

Grant Agreement Summary – Part 1

Title of Contract:*Drug Recognition Expert (DRE) Training Program*

OHSO Project Number:	Award Amount:	CFDA Number:	FAIN Number:	TTA Number:
M5BAC-24-03-01-20	\$194,000.00	206162400	69A3750000405DOKM	
	\$			
TOTAL AWARD:	\$194,000.00			

\$0.00

Project Period:	Oct 01, 2023 - Sep 30, 2024	Primary Program Area:	Impaired Driving
------------------------	-----------------------------	------------------------------	------------------

Organization: Oklahoma City Police Department**Address:** 700 Colcord Dr.

City:	Oklahoma City	State:	OK	Zip:	73102
--------------	---------------	---------------	----	-------------	-------

FEI Number:	736005359	DUNS Number:	
--------------------	-----------	---------------------	--

Project Director:	Daniel Stewart	Title:	Major
--------------------------	----------------	---------------	-------

Phone Number:	(405) 316-5237	Fax Number:	
----------------------	----------------	--------------------	--

Project Goals:*To train a minimum of 30 new Drug Recognition Experts in FFY 2024.**To provide a DRE Instructor Workshop to enhance DRE Instructor training and maintain minimum standards as set forth by IACP and enhanced Oklahoma DRE Standards.**To provide continuing education courses to Drug Recognition Experts to maintain minimum standards of training as set forth by IACP and enhanced Oklahoma DRE Standards.**To provide continuing support for ARIDE and SFST Courses.***Problem Identification:**

The DRE program is designed to assist in the identification and prosecution of alcohol and/or drug impaired driving offenses to generate a deterrence. In 2022, DRE-trained officers performed 435 drug influence evaluations, an increase of 137 evaluations (45%) from the prior year. Additionally, during the 2022-2023 time frame two Peace Officers in the state of Oklahoma were killed by drug-impaired drivers where Drug Recognition Experts (DRE) played significant roles in the investigation and/or prosecution of the impaired driver. Multiple other collisions in the same time frame involving impaired drivers striking peace officers occurred where a DRE was contacted for interviewing and developing a prosecutable case for the impaired driver.

Records show that over 50% of the DRE evaluations in Oklahoma in 2020 showed "poly-drug" use. This simply means that those impaired drivers had two or more drugs in their system at the time of testing. This multiple drug use causes higher levels of impairment and risk to citizens on our roadways. In March of 2023, Oklahoma voters will decide on the passing of recreational marijuana. Nationwide trends indicate this vote will likely pass and marijuana impaired driving cases will increase. With this increase Drug Recognition Experts will become an ever increasing tool in preventing and deterring drug and alcohol impaired driving related collisions and fatalities.

Project Description:

The Oklahoma City Police Department (OCPD), through the Drug Recognition Expert Coordinator (DREC), will conduct classes and certification sessions to train officers from around the state to become DREs and increase enforcement of DUI laws. DREC will work to expand the DRE program by a minimum of thirty (30) new DREs by providing two (2) DRE schools, one in Oklahoma City, OK and one in Lawton, OK. The DREC will maintain contact with the OHSO outlining progress of planning and student recruitment. The courses will be comprised of a 3-day pre-school verifying SFST skills, a 7-day classroom session, and certification nights in which students evaluate impaired persons and complete certification requirements as set by IACP International Standards and enhanced Oklahoma DRE Standards. The Drug Evaluation and Classification Course will be conducted as outlined by the IACP and NHTSA.

The statewide DREC will direct the OK DRE Oversight Committee, maintaining a statewide vision of current or upcoming DRE issues. The statewide DREC will work with OHSO to plan, schedule and conduct training in conjunction with the OHSO, as necessary. Additionally, the DREC or their designee will provide ARIDE and SFST instruction as requested by local agencies throughout OK. The DREC will make every effort to locate DRE instructors close to those requesting training to reduce the cost of travel. Lastly, the DREC or their designee will work with the OK Challenge program to bring awareness of impaired driving issues to teens, as well as begin to notify adult coordinators at the events about upcoming Drug Impairment Training for Educational Professionals (DITEP) training for schools. The statewide DREC with cooperation with the OK DRE Oversight Committee and OHSO will provide additional training opportunities in the way of a two day instructor workshop to maintain minimum yearly training standards as set forth by IACP and enhanced Oklahoma DRE Training Standards. Additionally, the aforementioned groups will work to provide continuing education to all DREs by way of a multi-day training event to maintain minimum yearly training standards as set forth by IACP and enhanced Oklahoma DRE Standards.

