

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Dante Elbin, Chief of Police
Date: September 4, 2014
Subject: MS Office of Highway Safety FY 2015 Alcohol Impaired Driving Enforcement Program Grant Acceptance/Agreement of Understanding

REQUEST:

The Gautier Police Department requests City Council authorization to enter into a grant Agreement of Understanding and Compliance with the Mississippi Office of Highway Safety (MOHS) for the FY2015 Alcohol Impaired Driving Enforcement Program effective October 1, 2014.

BACKGROUND:

The National Highway Traffic Safety Act of 1966 provides Federal funds to states for approved highway safety projects. The City of Gautier also received this same funding for the current fiscal year, and has successfully implemented the program to-date. The City received a grant award notification letter and contract documents in August 2014 for the upcoming 2015 fiscal year.

DISCUSSION:

Grant funding for FY2015 was approved in the amount of \$54,182.00 for overtime salary, travel, and equipment costs related to Alcohol Impaired Driving Enforcement. The program will include officer training, checkpoints, saturation patrols, and community outreach. This program requires no local match. The program period begins October 1, 2014 and ends on September 30, 2015. Once approved, contract documents must be submitted in triplicate to MOHS within thirty days of the notification date.

RECOMMENDATION:

The Police Department recommends that City Council authorize acceptance of the FY2015 grant from the MS Office of Highway Safety for the Alcohol Impaired Driving Enforcement Program as outlined above.

The City Council may:

1. Approve acceptance of the grant award and authorize entering into an Agreement of Understanding and Compliance with the State of Mississippi as presented; or
2. Disapprove acceptance of the grant award as presented.

ATTACHMENT(S):

Gautier FY2015 Grant Award Notification Letter
Contract Documents



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

PHIL BRYANT
GOVERNOR

ALBERT SANTA CRUZ
COMMISSIONER

August 4, 2014
The Honorable Gordon Gollott, Mayor
Gautier Police Department
3329 Highway 90
Gautier, MS 39553

Project Number: **15-ST-210-1**

Effective Date: **October 1, 2014**

Dear Mayor Gollott:

The MS Office of Highway Safety (MOHS) is pleased to inform you that the grant application for the 2015 *Impaired Driving* in the amount of **\$54,182.00** 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**:

- | | |
|--|--|
| 1) Sub-grant Signature Sheet | 4) Budget Summary |
| 2) Target, Performance Measures and Strategy | 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 FY15 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 Sandra Moffett at 601-977-3700 or smoffett@dps.ms.gov

Sincerely,


Shirley Thomas, Office Director
Governor's Representative

SJT

Enclosures

FY15 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 Enforcement Program TEL: (228)497-2486 FAX: (228)497-8018 E-Mail: delbin@gautier-ms.gov		2. Effective Date: 10/01/2014			
		3. Subgrant Number: 15-ST-210-1			
		4. Grant Identifier (Funding Source & Year): Section 154 Alcohol FY15			
		5. Beginning and Ending Dates: 10/1/2014-9/30/2015			
		6. Subgrant Payment Method: <u> X </u> Cost Reimbursement Method			
7. CFDA # - 20.607	8. DUNS # - 964447817	9. Congressional District - 4	10. FAIN #:18X9205464MS15		
11. The following funds are obligated:					
A. COST CATEGORY		B. SOURCE OF FUNDS		C. MATCH	D. RATIO%
(1) Personal Services-Salary	\$37,529.50	(1) Federal	\$54,182.00		
(2) Personal Services-Fringe	\$8,781.90	(2) State			
(3) Contractual Services		(3) Local			
(4) Travel	\$1,026.60	(4)Other			
(5) Equipment	\$4,999.99				
(6) Other	1,844.01				
TOTAL	\$54,182.00	TOTAL	\$54,182.00		
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; Sub-Grantee Targets, Performance Measures and Strategies; Task by Quarter; Budget Summary; Cost Summary Support Sheet; and 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 _____ Name: Shirley Thomas Title: Office Director/MS Governor's Representative Department of Public Safety, Division of Public Safety Planning, MS Office of Highway Safety			Signature _____ Date _____ Name: Gordon T. Gollott Title: Mayor, City of Gautier		

FY15 Sub-Grantee-Targets, Performance Measures and Strategies

Agency Name: Gautier Police Dept

Targets:

Reduce alcohol related crashes by 10% from (398) in FY13 to (358) in FY15

Performance Measures:

Increase the number of DUI citations BY 10% from (118) in FY13 to (129) in FY15

Strategies:

- Utilize DUI officers for enforcement
- Conduct high visibility enforcement checkpoints
- Saturation patrols
- Promote and implement outreach activities

FY15 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
<p>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.</p>
<p>1st QUARTER (OCTOBER, NOVEMBER & DECEMBER)</p> <p>Purchase approved equipment during 1st quarter for the grant year.</p> <p>Submit request for promotional items within quarter.</p> <p>Attend, at a minimum, one (1) MAHSL meeting during quarter.</p> <p>Attend LEL Troop Network meeting.</p> <p>Conduct not less than <u>4</u> checkpoints during quarter. (If Applicable)</p> <p>Conduct not less than <u>4</u> saturation patrols during quarter. (If Applicable)</p> <p>Issue not less than a minimum of (<u>33</u>) citation during quarter, to reach <u>25</u> % goal of (<u>129</u>) for FY2015. (If Applicable)</p> <p>Agency will conduct a not less than <u>1</u> school, community and/or public information and education presentation during the quarter.</p> <p>Submit all required reporting documents by scheduled date(s) as defined in contract by MS Office of Highway Safety, i.e. (Monthly Cost Reporting Worksheets for reimbursement, Quarterly Progress reports, etc.)</p> <p><u>Additional Tasks:</u></p> <p>Media to include the Christmas/New Year', Super Bowl Sunday, Memorial Day Holiday, 4th of July, and Labor Day blitz periods as applicable to the quarter</p> <p>OHS in state training if applicable</p>
<p>Projected Expenditures for Quarter: \$18,427.45</p>

FY15 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 not less than 4 checkpoints during quarter. (If Applicable)

Conduct not less than 4 saturation patrols during quarter. (If Applicable)

Issue not less than a minimum of (32) citation during quarter, to reach 50 % goal of (129) for FY2015. (If Applicable)

Agency will conduct a not less than 1 school, community and/or public information and education presentation during the quarter.

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

Additional Tasks:

Media to include the Christmas/New Year', Super Bowl Sunday, Memorial Day Holiday, 4th of July, and Labor Day blitz periods as applicable to the quarter

OHS in state training if applicable

Projected Expenditures for Quarter: \$11,577.85

FY15 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 not less than 6 checkpoints during quarter. (If Applicable)

Conduct not less than 2 saturation patrols during quarter. (If Applicable)

Issue not less than a minimum of (32) _____ citation during quarter, to reach 75 % goal of (129) for FY2015. (If Applicable)

Agency will conduct a not less than 1 school, community and/or public information and education presentation during the quarter.

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

Additional Tasks:

Media to include the Christmas/New Year', Super Bowl Sunday, Memorial Day Holiday, 4th of July, and Labor Day blitz periods as applicable to the quarter

OHS in state training if applicable

Projected Expenditures for Quarter: 11,577.85

FY15 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 not less than 4 checkpoints during quarter. (If Applicable)

Conduct not less than 4 saturation patrols during quarter. (If Applicable)

Issue not less than a minimum of (32) citation during quarter, to reach 100 % goal of (129) for FY2015. (If Applicable)

Agency will conduct a not less than 1 school, community and/or public information and education presentation during the quarter.

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

Additional Tasks:

Media to include the Christmas/New Year', Super Bowl Sunday, Memorial Day Holiday, 4th of July, and Labor Day blitz periods as applicable to the quarter

OHS in state training if applicable

Projected Expenditures for Quarter: \$12,598.85

**FY15 MS OFFICE OF HIGHWAY SAFETY
BUDGET SUMMARY**

1. Applicant Agency: Gautier Police Department		3. Grant ID: 154 Alcohol	4. Beginning: October 1, 2014	Ending: September 30, 2015		
2. Subgrant Number: 15-ST-210-1	7. Funding Request: x	8. Modification Number: _____	9. Modification Effective Date: _____			
6. Submitted as part of (Check One): _____						
Funding Sources						
10. For MOHS Use Only	11. Activity	Federal	State	Program Income	Other (Local-Private)	Total
	DUI Enforcement	\$54,182.00				\$54,182.00
TOTAL		\$54,182.00				\$54,182.00

