - 964447817	9. Congressional District - 4
10. The following funds are obligated:		
A. COST CATEGORY	B. SOURCE OF FUNDS	C. RATIO%
(1) Personal Services	\$37,020.00	(1) Federal
(2) Travel	\$1,713.00	(2) State
(3) Communication/Freight	\$200.00	(3) Local
(4) Equipment	\$6,695.00	(4) Other
(5) Commodities	\$260.00	(5)
(6) Contractual Services	\$200.00	
TOTAL	\$46,088.00	TOTAL
		\$46,088.00
		100%
11. The Subgrantee agrees to operate the program outlined in this subcontract in accordance with all provisions of this subcontract as included herein. The following sections are attached and incorporated into this agreement: Final Approved Agreement which includes: Sub-Grantee Signature Sheet; Budget Summary; Cost Detail Support Sheet and Tasks by Quarter; required agency's policies and procedures and Agreement of Understanding and Compliances. All policies, terms, conditions, and provisions listed in guidelines, grant agreement, and agreement of understanding which has been provided to Subgrantee, are also incorporated into this agreement, and Subgrantee agrees to fully comply therewith.		
12. Approved for Grantee:	13. Approved for Subgrantee:	
Signature _____ Date _____	Signature _____ Date _____	
Name: Shirley Thomas Title: Office Director/MS Governor's Representative Department of Public Safety, Division of Public Safety Planning, MS Office of Highway Safety	Gordon T. Gollott Name: Tommy Fortenberry Title: Mayor	

Location: The City of Gautier encompasses 132 city miles and is located in District 8, Troop K in the Southern portion of the state. The City of Gautier is on the MS Gulf Coast located between the City of Pascagoula and Biloxi, home to numerous casinos.

Population: 18,572

Data: Over 100,000 vehicles travel through the city daily from the casinos and other tourist attractions. Gautier had 331 crashes in 2012 which consists of 95 injury, 235 property damage, 1 fatal crash, and 17 were alcohol related with 1 alcohol related fatal crash. The City of Gautier was ranked 7th out of 25 in 2011 for Serious Injury Crashes. The city had 1 fatal crash in 2011 that claimed the lives of 5 people. The agency made 88 DUI arrest in 2012.

The City of Gautier is located in Jackson County which ranked 10th for crash rate per 10K population, 1st for MHP per 1M VMT, 11th for injury per 10K population, ranked 1st for injuries per mile of county road and the city ranked 6th for serious injury crashes in 2011. Jackson County also ranked 7th in 2012 for fatality crashes.

Problem Identification:

As previously mentioned, Gautier is located on the MS Gulf Coast which is a primary tourist area within the State and host to numerous events year around, especially during summer months. These events within the city and neighboring municipalities and counties are extremely rampant with participants consuming alcoholic beverages, i.e. Blessing the Bikes, Cruising the Coast, Mardi Gras, Spring Break events, Gulf Coast Music Festival, Crawfish Festivals, Mullet Festival, etc. These events are held to promote tourism in which 100's of thousands of people attend on a daily basis at various times throughout the year. The Mississippi Gulf Coast has 12 casinos which serve alcoholic beverages 24/7 and was ranked #8 in the top 20 casino markets in the United States by the American Gaming Association. However, visitors of the Mississippi Gulf Coast have quick and easy access to 26-miles of sugar white beaches traveling highway 90 which runs along the MS Gulf of Mexico coast line from Louisiana to Alabama, deep-sea fishing, water parks, and much more.

The Gautier Police Department will utilize the funding to provide additional resources to fund additional hours (above and beyond agency's current traffic enforcement), training and equipment to conduct high visibility DUI enforcement to further enhance the agency's continued dedication to community safety. The grant funds will allow the agency to increase the number of hours officers are able to combat impaired drivers within the city thereby reducing fatal and serious injury crashes. The enhanced programmatic activities allowed through this funding will seek to discourage alcohol impaired drivers with emphasis on alcohol related crashes. The grant funded program will assist in the increase in community and public awareness on the dangers of alcohol among teens, social host laws and drinking and driving which in turn will promote support of traffic safety from those living in the city.

The funds made available for training and equipment will further increase the officer's ability to identify, test, using portable breath test, and arrest those who choose to break MS DUI laws by drinking and driving. The in-car camera will allow for the traffic stop to be recorded for evidentiary purposes which will assist in the prosecution of the offenders.

Jackson County is a **Survey county**.

Equipment to be purchased:

(4) Portable Breath Test (PBT) - to be utilized by officers conducting DUI traffic enforcement to detect the presence of alcohol of suspected drivers

(1) In-Car Camera System- to be utilized during program related checkpoints and saturation patrols to record traffic stops and used as evidence in the prosecution of DUI offenders.

FY14 Sub-Grantee-Goals, Objectives and Tasks

Agency Name: Gautier Police Department

List the goals that the sub-grantee has set to accomplish for the FY14 grant year. Objectives should be set to help the sub-grantee accomplish the goals for the grant year. Tasks should be listed to show how they will be implemented to meet the objectives and to accomplish the goals set by the agency.

Goals:

The Gautier Police Department's overall goal is to further enhance the agency's ability to deter, detect, arrest and prosecute DUI offenders thereby reducing fatal and alcohol related fatal crashes by 100% from 1 in 2012 to 0; reduce injury crashes by 10% from 95 in 2012 to 86 in 2014; and reduce alcohol related crashes 17 in 2012 to 10 in 2014.

Performance Measures:

The Gautier Police Department proposes to increase DUI arrests by 18% from 88 in 2012 to 104 in 2014.

Increase DUI conviction by 5% from 84% to 88% by means of additional impaired driving training of officers within the department.

