

BCC Mtg. Date: November 1, 2016

Interoffice

MEMO



ORANGE COUNTY SHERIFF'S OFFICE

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October 13, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Tammy Miller, Grants Manager
Orange County Sheriff's Office

SUBJECT: U.S. Department of Justice/Florida Department of Law Enforcement
Agency Response to Pulse Nightclub
Grant Number: 2017-JAGE-ORAN-3-E8-004

The Florida Department of Law Enforcement, acting as the pass-thru agency for the Department of Justice, has awarded the Orange County Board of County Commissioners a grant for \$200,000 that requires no matching funds. The grant period is 6/01/2016 through 12/31/2016.

The purpose of the Agency Response to Pulse Nightclub grant award is for operational overtime expenses incurred by the Orange County Sheriff's Office starting with the activation until the Orlando Pulse Mass Shooting scene was cleared.

ACTION REQUESTED: Approval and execution of U.S. Department of Justice/Florida Department of Law Enforcement Agency Response to Pulse Nightclub Grant Number 2017-JAGE-ORAN-3-E8-004 in the amount of \$200,000 for the period of June 1, 2016 through December 31, 2016.

A handwritten signature in black ink, appearing to be "T.M.", written over a horizontal line.

T.M.

Attachment

c: Jerry L. Demings, Sheriff, OCSO
Rey Rivero, Undersheriff, OCSO
Andy Diloroto, Comptroller, OCSO
Cheryl Gillespie, Supervisor, Agenda Development, OC
Patria Morales, Grants Coordinator, OC
Michael Antos, Grants Manager, OCSO
Ajit Lalchandani, County Administrator, OC
Hildegardis Vazquez-Matos, Senior Grant Analyst, OC



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

Business Support
Office of Criminal Justice Grants
Post Office Box 1489
Tallahassee, FL 32302-1489
(850) 617-1250
www.fdle.state.fl.us

Rick Scott, *Governor*
Pam Bondi, *Attorney General*
Jeff Atwater, *Chief Financial Officer*
Adam Putnam, *Commissioner of Agriculture*

OCT 05 2016

Honorable Teresa Jacobs
Mayor
Orange County Board of Commissioners
201 South Rosalind Avenue
5th Floor
Orlando, FL 32801

Re: Contract No. 2017-JAGE-ORAN-3-E8-004

Dear Mayor Jacobs:

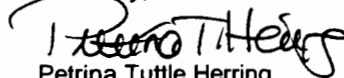
This letter confirms a subaward to your unit of government for JAG precipitous funds for the purpose of reimbursing personnel costs associated with the Pulse Nightclub in affected state and local jurisdictions. The award is in the amount of \$ 200,000.00 for the project entitled, AGENCY RESPONSE TO PULSE NIGHTCLUB. This subaward is approved under Florida's state JAG award 2016-DJ-BX-0002 from the Department of Justice (DOJ) CFDA #16.751.

Enclosed is a copy of the approved subaward application with the referenced contract number and standard conditions. This subaward is subject to all administrative and financial requirements, including timely submission of all financial and performance reports and compliance with all standard conditions.

Please complete and return the enclosed Certificate of Acceptance form within 30 calendar days from the date of award. Completion of the Certificate of Acceptance constitutes official acceptance of the subaward and must be received by the Department prior to reimbursement of any project expenditures.

We look forward to working with you on this project. Please contact me or Senior Management Analyst Supervisor Randall Smyth at (850) 617-1250 if you have any questions or we can be of further assistance.

Sincerely,


Petrina Tuttle Herring
Bureau Chief

PTH/ar

Enclosures

NOV 01 2016

**State of Florida
Office of Criminal Justice Grants
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308**

CERTIFICATE OF ACCEPTANCE OF SUBGRANT AWARD

The subgrantee, through its authorized representative, acknowledges receipt and acceptance of subgrant award number 2017-JAGE-ORAN-3-E8-004, in the amount of \$ 200,000.00, for a project entitled, AGENCY RESPONSE TO PULSE NIGHTCLUB, for the period of 06/01/2016 through 12/31/2016, to be implemented in accordance with the approved subgrant application, and subject to the Florida Department of Law Enforcement's Standard Conditions and any special conditions governing this subgrant.