**FY15 Mississippi Office of Highway Safety
COST SUMMARY SUPPORT SHEET**

1. Applicant Agency: Gautier Police Department				
2. Subgrant Number: 15-ST-210-1	3. Grant ID: 154 Alcohol	4. Beginning: October 1, 2014	5. Ending: September 30, 2015	
6. Activity: 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
	Salary & Wages	Overtime Officers @ \$23.50/hr. x 1597 hrs. = \$37,529.50	\$37,529.50	\$37,529.50
	Fringe	Overtime Officers @ \$37,529.50 x 23.4% = \$8,781.91 Not to exceed \$8,781.90	\$8,781.90	\$8,781.90
	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's 2 People = \$ 1,026.60	\$1,026.60	\$1,026.60
	Equipment	In-car Camera: 1 @ \$4,999.99 No to exceed \$4,999.99	\$4,999.99	\$4,999.99
	Other	CMI Intoxylizer S-D5: 5 @ \$366.00 = \$1,830.00 Supplies-\$14.01 Not to exceed \$1,844.01	\$1,844.01	\$1,844.01
TOTALS			\$54,182.00	\$54,182.00

Mississippi Office of Highway Safety

FY15 Agreement of Understanding and Compliance

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

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 Recipient 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 Recipient 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 Recipient and approval by State and NHTSA (if applicable), State will obligate Federal funds to Recipient 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 Recipient 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 Recipient 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 Recipient.

5. Unless otherwise directed, Recipients must submit monthly reimbursement and back up documentation, by the 10th business day of the following 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 MS Office of Highway Safety 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 Recipient 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 reimbursements 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 MS Office of Highway Safety; 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 Recipient shall immediately notify the MS Office of Highway Safety if any equipment purchased under this project ceases to be used in the manner set forth by the project agreement. In such event, Recipient further agrees to transfer or otherwise dispose of such equipment as directed by the MS Office of Highway Safety.
- C. It is mutually agreed and promised by the Recipient that no equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of the MS Office of Highway Safety.
- D. It is mutually agreed and promised that the Recipient 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 must be ordered within ninety (90) days after project implementation. If unforeseen circumstances arise which prohibit this being accomplished, please notify the MS Office of Highway Safety of the anticipated delay.

IV. STAFFING

Positions covered by this project that are 100% funded must be new positions. If staff of the Recipient agency is transferred to work on this project, they must be replaced the vacant position with a new hire. 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 MS Office of Highway Safety.

V. GENERAL PROJECT REQUIREMENTS

- A. All out-of-state travel must have prior written approval by the MS Office of Highway Safety. Requests for approval should be submitted to the MS Office of Highway Safety 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. All cost must be based on current state and federal policies.
- B. No budget modification requests will be accepted by the MS Office of Highway Safety after **June 30th**.
- C. Recipient must submit any proposed agreements for contractual services to the MS Office of Highway Safety 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 Recipient and used for project related expenses or to offset eligible expenses.
- E. Local government Recipient must complete the "Local Governmental Resolution" included within this document, or a similar, equally binding resolution.
- F. Recipient 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 MS Office of Highway Safety 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);
 - **MAGIC-Certification of Completion (NEW);** and
 - Agency seat belt survey procedures must be provided if usage rate is identified as a goal within contract.
- G. 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 MS Office of Highway Safety.

- H. All promotional items require prior approval by the MS Office of Highway Safety before requesting. The MS Office of Highway Safety Resource Center must be used before ordering from other vendors.
- I. All training received under federal funded programs must be program related and a certificate of completion must be available for inspection.
- J. An Inventory Control form must be completed for all equipment. All equipment cost exceeding \$500.00 will be tagged with a Department of Public Safety inventory control number. All equipment will be maintained on the Recipients inventory data base.
- K. Recipient must meet all reporting, meeting(s)/scheduled events, along with all other requirements as set forth in the contract by the MS Office of Highway Safety.
- L. Termination of Agreement:
 - The MS Office of Highway Safety in the event of Recipient noncompliance with any of the provisions of this agreement may terminate this agreement by giving the Recipient a thirty (30) day notice. The MS Office of Highway Safety, before issuing notice of termination of this agreement, shall allow the Recipient 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 Recipient may terminate its participation in this agreement by notifying and receiving the concurrence of the MS Office of Highway Safety 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 MS Office of Highway Safety, shall require supplemental agreement. Any proposed minor changes in this agreement may be authorized by the Governor's Representative of the MS Office of Highway Safety, or their delegate, by notifying the Recipient in writing of the approved changes.
 - Contracts Under This Agreement: Unless otherwise authorized in writing by the MS Office of Highway Safety, the Recipient 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 MS Office of Highway Safety. 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 MS Office of Highway Safety will obtain the approval letter and provide a copy to the Recipient.
- 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 MS Office of Highway Safety, 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 MS Office of Highway Safety/Department of Public Safety Travel reimbursement 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 sub-grantees.