Tasks:

- Utilize grant funded personnel (overtime hours above and beyond officers regular duties) to conduct enhanced high visibility DUI enforcement checkpoints and/or saturation patrols within the city throughout the year, more especially during the National "Drive Sober or Get Pulled Over" campaigns, State holidays and during community events/festivals.
- Purchase approved equipment
- Request promotional items each quarter for outreach and public education/information activities
- The agency will utilize existing 41 patrol and 5 traffic officers at various times (above and beyond officer's regular duties) to conduct the following:

The officers will conduct a minimum of 4 Special Traffic Enforcement Program (STEP) HVE/Deterrence checkpoints/saturation patrols during the national impaired driving campaign "Drive Sober or Get Pulled Over" (Christmas/New Year & Labor Day); conduct a minimum of 2 HVE/Deterrence checkpoints/saturation patrols during the State impaired driving campaign(s), i.e. Super Bowl Sunday, 4th of July & Memorial Day period; and conduct additional checkpoints/saturation during other community events held throughout the year.

Total of 30 checkpoints/saturation patrols for the year as follows:

4 checkpoints and 4 saturation patrols during 1st quarter
6 checkpoints and 2 saturation patrols during 2nd quarter
4 checkpoints and 2 saturation patrols during 3rd quarter
4 checkpoints and 4 saturation patrols during 4th quarter

- Gautier will conduct 1 public outreach/educational campaign per quarter on the dangers of drinking and driving for a total 4 during the 12 month period. Agency will participate with State and other agencies such as MOHS in all media campaigns and press events pre National Impaired Driving Blitz Campaign as applicable or permissible.
- Implement earned media at various times during the HVE/Deterrence activities with emphasis during National and State HVE Blitz campaigns for a minimum of 2 per quarter, a total of 8 for the year.
- Agency will network with other partners by attending monthly Mississippi Association of Highway Safety Leaders (MAHSL) meetings and representative from agency will attend the quarterly Law Enforcement Liaison (LEL) Troop Network meetings.

- The agency will seek additional training for a minimum of 4 officers to attend Standard Field Sobriety Testing (SFST) and SFST Recertification - when applicable, to ensure officer(s) are up to date on the latest impaired driving laws, enforcement tools, technologies, and further enhance officer's skills as it relates to detecting, arresting and prosecution of the impaired driver.
- Attend MOHS State Conference, Safety Training and Recognition Symposium (STARS) and other approved In-state program related training.
- Complete, evaluate and submit monthly and quarterly reports by scheduled due date(s) as defined by MOHS.

FY14 TASK BY QUARTER

AGENCY NAME: Gautier Police Department

PROJECTION TASK BY QUARTERS:

Please include information regarding Blitz participation, if agency is participating in a blitz during quarter.

SCHEDULE PROJECTION OF TASKS BY QUARTERS

List the performance schedule of tasks by quarters referring specifically to the Statement of Tasks in the narrative description and defining the components of tasks to be accomplished by quarters. Tasks that extend beyond one quarter should specify the elements of the tasks that are to be performed for the particular quarters.

1st QUARTER (OCTOBER, NOVEMBER & DECEMBER)

Purchase approved equipment for quarter and commodities.

Submit request for promotional items within quarter.

Attend, at a minimum, one (1) MAHSL meeting during quarter.

Attend LEL Troop Network meeting.

Conduct at least 4 checkpoints during quarter.

Conduct at least 4 saturation patrols during quarter.

Write a minimum of 26 DUI citations during quarter, to reach 25% of annual goal of 104 for FY2014.

Agency will conduct a minimum of 1 school, community and/or public information presentation during the quarter.

Attend MOHS approved In-state program related training.

Complete, evaluate and submit all required reporting by scheduled date(s) as defined in contract by MOHS, i.e. (Monthly Cost Reporting Worksheets for reimbursement, Quarterly Progress reports, etc.)

Additional Tasks:

Mullet Festival (3 day event) and Halloween in October. Checkpoint/saturation patrols during the Thanksgiving holiday in November. Checkpoint/saturation patrols during the National Impaired Driver Campaign in December (this includes Christmas and New Year Blitz period)

Projected Expenditures for Quarter: \$17,038.25

FY14 TASK BY QUARTER

AGENCY NAME: Gautier Police Department

PROJECTION TASK BY QUARTERS

SCHEDULE PROJECTION OF TASKS BY QUARTERS

List the performance schedule of tasks by quarters referring specifically to the Statement of Tasks in the narrative description and defining the components of tasks to be accomplished by quarters. Tasks that extend beyond one quarter should specify the elements of the tasks that are to be performed for the particular quarters.

2nd QUARTER (JANUARY, FEBRUARY & MARCH)

Submit request for promotional items within quarter.

Attend, at a minimum, one (1) MAHSL meeting during quarter.

Attend LEL Troop Network meeting.

Conduct at least 6 checkpoints during quarter.

Conduct at least 2 saturation patrols during quarter.

Write a minimum of 26 DUI citations during quarter, to reach 50% of annual goal of 104 for FY2014.

Agency will conduct a minimum of 1 school, community and/or public information presentation during the quarter.

Attend MOHS approved In-state program related training.

Complete, evaluate, and submit all required reporting by scheduled date(s) as defined in contract by MOHS, i.e. (Monthly Cost Reporting Worksheets for reimbursement, Quarterly Progress reports, etc.)

Additional Tasks:

The checkpoints/saturation patrol during this quarter include the Superbowl and Impaired driving campaign in January and the Gautier Mardi Gras Parade in February. Two (2) additional saturation patrols will be conducted in March during St. Patrick's Day festivities.