This subaward requires that the subrecipient adhere to the following:

No recipient or subrecipient, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to restrict, the reporting of waste, fraud or abuse in accordance with the law to a department or agency authorized to receive such information. This is not intended to contravene requirements applicable to classified, sensitive or exempt information.

In accepting this award, the subgrantee certifies that it neither requires nor has required employees or contractors to sign such internal confidentiality agreements or statements.



(Signature of Subgrantee's Authorized Official)

Ajit Lalchandani County Administrator

(Print Name and Title of Official)



(Name of Subgrantee)

11.1.16

(Date of Acceptance)

SUBGRANT AWARD CERTIFICATE

Subgrantee: Orange County Board of Commissioners

Date of Award: 10/4/16

Grant Period: From: 06/01/2016 TO: 12/31/2016

Project Title: AGENCY RESPONSE TO PULSE NIGHTCLUB

Grant Number: 2017-JAGE-ORAN-3-E8-004

Federal Funds: \$ 200,000.00

State Agency Match:

Local Agency Match: \$ 0.00

Total Project Cost: \$ 200,000.00


CFDA Number: 16.738

Award is hereby made in the amount and for the period shown above of a subgrant under Part E of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended Subpart 1 of such part (42 U.S.C. 3751-3759); the Consolidated Appropriations Act, 2008, Public Law 110-161; and Public Law 109-162, Title XI, Department of Justice Reauthorization, Subtitle B, Improving the Department of Justice's Grant Programs, Chapter 1, Assisting Law Enforcement and Criminal Justice Agencies, Section 1111. Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program, to the above mentioned subgrantee and subject to any attached or special conditions.

This award is subject to all applicable rules, regulations, and conditions as contained in the Office of Justice Programs (OJP) Financial Guide, Common Rule for State and Local Governments, or OMB Uniform Grant Guidance (2 CFR Part 200), in their entirety. It is also subject to the attached standard conditions and such further rules, regulations and policies as may be reasonably prescribed by the State or Federal Government consistent with the purposes and authorization of P.L. 90-351, as amended, and P.L. 100-690.

This award is a cost-reimbursement agreement for satisfactory performance of eligible activities. Requests for reimbursement may be submitted quarterly or monthly as designated in the Financial Section of the agreement. Requests for reimbursement will be processed in conjunction with receipt and review of programmatic performance reports to determine successful completion of minimum performance for deliverables. Expenditures must be supported with documentation and verified during annual monitoring. Failure to comply with provisions of this agreement, or failure to meet minimum performance specified in the agreement will result in required corrective action up to and including project costs being disallowed, withholding of federal funds and/or termination of the project, as specified within the terms of the agreement and OMB Uniform Guidance 200.338 - 200.342.

This grant shall become effective on the beginning date of the grant period provided that within 30 days from the date of award, a properly executed Certificate of Acceptance of Subgrant Award is returned to the Department.



Authorized Official
Petrina Tuttle Herring
Bureau Chief

10/4/16

Date

() This award is subject to special conditions (attached).

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund

Section II Administration

Subgrant Recipient

Organization Name: Orange County Board of Commissioners

County: Orange

Chief Official

Name: Teresa Jacobs

Title: Mayor

Address: 201 South Rosalind Avenue
5th Floor

City: Orlando

State: FL **Zip:** 32801

Phone: 407-836-7370 **Ext:**

Fax: 407-836-7360

Email: teresa.jacobs@ocfl.net

Chief Financial Officer

Name: Martha Haynie

Title: Comptroller

Address: Post Office Box 38

City: Orlando

State: FL **Zip:** 32802

Phone: 407-836-5690 **Ext:**

Fax:

Email: martha.haynie@occompt.com

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund

Section 1: Administration

Implementing Agency

Organization Name: Orange County Sheriff's Office

County: Orange

Chief Official

Name: Jerry Demings

Title: Sheriff

Address: Post Office Box 1440

City: Orlando

State: FL **Zip:** 32802-1440

Phone: 407-254-7000 **Ext:**

Fax:

Email: Jerry.Demings@ocfl.net

Project Director

Name: Tammy Miller

Title: Grants Manager

Address: 2500 West Colonial Drive

City: Orlando

State: FL **Zip:** 32804-8005

Phone: 407-254-7269 **Ext:**

Fax: 407-254-7155

Email: tammy.miller2@ocfl.net

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund

Section 2: Project Overview

General Project Information

Project Title: FY16-17 JAGE-ORANGE COUNTY
Subgrant Recipient: Orange County Sheriff's Office
Implementing Agency: Orange County Sheriff's Office
Project Start Date: 6/1/2016 **End Date:** 12/31/2016

Problem Identification

On June 12, 2016, Orange County, Florida and the City of Orlando experienced a terrorist attack at the Pulse Nightclub. Forty-nine people were killed in the attack and 53 injured, making it the deadliest mass killing in the Country's history. As a result, the Orange County Sheriff's Office (OCSO) personnel worked long hours in response to this incident; that resulted in major amounts of overtime not in the budget. This includes time spent on scene, at hospitals, securing the scene and area and initial investigations. In addition, OCSO personnel worked an abundance of overtime at the site, securing and investigating the incident along-side our state and federal partners. OCSO Crime Scene Investigators, Communications Operations and Community Service Officers also worked overtime investigating the scene, answering calls for assistance, manning traffic around the scene and working in the Command Post. OCSO personnel also worked numerous dignitary protection details for the President, Vice President, FBI Director, Attorney General, Governor, Senators, local politicians, etc. Additionally, OCSO personnel provided security and protection for funeral services for the victims, as well as assisted with victim services events and vigils.

Project Summary (Scope of Work)

Funds from this JAG grant will be used for operational overtime expenses incurred by the Orange County Sheriff's Office starting with the activation and working through until the Orlando Pulse Mass Shooting scene was cleared. The overtime expenses include both civilian and sworn personnel, and benefits. Personnel working on the project will be paid at a rate consistent with the sub recipients compensation and pay policy documented through personnel records, timesheets and performance reports verified by the supervisor in charge.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund

Section 2 Project Overview

Section Questions:

Question: What is the address of the location being used to provide services for this project ?

Answer: 2500 West Colonial Drive
Orlando, FL 32804-8005

Question: Have you verified that the subgrantee has an active and current registration in SAM.gov?

Answer: Yes

Question: Does the subgrantee receive a single grant in the amount of \$750,000 or more from the U.S. Department of Justice?

Answer: Yes

Question: Does the implementing agency receive a single grant in the amount of \$750,000 or more from the U.S. Department of Justice?

Answer: Yes

Question: In your organization's preceding completed fiscal year, did your organization (the subgrantee) receive at least (a) 80 percent or (b) \$25,000,000 of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

Answer: No

Question: If you answered yes above, does the public have access to information about the compensation of the executives in your organization (the subgrantee) 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? If answer to Part 1 above was no, answer N/A.

Answer: N/A

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund

General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 1 - JAGE Reporting

State Purpose Area: 01 - General questions for JAGE

Objectives and Measures

Objective: 001 - General questions for JAGE

Measure: A

What activities will be completed during the reporting period?

Goal: Operational Overtime for sworn and civilian, starting 06/12/16 deployment to Orlando Pulse until the recovery of the incident.

Measure: B

Provide the date(s) your agency was activated as a result of this incident.

Goal: June 12, 2016 through July 12, 2016

Measure: C

Provide the total number of overtime hours worked on project related activities during the activation.

Goal: 4020

Measure: D

What is the total number of agency personnel that responded directly to the incident and/or original scene on June 12, 2016?

Goal: 543

Measure: E

What is the total number of agency personnel deployed at any time during the activation, with each individual counted only once?

Goal: 564

Measure: F

Were there any problems or barriers encountered during the completion of these activities?

Goal: Unknown at this time. The After-Action Report has not been completed.

Measure: G

If yes to above, is there any assistance FDLE or BJA can provide to address the problems/barriers identified?

Goal: Unknown at this time. The After-Action Report has not been completed.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund



Measure: H

Does your agency expect to expend all allocated funds within the grant period?

