

**City of Carson City
Agenda Report**

Date Submitted: May 24, 2011 **Agenda Date Requested:** June 2, 2011
Time Requested: Consent Agenda

To: Mayor and Supervisors
From: Carson City Sheriff's Office

Subject Title: Action to approve the Nevada Department of Public Safety, Office of Traffic Safety Grant #21-K8-18-10 in the amount of \$5,300. (Ken Furlong)

Staff Summary: This grant will facilitate the purchase of PBT devices used in the detection of drivers under the influence and the enforcement of applicable laws.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to accept the Nevada Department of Public Safety, Office of Traffic Safety Grant #21-K8-18-10 in the amount of \$5,300.

Explanation for Recommended Board Action:

Applicable Statute, Code, Policy, Rule or Regulation: N/A

Fiscal Impact: There is no financial impact to the city as this is a no-match grant and includes the costs of all associated expenditures.

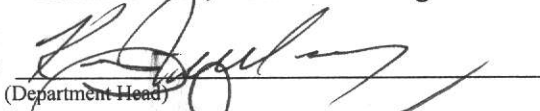
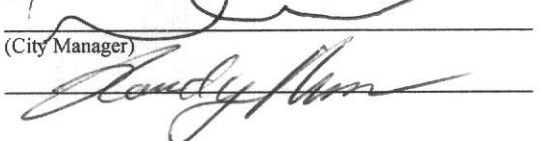

Explanation of Impact: See Above

Funding Source: This grant is being funded by the Nevada Department of Public Safety, Office of Traffic Safety

Alternatives: No participation in the grant.

Supporting Material: Project Agreement

Prepared By: Kathie Heath, Business Manager

Reviewed By:  _____ Date: 5/24/11
(Department Head)
 _____ Date: 5/24/11
(City Manager)
 _____ Date: 5/24/11

(District Attorney) Michael Shonkts
(Finance Director)

Date: 5/24/01

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

Project Number:

STATE OF NEVADA
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF TRAFFIC SAFETY
PROJECT AGREEMENT

21K8 1810

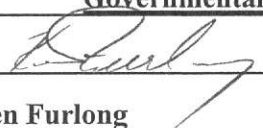
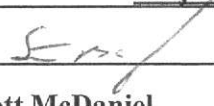
| | |
|--|---|
| Project Title: Impaired Driving Equipment | Project Number: 21-AL-7 |
| Applicant Agency: Carson City Sheriff's Office 911 East Musser Carson City, NV, 89701 | Governmental Unit: Sheriff's Office, Carson City County |
| DUNS Number: 073787152 | 501c Attached: YES N/A |
| Grant Period: From October 1, 2010 | To: September 30, 2011 |

PROJECT PURPOSE : To provide PBT devices for patrol officers to aid in the DUI arrest process

| | | | |
|------------------------------------|----------------|----------------|-----------------|
| Federal Funds Funding Level | FY2011 | \$ 5,300.00 | CFDA # 20.600 |
| Future Funding Requests | Yes/No, FY2012 | Yes/No, FY2013 | Fund Source 402 |

Future Funding Requests will be reviewed each applicable Federal Fiscal Year, where a subsequent year award will be based on available funding, previous performance, and a reassessment of priority concerns.

ACCEPTANCE OF CONDITIONS: It is understood and agreed by the undersigned that a grant received as a result of this agreement is subject to Public Law 89-564 (Highway Safety Act of 1966) and Nevada Revised Statutes, Chapter 223.200 and all administrative regulations governing grants established by the U.S. Department of Transportation and the State of Nevada. It is expressly agreed that this project constitutes an official part of the State's Highway Safety Plan and that said Applicant Agency will meet the requirements as set forth herein, including Schedules A, B & C which are incorporated herein and made a part of this agreement. **The Applicant Agency MAY NOT proceed with this project, or any portion thereof, until funds are appropriated by the U.S. Congress and written authorization is received from the Office of Traffic Safety. It is also understood by the Applicant Agency that any funds expended prior to receipt of the written Authorization to Proceed WILL NOT be reimbursed.**

| | |
|--|--|
| <u>Department of Public Safety</u> | <u>Authorizing Official</u> <u>Governmental Unit</u> |
| Signature: _____ Date: _____ | Signature:  Date: 10/5/10 |
| Name: Traci Pearl | Name: Ken Furlong |
| Title: Administrator, NV DPS - OTS | Title: Sheriff, Carson City County SO |
| | <u>Project Director</u> |
| | Signature:  Date: 10-5-10 |
| | Name: Scott McDaniel |
| | Title: Sergeant, Carson City SO |