Funding is provided to contract with the Institute for Traffic Safety Management and Research (ITSMR) to provide support and maintenance for the ITSMR web-based DRE evaluation program, allowing DRE students and current DREs to complete the entire DRE evaluation on a digital form in the field. The contract will allow 200 DREs to continue using the program through FFY24. The ITSMR program provides more in-depth data tracking abilities to the State of OK's DRE program and allows the OHSO to get real time numbers for impaired driving trends across the state.

Funding is provided for (25) tablets with cases & (25) PBTs to deploy to DRE students. Tablets/PBTs will remain with those students who become certified DREs. Remaining tablets/PBTs after both DRE schools are complete will be dispersed to current DREs who do not have a working tablet/PBT.

Funding is provided for in-state travel for grant-related training activities, to include ARIDE, SFST, and/or OK Challenge events. Other in-state travel may be authorized with prior OHSO approval.

Funding is provided for out-of-state travel for the DREC and/or the ARIDE Coordinator to travel to the IACP Technical Advisory Panel meeting, the Borkenstein Alcohol Course through Indiana University Bloomington, IACP Coordinator Meeting, & IACP IDTS (to include the adjacent State Coordinator's Meeting). Additional OCPD DREs may attend the IACP conference with prior OHSO approval.

The Drug Recognition Expert (DRE) Training Program will utilize the following countermeasures and activities:

Countermeasure: Law Enforcement Training

Activity: Impaired Driving Law Enforcement Training (405d)

Countermeasure: Preliminary Breath Test (PBT) Devices

Activity: Impaired Driving Law Enforcement Training (405d)

This grant is subject to the terms and conditions set forth in the Pre-Application guidelines and any modifications agreed to during negotiation and reflected in the Award Documents, or by Contract Change Order hereafter, including; Part I-Grant Agreement Summary; Budget Summary; Budget Detail; Activity/Milestones; General Provisions – Part II; Specific Agreements – Part III; and Certification pages.

In addition, the grantee agrees to the following:

1. If the grantee is a law enforcement agency, the grantee agrees to participate in and support NHTSA's national goals and law enforcement mobilizations ("Click It or Ticket" and "Drive Sober or Get Pulled Over"), including submitting both pre and post reports through the OHSO online Mobilization Reporting System.
2. At the end of the project year and no later than November 1, the Project Director will submit the End of Year Project Summary Report outlining the project accomplishments and whether the project goal(s) was met.

In accordance with OMB Circular A-133, the Oklahoma Highway Safety Office (OHSO) is required to supply each grantee with pertinent information regarding the grant awarded. The Oklahoma Highway Safety Office (OHSO) is a pass-through agency for federal funds provided by the U.S. Dept of Transportation, National Highway Traffic Safety Administration (NHTSA).

On the chart below, locate the "Start of Project Number for each grant awarded to obtain the information your agency's financial department will need for Federal/State reporting purposes.

Start of Project Number	Program Area	CFDA No.	Award Name	Section No.
AI	Accident Investigation	20.6000000	State and Community Highway Safety	402
AL	Alcohol	20.6000000	State and Community Highway Safety	402
DE	Driver Education	20.6000000	State and Community Highway Safety	402
MC	Motorcycle Safety	20.6000000	State and Community Highway Safety	402
OP	Occupant Protection	20.6000000	State and Community Highway Safety	402
PS	Pedestrian Safety	20.6000000	State and Community Highway Safety	402
PT	Police Traffic Services	20.6000000	State and Community Highway Safety	402
RH	Railroad/Highway Crossings	20.6000000	State and Community Highway Safety	402
SE	Speed Enforcement	20.6000000	State and Community Highway Safety	402
TR	Traffic Records	20.6000000	State and Community Highway Safety	402
TSP	Teen Safety Programs	20.6000000	State and Community Highway Safety	402
M2	405b OP Low	20.6160000	Occupant Protection	405b
M3	21 405c Data Program	20.6160000	State Traffic Safety Information Systems Improvements	405c
M5	405d Impaired Driving Mid	20.6160000	Impaired Driving Countermeasures	405d
M9	405f Motorcycle Programs	20.6160000	Motorcyclist Safety	405f

If you have any questions, please contact your Program Manager.