Projected Expenditures for Quarter: \$9,683.25

FY14 TASK BY QUARTER

AGENCY NAME: Gautier Police Department

PROJECTION TASK BY QUARTERS

SCHEDULE PROJECTION OF TASKS BY QUARTERS

List the performance schedule of tasks by quarters referring specifically to the Statement of Tasks in the narrative description and defining the components of tasks to be accomplished by quarters. Tasks that extend beyond one quarter should specify the elements of the tasks that are to be performed for the particular quarters.

3RD QUARTER (APRIL, MAY & JUNE)

Submit request for promotional items within quarter.

Attend, at a minimum, one (1) MAHSL meeting during quarter.

Attend LEL Troop Network meeting.

Conduct at least 4 checkpoints during quarter.

Conduct at least 2 saturation patrols during quarter.

Write a minimum of 26 DUI citations during quarter, to reach 75% of annual goal of 104 for FY2014.

Agency will conduct a minimum of 1 school, community and/or public information presentation during the quarter.

Attend MOHS approved In-state program related training.

Complete, evaluate, and submit all required reporting by scheduled date(s) as defined in contract by MOHS, i.e. (Monthly Cost Reporting Worksheets for reimbursement, Quarterly Progress reports, etc.)

Additional Tasks:

The checkpoints/saturation patrols during this quarter include Memorial Day and High School Prom as well as additional weekend patrols during summer months and High School Graduation.

Projected Expenditures for Quarter: \$9,683.25

FY14 TASK BY QUARTER

AGENCY NAME: Gautier Police Department

PROJECTION TASK BY QUARTERS

SCHEDULE PROJECTION OF TASKS BY QUARTERS

List the performance schedule of tasks by quarters referring specifically to the Statement of Tasks in the narrative description and defining the components of tasks to be accomplished by quarters. Tasks that extend beyond one quarter should specify the elements of the tasks that are to be performed for the particular quarters.

4TH QUARTER (JULY, AUGUST & SEPTEMBER)

Submit request for promotional items within quarter.

Attend, at a minimum, one (1) MAHSL meeting during quarter.

Attend LEL Troop Network meeting.

Conduct at least 4 checkpoints during quarter.

Conduct at least 4 saturation patrols during quarter.

Write a minimum of 26 DUI citations during quarter, to reach 100% of annual goal of 104 for FY2014.

Agency will conduct a minimum of 1 school, community and/or public information presentation during the quarter.

Submit all required reporting by scheduled date(s) as defined in contract by MOHS, i.e. (Monthly Cost Reporting Worksheets for reimbursement, Quarterly Progress reports, etc.)

Additional Tasks:

The checkpoints/saturation patrols during this quarter include Fourth of July celebrations, National Impaired Driver Campaign and Labor Day, and additional weekend patrols during the remaining summer months.

Projected Expenditures for Quarter: \$9,683.25

**FY14 MS OFFICE OF HIGHWAY SAFETY
BUDGET SUMMARY**

1. Applicant Agency: Gautier Police Department

2. Subgrant Number: 14-ST-210-1	3. Grant ID: FY14 154 TRNS Impaired Driving	4. Beginning: October 1, 2013	Ending: September 30, 2014
6. Submitted as part of (Check One):	7. Funding Request: X_____	8. Modification Number: _____	9. Modification Effective Date:_____

Funding Sources

10. For MOHS Use Only	11. Activity	Federal	State	Program Income	Other (Local-Private)	Total
	Alcohol Impaired Driving DUI Enforcement	\$46,088.00				\$46,088.00
TOTAL		\$46,088.00				\$46,088.00

**Mississippi Office of Highway Safety
COST SUMMARY SUPPORT SHEET**

1. Applicant Agency: Gautier Police Department					
2. Subgrant Number: 14-ST-210-1		3. Grant ID: FY14 154TRNS Impaired Driving		4. Beginning: October 1, 2013	
5. Ending: September 30, 2014					
6. Activity: Alcohol Impaired Driving DUI Enforcement					
7. MOHS Use Only	8. Category	10. Description of item and/or Basis for Valuation	11. Budget		
	9. Line Item		Federal	All Other	Total
	Salary & Wages	Overtime Officers at approx. \$23.50 per hr. x Approx. 1276 hrs = \$30,000.00	\$30,000.00		\$30,000.00
	Fringe FICA -7.65% Retirement – 15.75% = 23.4% Fringe	Overtime @ \$30,000.00 x 23.4% = \$7,020.00	\$7,020.00		\$7,020.00
	Travel	Highway Safety STARS Conference- Hotel @\$105 per night X's 3 nights =315.00 Hotel Taxes @ 10%= \$31.50 Meals: 1st day @ \$34.50 + 2nd day @ \$35.00+ 3rd day @\$35.00+4th day @\$34.50= \$139.00 Gratuity for meals @ 20% = \$27.80 Total for STARS Conference = \$513.30 x 2 People = \$ 1,026.60 Other In-state Highway Safety Training (must be pre- approved) Registration @ \$150.00 Meal 1st day @ \$34.50 + 2nd day @ \$46.00+3rd day @ \$46.00 + 4th day @ \$34.50 = \$161.00 Gratuity for meals @ 20% = \$32.20 Total for Other HS Training amount = \$343.20 x 2 people = \$686.40 Total Travel not to exceed \$1713.00	\$1,713.00		\$1,713.00
	Communication/Freight	Shipping cost for equipment and commodities \$200.00	\$200.00		\$200.00

	Equipment	4 Intoximeter ALCO-Sensor FST @\$450.00 = \$1,800.00 In-Car Camera = \$4,895.00	\$6,695.00		\$6,695.00
	Commodities	Intoximeter mouthpieces = \$260.00	\$260.00		\$260.00
	Contractual Services	Installation cost for In-car camera	\$200.00		\$200.00

TOTALS			\$46,088.00		\$46,088.00
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Mississippi Office of Highway Safety

Agreement of Understanding and Compliance

This agreement made and entered into by and between the State of Mississippi by and through the Mississippi Office of Highway Safety (MOHS), hereinafter referred to as State, and the Governmental Unit or agency named in this application, hereinafter referred to as Applicant.