Rev. (7/09)



**STATE OF NEVADA
DEPARTMENT PUBLIC SAFETY
OFFICE OF TRAFFIC SAFETY**

Project Change Order # 1

| | |
|---|--|
| Project Number: 21-K8-18-10 | Effective Date of Change: 2/10/11 |
| Project Name: Impaired Driving Equipment - PBT | |
| Sub-Grantee: Carson City Sheriff's Office 911 East Musser Carson City, NV, 89701 | Program Officer: Johansen |
| | Type Change: <input type="checkbox"/> Program Mod <input checked="" type="checkbox"/> Budget Revision |

CHANGE SUMMARY

| Category | Current Budget | Revised Budget | Net Change |
|-----------------------|----------------|----------------|------------|
| Salaries | \$ | \$ | \$ |
| Travel | \$ | \$ | \$ |
| Consultants/Contracts | \$ | \$ | \$ |
| Other: Equipment | \$ 5,300.00 | \$ | \$ |
| Total | \$ 5,300.00 | \$ | \$ |

REASON FOR CHANGE

This changes the grant number to 21-K8-18-10 from 21AL-7 because of the necessity to change the funding source from 402 to 410 highway safety funds.

| STATE APPROVAL | | PROJECT DIRECTOR'S CONSENT | |
|----------------|----------------------------|--|------------------|
| | | I do hereby understand the intent and terms of this document | |
| Traci Pearl | Highway Safety Coordinator | Kathie Heath | Business Manager |
| Name | Title | Name | Title |
| | 5/19/11 | | 5/18/2011 |
| Signature | Date | Signature | Date |

AUTHORIZATION TO PROCEED

| | |
|--|-------------|
| Previous Amount Authorized by this Grant | \$ 0 |
| Changes in Amount Authorized | \$ 5,300.00 |
| Current Amount Authorized by this Grant | \$ 5,300.00 |
| Effective Date of Authorization | |
| Authorized By: <u>JOHN JOHANSEN</u> | Signature: |

SCHEDULE A
DESCRIPTION OF PROJECT

PROBLEM STATEMENT: Deputies of the Sheriff's Department are having to share equipment used for the verification of DUI suspects. This is creating delays and excessive use of manpower when budget problems have reduced the hours available for routine activities.

PROBLEM SOLUTION: Purchase PBTs for the use of officers to aid in the arrests of DUI suspects to eliminate the inefficient use of manpower.

GOAL: Decrease the number of DUI related injuries and fatalities by increasing the number of DUI arrests within the County.

OBJECTIVES : Increase the arrests for DUI by 3%

Increase the arrests for DUI in the under 21 years of age group by 3%

ACTIVITIES: Purchase 12 PBT devices

Ensure all deputies issues or using the PBTs have been properly trained

Prepare and distribute a press release on the purchase and use of the PBTs

Use Sheriff's Office data to identify the areas with the greatest need for traffic enforcement of alcohol related issues.

ACTIVITIES:

1. All law enforcement agencies are required to report motor vehicle fatality data to Nevada's Fatality Analysis Reporting System (FARS) analyst at the Nevada Office of Traffic Safety, 107 Jacobsen Way, Carson City NV 89711, fax: 775.684.7482.
2. All law enforcement agencies are required to send their motor vehicle crash reports per NRS 484.219, et seq., electronically or manually to the NCATS database and as otherwise required by state law.
3. Hold a press conference or submit press release to local newspaper(s) detailing the program, funding source, goals and objectives and the probable outcome within 30 days of receipt of Authorization to Proceed.
4. Track, account for and report all in-kind contributions pertaining to this project. Vehicle operation and maintenance, in addition to officer and supervisor salaries/benefits when not in a grant overtime mode, are examples of in-kind contributions. See *sample report format* after the budget page.
5. Submit quarterly progress reports detailing the status of each objective and activity on January 15, April 15, July 15 and October 15 of the current year, as well as final *Annual* report

Project Number:

summarizing the project's accomplishments or shortcomings submitted by October 31. (A sample report can be found on our website at: http://ots.state.nv.us/OTS_FormsPubs.shtml)
Progress reports should include the OTS project number and copies of any reports, documents, press releases, promotional items, and print media coverage related to the grant project.