Goal: Yes.

Measure: I

Do you anticipate additional activities, costs or expenditures not currently identified in the subaward within the next 6 months? If yes, please explain.

Goal: No.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund

General Financial Info:

Note: All financial remittances will be sent to the Chief Financial Officer of the Subgrantee Organization.

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

FLAIR / Vendor Number: 596000773

Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$200,000.00	\$0.00	\$200,000.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$0.00	\$0.00	\$0.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
-- Totals --	\$200,000.00	\$0.00	\$200,000.00
Percentage	100.0	0.0	100.0

Project Generated Income:

Will the project earn project generated income (PGI) ? No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund



Budget Narrative:

Funds from this JAG residual grant will be used for operational overtime expenses incurred by the Orange County Sheriff's Office starting with the activation to the recovery of the Orlando Pulse Mass Shooting event. The overtime expenses include both civilian and sworn employees.

Salaries (Civilian):

800 est. hours @ \$30 avg. per hour=\$24,000

Benefits:

Taxes @ 7.65%=\$1,836

FRS @ 7.26%=\$1,742

Salaries (Sworn):

2,800 est. hours @ \$50 avg. per hour=\$140,000

Benefits:

Taxes @ 7.65%=\$10,710

FRS @ 22.04%=\$30,856

Grand total is \$209,144.00.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund



Section Questions:

Question: If the budget contains salaries and benefits, will this project result in a net personnel increase, or continue to fund a prior federally grant funded net personnel increase?

Answer: No

Question: If indirect cost is included, explain the indirect cost plan. Provide documentation of approval.

Answer: N/A

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund

Section 5: Standard Conditions

Insert Standard Conditions Page here.

Edward Byrne Memorial Justice Assistance Grant (JAG-E) Program Precipitous Funding

STANDARD CONDITIONS

The State of Florida, Department of Law Enforcement (FDLE) is a recipient of federal JAG funds. FDLE, as the non-federal pass-through entity and State Administering Agency (SAA) for this program, subawards JAG funds to eligible units of government. All subawards made by FDLE to units of government under this program require compliance with the agreement and Standard Conditions upon signed acceptance of the subaward.

Upon approval of the application, or subaward, the following terms and conditions will become binding. As a unit of government, the subrecipient will maintain required state and federal registrations and certifications for eligibility under this program. The subrecipient agrees to submit required programmatic and financial reports supporting eligible activities were completed in accordance with the grant and program requirements.

The Department will only reimburse subrecipients for authorized activities. The Department will not reimburse for costs incurred for any purpose other than those specified in the agreement. Failure to comply with provisions of this agreement, or failure to perform grant activities as specified in the agreement, will result in required corrective action up to and including financial consequences. A financial consequence may be imposed for non-compliance in accordance with 2 C.F.R. § 200 and these Standard Conditions, including but not limited to project costs being disallowed, withholding of federal funds and/or termination of the project.

GENERAL REQUIREMENTS

All subrecipients must comply with requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide (Financial Guide), http://ojp.gov/financialguide/DOJ/pdfs/2015_DOJ_FinancialGuide.pdf, the Edward Byrne Memorial Justice Assistance Grant (JAG) program guidance, federal statutes, regulations, policies, guidelines and requirements and Florida laws and regulations including but not limited to:

Florida Administrative Code, Chapter 11D-9, "Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program": www.flrules.org

Office of Management and Budget (OMB) Uniform Requirements (2 C.F.R. § 200) Subpart A Definitions, Subparts B-D Administrative Requirements, Subpart E Cost Principles, Subpart F Audit Requirements and all applicable Appendices. This guidance supersedes previous OMB Circulars and Standard Conditions and is applicable to any new subawards made under Federal grants awarded on or after December 26, 2014.
<http://www.ecfr.gov/cgi-bin/text-idx?SID=62764122c780e5d1d2134127afadc30d&node=2:1.1.2.2.1&rgn=div5>

Code of Federal Regulations: www.gpo.gov/fdsys/

2 C.F.R. § 175.15(b), "Award Term for Trafficking in Persons"

28 C.F.R. § 38, "Equal Treatment for Faith-Based Organizations"

28 C.F.R. § 66, "U.S. Department of Justice Common Rule for State And Local Governments"(Common Rule)

28 C.F.R. § 83, "Government-Wide Requirements for Drug-Free Workplace (Grants)"

28 C.F.R. §§ 18, 22, 23, 30, 35, 42, 61, and 63

Public Law

Pub. L. No. 109-162, Title XI—Department of Justice Reauthorization, Subtitle B—Improving the Department of Justice's Grant Programs, Chapter 1—Assisting Law Enforcement and Criminal Justice Agencies, Sec.