WHEREAS, the National Highway Traffic Safety Act of 1966, as amended, provides Federal funds to the State for approved highway safety projects for the purpose of reducing injuries and fatalities as result of motor vehicle crashes, and

WHEREAS, the State may make said funds available to state, county, and municipal agencies and/or government or political subdivisions and/or non-profit entities upon application and approval by State and the National Highway Traffic Safety Administration (NHTSA) if applicable, and

WHEREAS, the Applicant must comply with the requirements listed herein, to be eligible for Federal funds in approved highway safety projects, and

WHEREAS, the State is obligated to reimburse NHTSA out of its funds for any ineligible or unauthorized expenditures for which Federal funds have been claimed and payment received, and

WHEREAS, the Applicant has submitted an application for Federal funds for highway safety projects:

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES AGREE AS FOLLOWS:

I. REIMBURSEMENT OF ELIGIBLE EXPENSES

1. It is mutually agreed that upon written application by Applicant and approval by State and NHTSA (if applicable), State will obligate Federal funds to Applicant account for reimbursement of eligible expenditures as set forth in the application.
2. It is understood that the State has the right to monitor and pre-audit any and all claims presented for reimbursement. Arrangements have been made for the financial and compliance audit required by OMB Circular A-133, which is to be conducted within the prescribed audit reporting cycle (failure to furnish an acceptable audit, as determined by the cognizant Federal agency, may result in denial or require return of Federal funds). It is mutually agreed and promised that Applicant reimburse State for any ineligible or unauthorized expenditure for which Federal funds have been claimed and payment received as determined by a State or Federal audit.
3. It is also understood, pursuant to Section 18.42(e)(1) of Title 49 Code of Federal Regulations, the awarding agency and the Comptroller General of the United States, or any of their authorized representatives (such as National Highway Traffic Administration otherwise known as NHTSA), shall have the right of access to any pertinent books, documents, papers, or other records of grantees and sub-grantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.
4. It is further agreed that where reimbursement is made to Applicant in installments, State shall have the

right to withhold any installments to make up reimbursement(s) received for any ineligible or unauthorized expenditure until such time as the ineligible claim is made up or corrected by Applicant.

5. Unless otherwise directed, Applicants must submit monthly reimbursement forms and back up documentation, by the 10th business day of the month to receive reimbursement for project activities. Tasks by Quarter Reports, reflect the status of project implementation and progress toward reaching goals. Each progress report shall describe the project status quarterly and shall be submitted to the State no later than fifteen (15) days following the end of each quarter. A Final Closeout Report must be submitted to the MOHS within forty five (45) days of completion of the project (November 15th) unless otherwise directed. Appropriate forms will be provided to the Project Director along with a reminder notice advising date that each is due.

Any Applicant delinquent in submitting quarterly and/or final accomplishment reports, or reports that lack sufficient detail of progress during the period in question, will be subject to having submitted reimbursement requests withheld. Once sufficient reports to substantiate adequate progress have been submitted, reimbursement requests will be processed.

II. ON-SITE MONITORING AND EVALUATION

Pursuant to Federal guidelines, the State has developed a plan for evaluating all projects. The evaluation can include on-site monitoring both during and at the end of each grant period. All written documents will be reviewed to determine progress, problems and payoffs of the project.

III. PROPERTY AGREEMENT

- A. Facilities and equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision, State agency, or non-profit entities.
- B. It is mutually agreed and promised that the Applicant shall immediately notify the State if any equipment purchased under this project ceases to be used in the manner as set forth by the project agreement. In such event, Applicant further agrees either to give credit to the project cost or to another active Highway Safety project for the residual value of such equipment in an amount to be determined by the State or to transfer or otherwise dispose of such equipment as directed by the State.
- C. It is mutually agreed and promised by the Applicant that no equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of the State.
- D. It is mutually agreed and promised that the Applicant shall maintain, or cause to be maintained for its useful life, any equipment purchased under this project.
- E. Each recipient of Section 402 funds has a financial management system that complies with the minimum requirements of 49 CFR Part 18.
- F. Each recipient of Section 402 funds has a procurement system that complies with the minimum requirements of 49 CFR Part 18.

- G. All equipment awarded in this project agreement/contract in connection with this project must be ordered within ninety (90) days after project implementation. If unforeseen circumstances arise which prohibit this being accomplished, please notify the MOHS of the anticipated delay.

IV. STAFFING

Positions covered by this project that are 100% funded are new positions. If staff of the Applicant agency is transferred to work on this project, they must be replaced with prior approval by State. Salaries in this project are for the purpose of remuneration for personal services over and above the present manpower level of the agency. All full time funded positions require time certification and/or detailed activity documentation as directed by State.