EVALUATION: Evaluation will report on the comparative to-date arrest totals for DUI

A similar evaluation will be made on under age 21 DUI arrests

SCHEDULE B**FY2011 ITEMIZATION OF BUDGET**Agency: Carson City County Sheriff's OfficeProject Title: Impaired Driving EquipmentFederal Fiscal Year: 2011

| Category | Federal Fund __% | Matching Fund _% | Total Project Cost 100% |
|----------------------------------|----------------------------|----------------------------|-----------------------------------|
| Personnel | \$ | \$ | \$ |
| Travel | \$ | \$ | \$ |
| Equipment | \$ 5,300.00 | | \$ 5,300.00 |
| Contract Services | \$ | \$ | \$ |
| Other Direct Costs (list) | \$ | \$ | \$ |
| Indirect Costs | | | |
| Total Expenses | \$ 5,300.00 | \$ | \$ 5,300.00 |

Budget Narrative (only those items to be funded by federal funds):

Notes:

1. When purchasing enforcement equipment (cameras, radar units, etc.), agency should contact State Purchasing to determine the state's contracted price; the equipment must be on the state approved list prior to procurement. <http://purchasing.state.nv.us/>
2. Public information and educational (PI&E) materials/promotion items must be approved by OTS *prior to purchase*.
3. Funds cannot be expended prior to receiving a written Authorization to Proceed from the Department of Public Safety - Office of Traffic Safety.

Important Fiscal Notes:

1. ***Funds cannot be expended prior to receiving a written Authorization to Proceed from the Department of Public Safety - Office of Traffic Safety***
2. As a grant applicant, your agency included in-kind contribution funds when preparing the Schedule B (project budget). The grantee is required to report on or substantiate in-kind contributions for all quarterly and annual reports. The Office of Traffic Safety grant analyst assigned to the project can help you with this. For more information please refer to our Grant Administration Manual located on the OTS website at: http://ots.state.nv.us/OTS_FormsPubs.shtml.
3. When purchasing enforcement equipment (cameras, radar units, etc.), agency should contact State Purchasing to determine the state's contracted price, if applicable: <http://purchasing.state.nv.us/> . For equipment purchases with a unit price of \$1,000 or higher, a completed and signed Property Acquisition Report must accompany your claim for reimbursement. This and other grant project forms are also located at: http://ots.state.nv.us/OTS_FormsPubs.shtml
4. Public information and educational (PI&E) materials/promotion items must be approved by OTS prior to purchase. All media activities require prior approval of DPS-OTS and educational material must include the phrase: "Funding provided (in whole or in part) by the Nevada Office of Traffic Safety."
This includes Public Service Announcements, any program artwork, key chains, etc.
5. Claims for reimbursement will not be processed if the quarterly (and/or annual) reports are not current. Final claims received after October 31, 2011 **cannot** be reimbursed.
6. State and local agencies selected for federal funding are subject to federal single line audit requirements. Non-profit organizations are required to provide OTS a copy of an audited financial status report prior to issuance of an Authorization to Proceed.
7. **All non-profit organizations must return a copy of their approved Federal 501(c) form** with their signed Project Agreement (this document) as well as a copy of their most recent financial status report regardless of amount of funds awarded. An Authorization to Proceed cannot be issued without these documents on file with this Office.