Budget Detail Projections

Cost Category Items			Project #		Description			
OCT		NOV	DEC	JAN	FEB	MAR	Semi-Annual	
APR		MAY	JUN	JUL	AUG	SEP	Annual	
II.A.	1	M5BAC-24-03-01-20		In-state travel for grant-related duties as designated in the project description to include: registration, lodging, M&IE and transportation expenses in accordance with the State Travel Reimbursement Act. (OHSO pre-approval)				
\$5,000.00	\$		\$	\$	\$		\$5,000.00	
	\$		\$		\$		\$5,000.00	
II.B.	1	M5BAC-24-03-01-20		Out-of-state travel as designated in the project description to include: registration, lodging, M&IE, and transportation expenses in accordance with the State Travel Reimbursement Act and state travel restrictions. (OHSO pre-approval)				
\$20,000.00	\$		\$	\$	\$		\$20,000.00	
	\$		\$		\$		\$20,000.00	
III.	1	M5BAC-24-03-01-20		Operating Costs for DRE instructor school and DRE school supplies, to include but not limited to saliva test kits, and medical supplies necessary for instruction. (OHSO pre-approval)				
\$30,000.00	\$		\$	\$	\$		\$30,000.00	
	\$		\$		\$		\$30,000.00	
IV.	1	M5BAC-24-03-01-20		Contractual costs for meeting space and hotel rooms as needed for DRE instructor school and DRE schools. All costs to be compliant with General Provisions-Part II and Specific Agreements-Part III provisions of this grant. (OSHO pre-approval)				
\$50,000.00	\$		\$	\$	\$		\$50,000.00	
	\$		\$		\$		\$50,000.00	
IV.	2	M5BAC-24-03-01-20		Contractual cost for DRE subject matter expert Instructors. (OHSO pre-approval required. Speaker fees and travel are subject to reasonable expense and/or State Travel Reimbursement Act).				
\$4,000.00	\$		\$	\$	\$		\$4,000.00	
	\$		\$		\$		\$4,000.00	
IV.	3	M5BAC-24-03-01-20		Contractual costs for the yearly ITSMR contract, providing support and maintenance for the ITSMR DRE evaluation program for 200 users. (Contract required to be uploaded.) (OHSO pre-approval)				
\$60,000.00	\$		\$	\$	\$		\$60,000.00	
	\$		\$		\$		\$60,000.00	
V.	1	M5BAC-24-03-01-20		Purchase of up to twenty-five (25) PBTs for use by DRE students during DRE school and after certification. Cost not to exceed \$500 total per unit. (OHSO pre-approval)				
\$12,500.00	\$		\$	\$	\$		\$12,500.00	

\$	\$	\$	\$	\$	\$	\$	\$12,500.00
V.	2	M5BAC-24-03-01-20	Purchase of up to twenty-five (25) tablets and cases for use by DRE students during DRE school and after certification, in conjunction with the ITSMR program. Cost not to exceed \$500 total per unit. (OHSO pre-approval)				
\$12,500.00	\$	\$	\$	\$	\$	\$	\$12,500.00
\$	\$	\$	\$	\$	\$	\$	\$12,500.00
\$	\$	\$	\$	\$	\$	\$	\$0.00
\$	\$	\$	\$	\$	\$	\$	\$0.00
\$	\$	\$	\$	\$	\$	\$	\$0.00
\$	\$	\$	\$	\$	\$	\$	\$0.00
\$	\$	\$	\$	\$	\$	\$	\$0.00

Activity/Milestones Projections

[illegible]

General Provisions – Part II

GLOSSARY OF DEFINITIONS

This glossary defines terms with meanings which may be unclear in the context in which they are used. These definitions are meant to apply only to the usage of these terms in this contract agreement.

Activity - The smallest unit of work that can be time-framed, quantified, and is critical to the success of a project.

Actual - The attained level of resources and/or accomplishments

Authorizing Official - The duly authorized representative of the State Agency, Local Subdivision or subrecipient agency having signatory authority and the responsibility of executing the contract agreement.