V. GENERAL PROJECT REQUIREMENTS

- A. All out-of-state travel must have prior written approval by the State. Requests for approval should be submitted to the State not less than two (2) weeks before the intended date of travel. All federal funded travel requires itemized receipts for expenses incurred as well as an authorized travel voucher and cost must be based on current state and federal policies.
- B. No budget modification requests will be accepted by the State after **June 30th**.
- C. Applicant must submit any proposed agreements for contractual services to the State for final approval prior to acceptance. Contracts may be subject to review and approval by NHTSA.
- D. Any program income earned by projects financed in whole or in part with Federal funds must be documented and accounted for. Program income earned during the project period shall be retained by the Applicant and used for project related expenses or to offset eligible expenses.
- E. Local government Applicant must complete the "Local Governmental Resolution" included within this document, or a similar, equally binding resolution.
6. Applicant must submit the most current copy of the following policies with the application for funding. If agency does not have a current policy, please inform the State of the un-availability of the policy.
- Seat belt policy;
 - Warning citation policy;
 - Pursuit policy;
 - Overtime (STEP) policy;
 - Checkpoint policy;
 - Saturation patrol policy;
 - DUI enforcement policy;
 - Payroll policy to include: overtime, payroll schedule (payroll period begin/end dates & check date),

leave policy (vacation, sick leave, holiday, & compensatory time); and

- Agency seat belt survey procedures must be provided if usage rate is identified as a goal within contract.
- F. Compliance form(s) included in this agreement of understanding, dependent upon funding source and program activities, are required to be completed as defined by the State.
- G. All programs awarded incentive and/or promotional items are required to complete compliance form and have an approved distribution plan on file. All promotional items require prior approval by the State before requesting.
- H. All training received under federal funded programs must be program related and a certificate of completion must be available for inspection.
- I. An Inventory Control form must be completed for all equipment. All equipment cost exceeding \$500.00 will be tagged with a State inventory control number. All equipment will be maintained on a State and agency inventory data base.
- J. Applicant must meet all reporting, meeting(s)/scheduled events, along with all other requirements as set forth in the contract by the State.
- K. Termination of Agreement:
- The State in the event of Applicant noncompliance with any of the provisions of this agreement may terminate this agreement by giving the Applicant a thirty (30) day notice. The State, before issuing notice of termination of this agreement, shall allow the Applicant a reasonable opportunity to correct noncompliance issues. For noncompliance with the nondiscrimination section of this agreement or with any of the said rules, regulations or orders, this agreement may be canceled, terminated, or suspended in whole or in part.
 - The Applicant may terminate its participation in this agreement by notifying and receiving the concurrence of the State thirty (30) days in advance of the termination.
 - Contract Changes: Any proposed major changes in this agreement that would result in changes in the scope, character, or complexity of the agreement, as determined by the State, shall require supplemental agreement. Any proposed minor changes in this agreement may be authorized by the Governors Highway Safety Representative, or their delegate, by notifying the Applicant in writing of the approved changes.
 - Contracts Under This Agreement: Unless otherwise authorized in writing by the State, the Applicant shall not assign any portion of the work to be performed under this agreement, or execute any agreement, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this agreement without the prior written concurrence of the State. Any subcontract under this agreement must include all required and/or applicable clauses and provisions of this agreement.

VI. UNALLOWABLE COST

Limitations and Conditions: The provisions stated in the following section are not intended to deny flexibility in supporting potential accident and injury reduction activities; however, the conditions do serve as a guide in describing costs that are **not allowable** for highway safety funding.

The following are **unallowable**:

1. Facilities

- A. The cost of land is **not** allowable.
- B. The cost of construction or reconstruction of driving ranges, towers, and skid pads are **not** allowable.
- C. The cost of construction, rehabilitation, remodeling, or office furnishings and fixtures for State, local or private buildings or structures are **not** allowable.
- D. Cell phones, guns and office furniture are **not** allowable for purchase with these funds under any circumstances.

2. Equipment

- A. Costs for equipment purchases exceeding \$5,000.00 must have prior approval from NHTSA. The MOHS will obtain the approval letter and provide a copy to the APPLICANT.
- B. Where major multi-purpose equipment is to be purchased, costs shall be factored, based on utilization for highway safety purposes.
- C. Costs for the following equipment items are allowable only if a part of a comprehensive program effort. All allowable equipment must be included on the Federal Conformation Product List (CPL):
 - (1) Police traffic radar and other speed measuring devices used by the police (devices must meet the recommended federal guidelines);
 - (2) Alcohol testing; and
 - (3) Mobile video systems.

3. Travel

- A. Except as separately approved by NHTSA and the State, the cost of international travel is **not** allowable.
- B. All requests for out-of-state travel must be approved in advance in writing by the MS Office of Highway Safety.
- C. Travel in and out of the State must be included in the Highway Safety Grant Application and subsequent project agreement/contract.

D. Plans for out-of-state travel should be submitted with the grant application.

E. All travel must be submitted on the MOHS/DPS Travel voucher, Form Number 13.20.10.

4. Training

A. The cost of training is allowable using DOT/NHTSA developed, equivalent, or endorsed curriculum. Training must be approved in advance.

B. Development costs of new training curriculum and materials are allowable if they will not duplicate materials already developed for similar purposes by DOT/NHTSA or by other states. This does not preclude modifications of present materials necessary to meet particular state and local instructional needs.

C. Costs are not allowable to pay for an employee's salary while pursuing training, nor to pay the salary of the employee's replacement except where the employee's salary is supported 100% with 402 funds under an approved project.

D. Proposed training must be included with the grant application. Only DUI/alcohol training is allowed under alcohol funding. Occupant protection training is allowed under occupant protection funding.

5. Program Administration

Supplanting, includes: (a) replacing routine and/or existing State or local expenditures with the use of Federal grant funds and/or (b) using Federal grant funds for costs of activities that constitute general expenses required to carry out the overall responsibilities of State, local, or Federally-recognized Indian tribal governments.

6. Public Communications

Cost to purchase program advertising space in the mass communication media is not allowable for subgrantees.

FEDERAL, STATE AND MOHS CERTIFICATIONS AND ASSURANCES

FEDERAL CERTIFICATIONS AND ASSURANCES

VII. NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. 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 subrecipients 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.