CERTIFICATIONS AND ASSURANCES
FEDERAL CERTIFICATIONS AND ASSURANCES

VII. NONDISCRIMINATION-(Applies to subrecipients as well as States)

The Subgrantee 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 Subgrantee 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 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 all of the paragraphs above.

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

The Subgrantee 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.

X. POLITICAL ACTIVITY (HATCH ACT) -(Applies to subrecipients as well as States)

The Subgrantee 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.

XI. CERTIFICATION REGARDING LOBBYING- (Applies to subrecipients as well as States)

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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 the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary 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 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, proposal, 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 proposal is being 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, subpart 9.4, debarred, suspended, declared

ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary 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 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 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 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/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 Statements 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 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 proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, 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 proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

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

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

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from 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 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 seat belt 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 Web site 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, DC 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 Web site 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, and DOT Order 3902.10, Text Messaging While Driving, MS Office of Highway Safety encourages 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, leased or rented vehicles, or privately-owned while on official Government grant business or when performing any work on or behalf of the Government grant. MOHS also encourages subgrantees 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:
RECIPIENT GRANTEES AND SUB-GRANTEES
**CONCERNING: STATE, COUNTY AND LOCAL EMERGENCY RESPONSE AND VEHICULAR
PURSUIT POLICIES**

When truly applicable and in full cooperation with the MS 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.

As the Authorized Official, I certify by my signature below, that I have fully read and I 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.

MS OFFICE OF HIGHWAY SAFETY CERTIFICATIONS AND ASSURANCES
ALCOHOL/ LAW ENFORCEMENT LIASION (LEL) HIGH VISIBILITY ENFORCEMENT (HVE)
PARTICIPATION COMPLIANCE

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. **(LEL Only)**
2. Each agency with a LEL Network Coordinator Grant must allow the LEL network coordinators to assist the MS Office of Highway Safety in promoting and gathering statistics from the NHTSA national blitz campaigns. **(LEL Only)**
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.
4. For each of the national blitz campaigns, each agency must maintain relevant statistics and must submit a mobilization form reporting the total number of checkpoints, saturation patrols, DUI arrests and other citations/relevant statistics 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 High Visibility Enforcement (HVE) 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;
- Any other documented alcohol/ drug related vehicular incidents; and
- 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.

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. Subgrantee agrees and commits 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 Full Time DUI Officer(s). Overtime hours for DUI Enforcement *will include 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 Administration.
4. Agency will also engage in all activities as described in the High Visibility Enforcement (HVE) Participation Compliance.

OCCUPANT PROTECTION HIGH VISIBILITY ENFORCEMENT (HVE)

Each agency funded under a 402/405(b) 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 High Visibility Enforcement (HVE) national campaign events and must submit documentation with each quarterly report.

SUBGRANTEE/LEL PROMOTIONAL/INCENTIVE COMPLIANCE

All Current MS Office of Highway Safety subgrantee must adhere to the following compliance when ordering from the MS Office of Highway Safety Resource Center, 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: Items from the MS Office of Highway Safety Resource Center must be used to promote the programs in which are funded. Items 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 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 written approval from MOHS before making any purchase related to equipment.

MAGIC CERTIFICATION:

Each agency funded under a federal grant must participate in the Mississippi Accountability System for Government Information and Collaboration (MAGIC). Each agency must complete the sub-grantee e-learning training course for understanding of the MAGIC system. Each agency must comply with all MAGIC requirements for reporting, payment and data collection. Each agency will be required to submit a copy of the Certification of Completion of the MAGIC e-learning training course to the MS Office of Highway Safety before the grant is awarded and any payments are reimbursed.

DEBARMENT CERTIFICATION:

I, Gordon T. Gollott, 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 MS Office of Highway Safety for a project/projects utilizing federal funds.