C. F. R. - Code of Federal Regulations

Director - The Director authorized by the Governor's Representative to direct the activities of the Oklahoma Highway Safety Office

DUNS Number – Data Universal Numbering System

FAIN Number – Federal Award Identification Number

FY - Fiscal year which starts October 1 and ends September 30 each year

Governor's Representative - A representative appointed by the Governor of Oklahoma to oversee the activities of the Oklahoma Highway Safety Office

Grantor Agency - Oklahoma Highway Safety Office

Local Subdivision - An administrative division of local government

Milestone - A level of accomplishment of an activity within a specific period of time

Obligated - The proposed level of resources and/or accomplishments

OMB - Office of Management and Budget (Federal)

OHSO - Oklahoma Highway Safety Office

OS - Oklahoma Statute

Program Manager - An OHSO staff member authorized to act as the liaison between the Highway Safety Office and the State Agency or Local Subdivision in all matters pertaining to a contract.

Project Director - A representative of the State Agency, Local Subdivision or subrecipient agency responsible for directing the activities of the project as outlined in the contract agreement

Projection - An anticipated level of performance or expenditure necessary to attain the stated project goal(s).

Project Number - A number assigned to one of the highway safety program areas as defined by the Highway Safety Act of 1966.

QTD - Quarter-to-date.

State Agency - An administrative division of state government.

Subrecipient - An agency or organization receiving pass-through funds from the OHSO through a duly authorized grant agreement, Memorandum of Agreement or Memorandum of Understanding

TTA Number – Taxpayer's Transparency Act number

U. S. C. - United States Code

YTD - Year-to-date

REGULATIONS AND DIRECTIVES

The subrecipient, its assignee(s), successor(s) in interest, subcontractor(s), supplier(s), or anyone who is a recipient of financial assistance through this grant shall agree to all applicable provisions of the following; however, nothing here should be interpreted to limit the requirements to comply with regulations and directives not included in this list:

1. Project Implementation

Grantee agrees to implement the project in accordance with federal statutes, local statutes and regulations, as well as the policies and procedures established by the Oklahoma Highway Safety Office.

2. 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 ("Federal Nondiscrimination Authorities "). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27 ;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors , whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities , public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

3. 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 limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

4. Buy America Act **(applies to subrecipients as well as States)**

The state and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items 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. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

5. Prohibition on using grant funds to check for helmet usage. **(applies to subrecipients as well as State)**

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcycles.

6. Certification Regarding Federal Lobbying; Certification for Contracts, Grant, Loans, and Cooperative Agreements.

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

- A. 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 any 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.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for the influencing or attempting to influence any 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.
- C. Then undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is 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 civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- D. Restriction on State Lobbying; None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any state or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

7. Equipment Purchased with Highway Safety Funds:

- Ownership of equipment purchased is vested in the subrecipient, who must use the property only for the authorized purpose of this project (2 CFR Part 200.313)
- Equipment must be entered into, and tracked through, the Grantee's inventory system and the OHSO inventory;
- Equipment maintenance and liability coverage are the subrecipient's responsibility;
- Subrecipient shall not remove, transfer, or dispose of the property without prior written approval from OHSO;
- If equipment is lost or stolen, the OHSO must be notified immediately, in writing, accompanied by a police report.

To dispose of *ANY* equipment, the subrecipient *MUST*:

1. Write a letter of request to OHSO;
2. State how the disposal will occur (auction, transfer, etc.) and/or provide three (3) appraisals;
3. Maintain equipment until subrecipient receives letter of approval;
4. Return Equipment to OHSO

Nothing herein contained shall be construed as incurring for the Grantor Agency any liability for Workmen's Compensation, F.I.C.A., Withholding Tax, Unemployment Compensation, or any other payment which is not a part of this contract.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
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 primary tier 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 this transaction. However, failure of the prospective primary tier 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 this transaction. If it is later determined that the prospective primary tier 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 or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. 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 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 entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "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 and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
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 the transaction for cause or default.

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

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from a. participating in covered transactions by any Federal department or agency;

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 b. 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 records, making false statements, or receiving stolen property;

Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or c. Local) with commission of any of the offenses enumerated in paragraph (l)(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 tier 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 Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

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 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, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. 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 "Instructions for Lower Tier Participant Certification" including the "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 and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

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.

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 9.9, 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 or debarment.

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

The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is

1. presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions 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.