VIII. THE DRUG-FREE WORKPLACE ACT OF 1988 (41USC 8103)

The State will provide a drug-free workplace by:

- Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace, and by specifying the actions that will be taken against employees for violation of such prohibition;
- Establishing a drug-free awareness program to inform employees about:
 - The dangers of drug abuse in the workplace.
 - The grantee's policy of maintaining a drug-free workplace.
 - Any available drug counseling, rehabilitation, and employee assistance programs.
 - The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 - Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
 - Abide by the terms of the statement.
 - Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.
- Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted –
 - Taking appropriate personnel action against such an employee, up to and including termination.
 - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
- Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.
-

IX. BUY AMERICA ACT (applies to subrecipients as well as States)

The State 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 items 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.

**X. POLITICAL ACTIVITY (HATCH ACT)
(applies to subrecipients as well as States)**

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

**XI. CERTIFICATION REGARDING LOBBYING
(applies to subrecipients as well as States)**

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the awards 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.

**XII. RESTRICTION ON STATE LOBBYING
(applies to subrecipients as well as States)**

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

**XIII. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION
(applies to sub-recipients as well as States)**

Instructions for Primary Certification

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

- (1) The prospective primary participant 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 proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal 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 other otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the Statement in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, 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 the department or agency determined to enter into this transaction. 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 proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason or changed circumstances.
4. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definition and coverage sections of 49 CFR Part 29. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, sub part 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 originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification in all low tier covered transactions and in all solicitations for lower tier covered transactions.
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 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 Responsible Matters-Primary Covered Transactions

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

IX. POLICY ON SEATBELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seatbelt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.nhtsa.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, D.C. metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888)221-0045 or visit its website at www.trafficsafety.org.

X. POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, DOT Order 3901.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

XI. ENVIRONMENTAL IMPACT

The Governor's Representative for Highway Safety has reviewed the State's Fiscal Year highway safety planning document and hereby declares that no significant environmental impact will result from implementing this Highway Safety Plan. If, under a future revision, this Plan is modified in a manner that could result in a significant environmental impact and trigger the need for an environmental review, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 U.S.C 4321, et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517)

STATE CERTIFICATION AND ASSURANCE

CERTIFICATION AND STANDARD ASSURANCE REQUIREMENT FOR:

FY14 Grant Agreement

APPLICANT GRANTEES AND SUB-GRANTEES

CONCERNING: STATE, COUNTY AND LOCAL EMERGENCY RESPONSE AND VEHICULAR PURSUIT POLICIES

When truly applicable and in full cooperation with the Mississippi Office of Highway Safety, all grant and/or sub-grant recipients (regardless of the type of entity or the amount awarded) must show substantial compliance with the following statutory requirement:

On or after January 1, 2005, each state, county and local law enforcement agency that conducts Emergency response and vehicular pursuits shall adopt written policies and training procedures that set forth the manner in which these operations shall be conducted. Each law enforcement agency may create its own policies or adopt an existing model. All pursuit policies created or adopted by any law enforcement agency must address situations in which police pursuits cross over into other jurisdictions. Law enforcement agencies which do not comply with the requirements of this provision are subject to the withholding of any state funding or state administered federal funding.

MS Code Annotated § 45-1-43, effective from and after July 1, 2004.

The obligation of a recipient is to formulate, implement, and maintain certain written pursuit policies and training procedures which specifically set forth how these operations shall be conducted in accordance with State law. Note that "recipient" means any state, county or local law enforcement agency that conducts emergency response and vehicular pursuits and which may also receive any state funding or state administered federal funding.

A true copy of the law enforcement agency's emergency response and vehicular pursuit policy with pertinent training procedures must be included as an attachment to this Certification and Standard Assurance document. However, when otherwise allowed to submit an alternative for the required documentary confirmation, recipient must specifically identify and acknowledge the use of viable pertinent policies and training procedures, as these factors may be especially expressed through an appropriate letter or timely memorandum of understanding. All relevant information submitted or received shall become an actual documented part of the grant application and thus will be placed within the MOHS master file for grants.

During any occurrence or time period for application, selection, award, implementation or close out of a grant or an award, if the grantee, sub-grantee, or recipient does not show compliance with the statute emphasized above, the grantee, sub-grantee or recipient is subject to the withholding of any state funding or state administered federal funding. Failure of grantee, sub-grantee or recipient to communicate the relevant policy that is required by statute may lead to adverse cost adjustment, disallowance of costs and/or recovery of pertinent project funds. Such recovery may be accomplished on the basis of offset levied against any and all advanced funding, requests for reimbursements, or award of funds.

MOHS CERTIFICATIONS AND ASSURANCES

LAW ENFORCEMENT LIASION (LEL) HIGH VISIBILITY ENFORCEMENT (HVE)

PARTICIPATION COMPLIANCE

All Current MS Office of Highway Safety Sub-grantees must participate in each the following:

1. Each agency with a LEL Network Coordinator Grant must hold at least one quarterly T.E.N. (Traffic Enforcement Network) meeting to promote State/County/Local networking, the national blitz campaigns, blitz reporting, and PI&E effort.
2. Each agency with a LEL Network Coordinator Grant must allow the LEL network coordinators to assist the MS Governor's Office of Highway Safety in promoting and gathering statistics from the NHTSA national blitz campaigns.
3. Each agency must engage in four (4) sustained enforcement blitz periods during the national campaigns for Christmas/New Year's, Memorial Day, and the Labor Day Holiday by conducting checkpoints and/or saturation patrols. Each agency must also engage in two (2) sustained enforcement blitz periods during Super Bowl Sunday, and the 4th of July Holiday Period by conducting checkpoints and/or saturation patrols during the state campaigns. Each agency will also participate in the blitz campaign for Click it or Ticket.
4. For each of the national blitz campaigns, each agency must maintain relevant stats and must submit a mobilization form reporting the total number of checkpoints, saturation patrols, DUI arrests and other citations/relevant stats by the deadline. **(Mobilization forms must be submitted by the deadline set forth by the MS Office of Highway Safety.)**
5. Each agency must generate earned media (example: press conference, TV ads, radio ads or print news articles) before, during, or after HVE (High Visibility Enforcement) state and national campaign events and must submit documentation with each quarterly report.