Signatory Official

Assurance Requirement of Subgrant Recipients:

In cooperation with the MS 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 MS Office of Highway Safety program manager, the MS Office of Highway Safety Director and/or the Department of Public Safety Planning Executive Director of the planning for such an occurrence and afford opportunity for Department of Public Safety Planning- MS Office of Highway Safety 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 the City of Gautier, Mississippi (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 all Federal, State and MS Office of Highway Safety Certifications and Assurances and their conditions.

_____	_____
Authorized Official's Signature (Grantee, Sub-grantee or Recipient)	Date
Gordon T. Gollott	Mayor
_____	_____
[Typed or Printed Name]	[Person's Organizational Title]

* * * * *

This original signed form (**blue ink only**) must be returned to the MS 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 Mayor and City Council of 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 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 Mayor and City Council of the City of Gautier
(Governing Body of Unit of Government)

IN OPEN MEETING ASSEMBLED IN THE CITY OF GAUTIER, MISSISSIPPI,
THIS 16th Day of September, 2014 AS FOLLOWS:

1. That the project above is in the best interest of the Recipient and the general public.
2. That the Mayor, Gordon T. Gollott 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 \$54,182.00 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)

Gautier Police Department

Subject:

Motor Vehicle Pursuits

Effective Date:

May 26, 2004

Reference:

Vehicle pursuit policy

Special Instructions:

Distribution

Reevaluation Date:

December 31, 2005

Number Pages:

Three (3)

- 8748-1 The purpose of this order is to establish rules and guidelines for police officers concerning pursuit of a motor vehicle. Information contained herein should give each officer the knowledge required to enter into a pursuit, and alert him/her of some of the possible consequences of this activity.
- 8748-2 Motor vehicle pursuit is defined as follows. "An active attempt by a on-duty officer, in a police unit, using audio and visual emergency equipment, to apprehend one or more occupants of a moving vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing the speed, or ignoring the law enforcement officers attempt to stop him."
- 8748 - 3 Only vehicles equipped with audio/visual emergency equipment are to enter into pursuits. Further, if a law enforcement officers vehicle meets the above stated requirements, it shall also be the individual officers duty to be reasonably certain his vehicle is mechanically sound before initiating a motor vehicle pursuit.
- 8748-4 A officer with a vehicle that is not properly equipped with emergency equipment will only attempt to maintain visual contact with the fleeing vehicle without resorting to excessive speed. The officer will immediately radio all relevant information to the Gautier Police Department dispatcher and request immediate assistance. Any police officer driving any vehicle without emergency equipment is to obtain as much relevant information as possible, and either radio or telephone this information to the Gautier Police Department dispatcher.

- 8748-5 Motor vehicle pursuit must be considered to be a serious matter. When a police officer initiates a motor vehicle pursuit of a fleeing vehicle he/she may have a tendency to consider only himself/herself and the occupants of the other vehicle, but he/she must keep in mind that all other citizens (on or near public highways) could become involved due to overreaction. This is especially true of children who may likely be drawn toward a police unit with lights and sirens in operation. Motor vehicle pursuit is one of the most dangerous task which may befall a police officer. Death or injury could result without warning to the police officer or citizens alike as the result of the chase.
- 8748-6 The seriousness of the possible outcome of a motor vehicle pursuit demands that the officer weigh many factors when deciding whether or not to chase a vehicle in the name of the citizens he serves. Some of the specific questions an officer must ask himself/herself before initiating a vehicle pursuit would include but not be limited to the following:
- A. Does the seriousness of the crime committed or being committed warrant a high speed chase at unsafe speeds?
 - B. What is the probability of apprehending the fleeing person?
 - C. Will the pursuit take place on residential streets, in a business district or on a freeway? What is the danger to other innocent citizens in these areas?
 - D. What are the traffic and weather conditions?
 - E. What is the condition of the police cruiser? How are the tires, brakes, steering, etc?
 - F. Is there another officer in the cruiser with him/her?
- Caution:** Be aware that steel belted radial tires have been known to disintegrate quickly at very high speeds because of excessive build up on the tire pressure.
- 8748-7 In the instance the chase is initiated, the safety of all concerned must be considered. As previously stated, it is important the officer weigh the seriousness of the offense against the hazards present to innocent citizens who may become involved. As the chase is continued, this question must be asked continuously.
- 8748-8 **CAUTION** – The officer must remember if he/she becomes involved in a traffic accident while involved in a motor vehicle pursuit, he/she may be civilly sued for any and all damages or injury to property or person which might result from his personal negligence.
- 8748-9 Upon initiation of any motor vehicle pursuit the officer involved will immediately radio the dispatcher of the fact he/she is in a chase with emergency equipment operation. He/she must also include the reason for pursuit, the location and direction of the chase, other vehicle description and any other information relevant to the situation.