Project Number:

8. Sub-grantees that receive OTS grant funding for personnel costs in their budgets are also required to substantiate the payroll time via an activity report, timesheet, or generally accepted payroll documentation. **This is particularly applicable to sub-grantees who receive federal funding from more than one source.**

9. In response to the Federal Funding Accountability and Transparency Act (FFATA), **all recipients of Federal grant funding, where individual awards are \$25,000 or more, are required to provide OTS with their unique DUNS number before an Authorization to Proceed can be issued.** This information may be submitted to OTS with your signed Project Agreement (this document).

SCHEDULE C
AGREEMENT OF UNDERSTANDING AND COMPLIANCE

THIS AGREEMENT made and entered into by and between the STATE OF NEVADA by and through the Department of Public Safety, Office of Traffic Safety, hereinafter referred to as "STATE" and the Governmental unit or organization named in this application, hereinafter referred to as "APPLICANT."

WHEREAS, THE NATIONAL HIGHWAY SAFETY ACT OF 1966 (Public Law 89-564) provides Federal funds to the State for approved traffic safety projects, and

WHEREAS, STATE may make said funds available to various state, county, or municipal agencies or governments or political sub-divisions upon application and approvals by STATE and the United States Department of Transportation, and

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

WHEREAS, the APPLICANT has submitted an application for Federal funds for traffic safety projects, and is aware that this agreement is dependent upon availability of funds as appropriated by Congress.

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

I. REIMBURSEMENT OF ELIGIBLE EXPENDITURES

1. It is mutually agreed and promised that upon written application by APPLICANT and approval by STATE and the United States Department of Transportation, STATE shall obligate said Federal funds to APPLICANT'S account for reimbursement of eligible expenditures as set forth in the application.
2. It is mutually agreed and promised that APPLICANT shall 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 mutually agreed and promised that where reimbursement is made to APPLICANT in installments, STATE shall have the right to withhold any installments to make up reimbursement received for any ineligible or unauthorized expenditure until such time as the ineligible claim is made up or corrected by APPLICANT.
4. It is further agreed that a clear audit trail must be established to determine costs charged against this agreement. Claims with documents to substantiate all costs will be submitted at least quarterly.

II. PROPERTY AGREEMENT

1. Property purchased through this project which has an anticipated useful life extending beyond one year, is not consumed in use, is not attached permanently as a non-movable fixture and which costs more than \$1,000 will be recorded in the property management file of the agency in accordance with the State Administrative Manual. The STATE retains the right to inspect and to reclaim custody of any or all of the property described above if, in the opinion of the STATE, the property is not being used as intended; not being used to the capacity that it could be; or being used in a negligent manner.
2. It is mutually agreed and promised by the APPLICANT that no property purchased through this project will be conveyed, sold, salvaged, transferred, etc. without the express written approval of the STATE.

III. RECORDS

It is mutually agreed and promised that records of the project, including substantiation for reimbursement, shall be maintained for a period of three years upon reimbursement of final voucher and shall be subject to audit during that period.

IV. AUDIT RESPONSIBILITY

All agencies that expend \$500,000 or more in Federal awards in a Federal fiscal year must have a single or program specific audit in compliance with the Single Audit Act of 1984 (Public Law 98-502). Therefore, funding from this traffic safety grant must be included when a Single Audit is performed. It is the responsibility of the applicant agency to insure an accepted copy of this audit is submitted to the STATE. If the applicant agency expended < \$500,000 in federal funding for the fiscal year, a copy of their most recent financial statement will be forwarded to the STATE.

V. REPORTS

The APPLICANT shall submit required reports on the progress of the grant, and shall submit all financial, performance, and other reports required, as a condition of the grant, to the STATE within 30 days after the date of the completion of the contract. The final report of each fiscal year will include a narrative summary of the year including the successes and shortcomings, if any, of the project.

VI. PUBLIC INFORMATION MATERIALS

It is agreed by the APPLICANT prior to production of public information materials through this grant project that proofs, scripts or concept will be submitted for STATE approval. Public information materials includes, but not limited to, TV and radio public service announcements, billboards, pamphlets/brochures and posters, and other promotional materials.