Law Enforcement agencies will use the following criteria to help identify locations in each city/county for intensified enforcement including sobriety checkpoints and saturation patrols.

- Unusual incidents of alcohol/ drug related crashes*
- Alcohol/ drug impaired driving violations*
- Unusual number of nighttime single vehicle crashes and/or*
- Any other documented alcohol/ drug related vehicular incidents*
- Citation data related to restrained and unrestrained occupants*

Enforcement agencies are strongly advised to ensure the site itself has maximum visibility from each direction and has sufficient illumination to ensure safety during night inspection.

ALCOHOL HIGH VISIBILITY ENFORCEMENT (HVE)

PARTICIPATION COMPLIANCE

All MS Office of Highway Safety Sub-grantees must participate in each the following:

1. Each agency must engage in four (4) sustained enforcement blitz periods during the national campaigns for Christmas/New Year's, and the Labor Day Holiday by conducting checkpoints and/or saturation patrols. Each agency must also engage in two (2) sustained enforcement blitz periods during Super Bowl Sunday, Memorial Holiday period (Cannot use alcohol funds to participate in the national Click It or Ticket Campaign) and the 4th of July Holiday period by conducting checkpoints and/or saturation patrols during the state campaigns.
2. For each of the national campaigns, each agency must maintain relevant stats and must submit a mobilization form reporting the total number of checkpoints, saturation patrols, DUI arrests and other relevant stats by the reporting deadline set forth by the Office of Highway Safety.

3. Each agency must generate earned media (example: press conference, TV ads, radio ads or print news articles) before, during, or after HVE (High Visibility Enforcement) national campaign events and must submit documentation with quarterly reports.
4. Each agency must participate in quarterly HVE and must commit to conducting HVE including during four nights of the Labor Day Crackdown. Law Enforcement agencies will use the following criteria to help identify locations in each city/county for intensified enforcement including sobriety checkpoints and saturation patrols.
 - Unusual incidents of alcohol/ drug related crashes*
 - Alcohol/ drug impaired driving violations*
 - Unusual number of nighttime single vehicle crashes and/or*
 - Any other documented alcohol/ drug related vehicular incidents.*

Enforcement agencies are strongly advised to ensure the site itself has maximum visibility from each direction and has sufficient illumination to ensure safety during night inspection.

DUI ENFORCEMENT COMPLIANCE

Agency Heads of law enforcement agencies funded with Federal Highway Safety funds administered by the MS Office of Highway Safety for the purpose of DUI Enforcement must comply with the following:

1. Hereby agree and commit to have the DUI Officer (if applicable) and/or other officers assigned to work DUI overtime to engage their efforts during peak hours when most impaired drivers are likely driving under the influence. Shift hours *will include 4:00 p.m. and no later than 7:00 a.m.* for the DUI Officer(s) while other officers will engage in overtime hours *from 4:00 p.m. and no later than 7:00 a.m.* and will include Thursdays, Fridays and Saturdays.

If proper justification can be made regarding other time periods within the jurisdiction for needed enforcement, a written request can be made to MOHS for consideration and approval. However, written approval must be given by MOHS prior to implementing hours and day of week outside the above shifts.

2. Specific DUI activities in which the DUI officer (if applicable) and/or other officers working overtime will include checkpoints, saturation patrols and other impaired driving enforcement activities as designated.
3. Agency will engage in national campaigns endorsed by the National Highway Traffic Safety.
4. Agency will also engage in all activities as described in the High visibility enforcement (HVE) Participation Compliance.

OCCUPANT PROTECTION HIGH VISIBILITY ENFORCEMENT (HVE)

All MS Office of Highway Safety Subgrantees must participate in each the following:

Each agency funded under a 402 Occupant Protection Federal grant must participate in the National Click It or Ticket Campaign Mobilization and Child Passenger Safety week. Forms containing the number of child

restraint/safety belt citations, etc. must be submitted by the reporting deadline set forth by the MS Office of Highway Safety for the National Click It or Ticket Campaign.

Each agency must generate earned media (example: press conference, TV ads, radio ads or print news articles) either before, during, or after HVE (High Visibility Enforcement) national campaign events and must submit documentation with each quarterly report.

LEL PROMOTIONAL/INCENTIVE COMPLIANCE

All Current MS Office of Highway Safety LEL Projects must adhere to the following compliance when ordering, receiving and distributing promotional and/or incentive items for the project:

****All Subgrantees must have prior approval in writing by MOHS before making any request related to promotional/incentive items. A distribution plan must be submitted for approval by the program manager as well.**

Campaign Incentives: will be receipted and awarded to law enforcement agencies (in compliance with LEL/TEN distribution criteria) to wit: eligibility requirements and guidelines for all campaign incentive/awards include: (1) a representative from the law enforcement agency must attend and participate in the scheduled LEL/Troop-TEN meetings and (2) the law enforcement agency must submit a statistical blitz report (within the required reporting allotted time), outlining their agency's enforcement activities during the Christmas/ New Year national blitz campaign; Memorial Day holiday period; the Labor Day national blitz campaign; as well as during local, state and national DUI STEP (Special Traffic Enforcement Programs), mobilization periods and campaigns.

Promotional items: will be used and given away to promote and extend the blitz message during the educational presentations and seminars for area schools, colleges, civic clubs, participating agencies and the general public to make them aware of the current data and dangers attributed to Highway Safety issues. Again, all promotional items requests must have prior approval in writing by the MOHS before issuance.