- 8748-10 The pursuing officer has the prerogative and responsibility to terminate the chase at any time, if in his/her judgement, the risk out weights the seriousness of the offense, or if other innocent lives are being unduly threatened. This is known as "Better Discretion".
- 8748-11 If there is a second officer in the unit, the passenger will operate the radio. If there is not a second officer in the unit but there is a second unit in the pursuit, the officer in the second unit will take over radio transmissions with details of the pursuit allowing the officer in the lead car to concentrate fully on the motor vehicle pursuit.
- 8748-12 When in pursuit, remember all radio transmissions must be made clearly and slowly. The dispatcher and all supervisors must be able to understand the transmission in order to respond quickly and coordinate the activity to provide proper support.
- 8748-13 When radio traffic reveals a chase is in effect, the dispatcher will answer, "All units stand by - we have a unit in a vehicle pursuit". This should clear the air for emergency traffic from the pursuing unit or his supervisor. This will also tell the pursuing unit his transmission has been heard.
- 8748-14 No other officer shall enter a vehicle pursuit initiated by another police unit unless advised to do so by their superior.
- 8748-15 Roadblocks are very dangerous. They will not be used except on direct orders of the Shift Captain and then only in the most serious of offenses.
- 8748-16 All officers are cautioned of their duty to drive with due regard to the safety of all other persons and property on or near the roadway. This should be carried out at all times.
- 8748-17 Use of emergency equipment does not relieve the officer of the obligation to slow down as necessary, when approaching intersections, railroad crossings, stop lights or stop signs during this chase. Officers my proceed slowly and safely past such stop signs and signals with due regard to all other vehicles and/or pedestrians using the street or highway. Then the chase can continue.

Signature of receiving Officer & Date

Signature of witnessing Officer & Date

Fire Department: Shift personnel shall refer to Article 13, Compensation of Injured Employees/Safety, Item A1, A2, and A3 between the City of Gautier and Local 3290.

35.5 Safety Equipment and Devices

The City will provide proper and necessary safety equipment and devices for employees engaged in work when such equipment and devices are necessary. When safety equipment and devices are provided, they must be used. Failure to utilize provided safety equipment or devices will be subject to disciplinary action. If equipment or devices are reported to be worn or damaged; the City will replace them.

Personally purchased/owned safety devices shall not be utilized without written approval from the department head.

35.6 Vehicle Safety

All city employees using city vehicles or personal vehicles on city business must abide by all state and federal traffic laws including seatbelt requirements. Activities such as eating, drinking, texting, emailing, personal grooming, or other distractions shall be refrained from while the vehicle is in motion.

Any driver determining that the vehicle assigned is unsafe to operate must report the unsafe condition(s) to his or her immediate supervisor. The department director or division supervisor must then take action to rectify the unsafe condition(s).

SECTION 36. Grievances.

An employee may make a request for resolution of any dissatisfaction arising from the interpretation and the application of work rules, policies, procedures, or practices (i.e., a "grievance"). Dissatisfactions involving job classifications, grade, salary, and other wage issues, benefit determinations, payroll procedures, or any matter outside the control of the immediate supervisor are not included for resolution under this procedure for grievances.

Disciplinary actions involving verbal and written reprimands are included within this grievance process and procedure. As to grievances pertaining to harassment and discrimination, employees are referred to other provisions and sections contained in this personnel manual and the policies and procedures referred to or incorporated in this manual.

Compliance with the time frames outlined in each step of the procedure must be followed in order that the request for resolution is considered timely. If the employee does not follow the prescribed time frame, the request becomes outdated and the last response made will become final. If the party responding to the employee's request does not follow the time frame, the response becomes outdated and the employee may proceed to the next step of the procedure. Such time frames may be extended by written mutual agreement that must be entered into before expiration of the applicable time frame as outlined in each step. To insure compliance with time frames involving written requests and written responses, all correspondence should be copied to the City Clerk. All responses will be hand-delivered to the recipient or their representative or sent by certified mail to the most recent address in the personnel record of the employee making the request. When presenting the dissatisfaction and requested remedy at each step, all prior requests, responses, and documentation must be provided by the employee.