VII. COPYRIGHTS AND PATENTS

1. Any copyrightable materials produced in the course of a project may be the property of the STATE and APPLICANT AGENCY; however, provisions should be made to obtain for the United States Government, the State Government and its political subdivisions, a royalty-free, nonexclusive and irrevocable license to use in any manner such copyrightable material.
2. The ownership of all rights accruing from any patentable discoveries or inventions resulting from a project should be covered in the agreement. An irrevocable, non-exclusive, nontransferable, and royalty-free license to practice each discovery or invention in the manufacture, use, and disposition, according to law, of any article or material, and in the use of any method developed as a part of the work under the agreement should be obtained for the United States Government, the State Government and its political subdivisions.

VIII. MINORITY BUSINESS ENTERPRISE CERTIFICATION

1. The APPLICANT agrees to ensure that the recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any subcontracts financed in whole or in part with Federal funds.
2. Recipient will notify the Office of Traffic Safety prior to the announcement or award of any third-party contract.

IX. CERTIFICATION OF NON-DUPLICATION OF GRANT AND MATCHING FUND EXPENDITURES

The APPLICANT hereby certifies, as a condition of receiving Federal funds under the above-numbered traffic safety project, that:

1. There are no Federally funded projects currently active or anticipated that would duplicate expenditures for the work to be carried out and reimbursable under this agreement and that
2. The non-Federal funds used to match Federal funds obligated under this project are not being used to match any other Federal funds from any source, and that
3. Any such duplication of Federal fund expenditures subsequently determined by audit will be subject to recovery by the State of Nevada and the United States Government and that
4. Any such duplication of non-Federal matching fund expenditures subsequently determined by audit will subject the Federal funds obligated under this project subject to recovery by the State of Nevada and the United States Government.

X. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

The STATE will report the following for each **sub-grant** APPLICANT awarded:

1. Name of the entity receiving the award
2. Amount of the award
3. Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source
4. Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country including an award title descriptive of the purpose of each funding action.

5. A unique identifier (DUNS)

6. The names and total compensation of the five most highly compensated officers of the entity receiving the award and of the parent entity of the recipient (should the entity be owned by another entity) if the entity in the preceding fiscal year received:
 - a. 80 percent or more of its annual gross revenues in Federal awards; *and*
 - b. \$25,000,000 or more in annual gross revenues from Federal awards; *and*
 - c. the public does not have access to information about the compensation of the enior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.
7. Other relevant information specified by the Office of Management and Budget in subsequent guidance or regulation.

XI. DRUG-FREE WORKPLACE ACT OF 1988

The APPLICANT will comply, and all of its subcontractors will comply, with the applicable provisions of the Drug-free Workplace Act of 1988 (41 U.S.C. 702).

XII. LOBBYING

A. Certification Regarding Federal Lobbying

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 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, 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.

B. 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.

XIII. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION:

A. Instructions for 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 whom 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.

B. 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.

XIV. BUY AMERICA ACT

The State will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements:

Only steel, iron and manufactured 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.

XV. POLITICAL ACTIVITY (HATCH ACT)

The STATE will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

XVI. CIVIL RIGHTS COMPLIANCE

As a condition of receiving federal funding, recipients must comply with applicable federal civil 1973; Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975. Collectively, these laws prohibit a recipient of federal funding from discriminating either in rights laws, including: Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of employment or in the delivery of services or benefits on the basis of race, color, national origin, sex, religion, age, or disability. Compliance with Title VI of the Civil Rights Act of 1964 also entails taking reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to funded programs or activities.

XVII. FAILURE TO COMPLY

In addition, the APPLICANT agrees that if it fails or refuses to comply with these undertakings, the STATE may take any or all of the following actions:

1. Cancel, terminate, or suspend this agreement in whole or part
2. Refrain from extending any further assistance to the APPLICANT under the program, until satisfactory assurance of future compliance has been received
3. Refer the case to the Attorney General for appropriate legal proceedings.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the APPLICANT by the Department of Public Safety under the U.S. Department of Transportation under the Highway Safety Programs and other participants in the Highway Safety Programs.

It is mutually agreed between the STATE and the APPLICANT that this AGREEMENT OF UNDERSTANDING AND COMPLIANCE shall become effective upon the STATE'S AGREEMENT and issuance of Authorization to Proceed.

July 30, 2010