SUBGRANTEE PROMOTIONAL/INCENTIVE COMPLIANCE

All Current MS Office of Highway Safety subgrantee must adhere to the following compliance when ordering, receiving and distributing promotional items for the project:

****All Subgrantees must have prior approval in writing by MOHS before making any request related to promotional/incentive items. A distribution plan must be submitted for approval by the program manager as well.**

Promotional items: must be used to promote the programs in which are funded. Items purchased to be given away should further enhance the public's knowledge and awareness of the program the agency is implementing with federal funding. Items can be distributed during educational presentations and seminars for area schools, colleges, civic clubs, participating agencies and the general public to make them aware of the current data and dangers attributed to your program.

EQUIPMENT CERTIFICATION:

Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the sub-grantee; or the State, through formal agreement with

appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes. (23 CFR 1200.21)

Costs for equipment items are allowable only as part of a comprehensive program effort. All allowable equipment must be included on the Federal Conformation Product List (CPL), where applicable.

All Subgrantees must have **prior approval **in writing** by MOHS before making any purchase related to equipment.

DEBARMENT CERTIFICATION:

Gordon T. Gollott, Mayor

I, Tommy Fortenberry, Mayor (Signatory Official) do hereby certify that the City of Gautier (sub-grantee/agency) is not or has not been barred from contracting or entering into contracting with the MOHS for a project/ projects utilizing federal funds.

Signatory Official

CERTIFICATION AND STANDARD ASSURANCE

As the Authorized Official, I certify by my signature below, that I have fully read and am cognizant of our duties and responsibilities under the emergency response and vehicular pursuit policies statute. Therefore, I hereby comply with this Certification and Standard Assurance requirement by submitting a true copy of the applicable state, county or local emergency response and vehicular pursuit policies with training procedures which are pertinent to this organization.

* * * * *

[ATTACH TO THIS DOCUMENT: ALL APPLICABLE STATE, COUNTY OR LOCAL EMERGENCY RESPONSE AND VEHICULAR PURSUIT POLICIES WITH TRAINING PROCEDURES]

This original signed form, together with the pertinent state, county or local policies to include but not limited to the emergency response and vehicular pursuit policies with training procedures must be returned to the Mississippi Office of Highway Safety, Division of Public Safety Planning, Department of Public Safety, upon approval of the contract and prior to the beginning date.

Assurance Requirement of Subgrant Recipients:

In cooperation with the Mississippi Office of Highway Safety, all grant and/or subgrant recipients (regardless of the type of entity or the amount awarded) must comply with the following notice requirement:

During any occurrence or time period for application, selection, award, implementation or close out of a grant or an award, if the grantee, sub-grantee, or recipient: plans, organizes, sponsors or holds any seminar, conference, convention, symposium, training, event or any other meeting which encumbers, utilizes, expends or will encumber, utilize or expend grant funds, including all reimbursements derived from, generated in whole or in part, or determined to be proceeds of the grant or award; the grantee, sub-grantee or recipient must appropriately notify in writing, the MOHS program manager, the MOHS Director and/or the DPSP Executive Director of the planning for such an occurrence and afford opportunity for DPSP-MOHS personnel to attend and to participate, if they so desire.

Failure of grantee, sub-grantee or recipient to communicate relevant advance notice may lead to cost adjustment, disallowance of costs and/or recovery of pertinent project funds on the basis of offset levied against any and all advanced funding, requests for reimbursements, or award of funds.

As the Authorized Official for City of Gautier (grantee, sub-grantee, or recipient), I certify by my signature below, that I have fully read and am cognizant of our duties and responsibilities under this requirement. Therefore, I promise and will comply with this State Certification and Assurance condition.

Authorized Official's Signature (Grantee, Sub-grantee or Recipient)	Date
<u>Tommy Fortenberry Gordon T. Gollott</u> Mayor, City of Gautier	_____
[Typed or Printed Name]	[Person's Organizational Title]

* * * * *

This original signed form (blue ink only) must be returned to the Mississippi Office of Highway Safety, Division of Public Safety Planning, Department of Public Safety, within 10 days of the grant award beginning date.

LOCAL GOVERNMENTAL RESOLUTION AGREEMENT AND AUTHORIZATION TO PROCEED

WHEREAS, the City of Gautier
(Governing Body of Unit of Government)

herein called the "SUBGRANTEE" has thoroughly considered the problem addressed in the application (entitled) Alcohol Impaired Driving DUI Enforcement Program and has reviewed the project described in the application; and

WHEREAS, under the terms of Public Law 89-564 as amended, the United States of America has authorized the Department of Transportation, through the Mississippi Office of Highway Safety to make federal contracts to assist local governments in the improvement of highway safety,

NOW THEREFORE BE IT RESOLVED BY THE City of Gautier
(Governing Body of Unit of Government)

IN OPEN MEETING ASSEMBLED IN THE CITY _____ MISSISSIPPI,
THIS _____ Day of _____, 20 _____ AS FOLLOWS:

1. That the project above is in the best interest of the Applicant and the general public.
Gordon T. Gollott, Mayor
2. That the Tommy Fortenberry, Mayor be authorized to accept, on behalf of the
(Name and Title of Representative)

Subgrantee an award in the form prescribed by the MS Office of Highway Safety for federal funding in the amount of \$ 46,088.00 to be made to the Subgrantee defraying the cost of the
(Federal Dollar Requested)
project described in the award.

3. That the Subgrantee has formally agreed to provide a cash and/or in-kind contribution of \$ -0- as required by the project. (If Applicable)
(Local Match Amount)
4. That certified copies of this resolution be included as part of the award referenced above.
5. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED IN OPEN MEETING BY: _____
(Chairman/Mayor – Blue Ink)

Commissioner/Councilman _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner/Councilman _____ and, was duly adopted.

Date: _____

Attest: _____

Seal

By: _____
(Blue Ink)