1111. Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program:

<http://www.gpo.gov/fdsys/pkg/PLAW-109publ162/pdf/PLAW-109publ162.pdf>

United States Code: www.gpo.gov/fdsys/

42 U.S.C. §§ 3711 et seq., "Omnibus Crime Control and Safe Streets Act of 1968"

State of Florida General Records Schedule GS1-SL for State and Local Government Agencies:

<http://dlis.dos.state.fl.us/barm/genschedules/GS2-2008-Rev2010.pdf>

State of Florida Statutes

§ 215.971, Fla. Stat. "Agreements funded with federal or state assistance"

§ 215.985, Fla. Stat. "Transparency in government spending"

DEFINITIONS

Disallowed costs means those charges to a Federal award that the Federal awarding agency or pass-through entity determines to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the Federal award.

Grant agreement means a legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that, consistent with 31 U.S.C. §§ 6302, 6304, is used to enter into a relationship the principal purpose of which is to transfer anything of value from the Federal awarding agency or pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (see 31 U.S.C. § 6101(3)); and not to acquire property or services for the Federal awarding agency or pass-through entity's direct benefit or use; and is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

Improper payment means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements and; Improper payment includes any payment to an ineligible party, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), any payment that does not account for credit for applicable discounts, and any payment where insufficient or lack of documentation prevents a reviewer from discerning whether a payment was proper.

Non-Federal entity is a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

Non-federal pass-through entity is a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program; the Florida Department of Law Enforcement (FDLE) is the non-federal pass-through entity for this agreement, also referred to as the State Administering Agency (SAA).

Period of performance means the time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award. The Federal awarding agency or pass-through entity must include start and end dates of the period of performance in the Federal award (see §§ 200.210(a)(5), "Information contained in a Federal award paragraph" and 200.331(a)(1)(iv), "Requirements for pass-through entities").

Protected Personally Identifiable Information (PII) means an individual's first name or first initial and last name in combination with any one or more of types of information, including, but not limited to social security numbers; passport numbers; credit card numbers; clearances; bank numbers; biometrics; date and place of birth; mother's maiden name; criminal, medical, and financial records; and educational transcripts. This does not include PII that is required by law to be disclosed. (See also § 200.79 Personally Identifiable Information (PII)).

Questioned cost means a cost that is questioned by the auditor because of an audit finding 1) that resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal award, including for funds used to match Federal funds; 2) where the costs, at the time of the audit, are not supported by adequate documentation; or 3) where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

Subaward/Subgrant means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

SECTION I: TERMS AND CONDITIONS

The subrecipient agrees to be bound by the following standard conditions:

- 1.0 Payment Contingent on Appropriation and Available Funds** - The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature. Furthermore, the obligation of the State of Florida to reimburse subrecipients for incurred costs is subject to available federal funds.
- 2.0 System for Award Management (SAM)** - The subrecipient must maintain current information in SAM until it submits the final financial report required under this award or receives the final payment, whichever is later. This requires that the subrecipient review and update the information at least annually after the initial registration, and more frequently if required by changes in its information or another award term.
- 3.0 Commencement of Project** - If a project is not operational within 60 days of the original start date of the award period, the subrecipient must report, by letter to the Department, the steps taken to initiate the project, the reasons for delay, and the expected start date.
 - 3.1** If a project is not operational within 90 days of the original start date of the award period, the subrecipient must submit a second statement to the Department explaining the implementation delay.
 - 3.2** Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subaward funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written adjustment to this agreement.
- 4.0 Supplanting** - The subrecipient agrees that funds received under this award will not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
- 5.0 Personnel Changes** - Upon implementation of the project, in the event there is a change in Chief Officials for the Subrecipient or Implementing Agency or any contact information to include mailing address, phone number, email or title change, project staff must notify the SIMON help desk to update the organizational information in SIMON. Project director changes require a grant adjustment in SIMON.
- 6.0 Non-Procurement, Debarment and Suspension** - The subrecipient agrees to comply with Executive Order 12549, Debarment and Suspension and 2 C.F.R. § 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (Non-procurement)". These procedures require the subrecipient to certify that it shall not enter into any lower tiered covered transaction with a person who is debarred, suspended, declared ineligible or is voluntarily excluded from participating in this covered transaction, unless authorized by the Department.
- 7.0 Federal Restrictions on Lobbying** - Each subrecipient agrees to comply with 28 C.F.R. § 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subrecipient for award of federal contract, grant, or cooperative agreement.
- 8.0 State Restrictions on Lobbying** - In addition to the provisions contained above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this agreement.
- 9.0 Additional Restrictions on Lobbying** - The subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the Office of Justice Programs.

- 10.0 The Coastal Barrier Resources Act** - The subrecipient will comply and assure the compliance of all contractors with the provisions of the Coastal Barrier Resources Act (Pub. L. No. 97-348) dated October 19, 1982 (16 U.S.C. §§ 3501 et seq.) which prohibits the expenditure of most new federal funds within the units of the Coastal Barrier Resources System.
- 11.0 Background Check** - Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of § 435 Fla. Stat. shall apply.
- 11.1** All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to § 435, Fla. Stat., using the level 2 standards set forth in that chapter.
- 11.2** All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile record checks through the Florida Department of Law Enforcement, and federal criminal record checks through the Federal Bureau of Investigation, and may include local criminal record checks through local law enforcement agencies.
- 11.2.1** Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
- 11.2.2** Such background investigations shall be conducted at the expense of the employing agency or employee. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for processing and forwarding, when requested by the employing agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.
- 12.0 Privacy Certification** - The subrecipient agrees to comply with all confidentiality requirements of 42 U.S.C. § 3789g and 28 C.F.R. § 22 that are applicable to collection, use, and revelation of data or information. The subrecipient further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. §§ 22 and, in particular, 22.23. Privacy Certification forms must be signed by the subrecipient or implementing agency chief official or an individual with formal, written signature authority for the chief official.
- 13.0 Conferences and Inspection of Work** - Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the right of visiting the project site to monitor, inspect and assess work performed under this agreement.

SECTION II: CIVIL RIGHTS REQUIREMENTS

- 1.0** Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, disability, or age in funded programs or activities. All subrecipients, implementing agencies, and contractors must comply with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); and Department of Justice Non-Discrimination Regulations 28 C.F.R. § 42. See Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

- 2.0 FDLE does not discriminate on the basis of race, color, religion, national origin, sex, disability, or age in the delivery of services or benefits or in employment. The subrecipient must notify program participants and beneficiaries that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, and age in the delivery of services or benefits or in employment practices.
- 3.0 Subrecipients are responsible for ensuring that contractors and agencies to which they pass through funds are in compliance with all Civil Rights requirements.
- 4.0 **Equal Employment Opportunity Plans**
- 4.1 A subrecipient or implementing agency must develop an EEO Plan if it has 50 or more employees and has received any single award of \$25,000 or more from the Department of Justice. The plan must be prepared using the online short form at www.ojp.usdoj.gov/about/ocr/eeop_comply.htm, must be retained by the subrecipient or implementing agency, and must be available for review or audit. The organization must also submit an EEO Certification to FDLE.
- 4.2 If the subrecipient or implementing agency is required to prepare an EEO Plan and has received any single award of \$500,000 or more from the Department of Justice, it must submit its plan to the Department of Justice for approval. A copy of the Department of Justice approval letter must be submitted to FDLE along with the EEO Certification form. The approval letter expires two years from the date of the letter.
- 4.3 A subrecipient or implementing agency is exempt from the EEO Plan requirement if it has fewer than 50 employees or if it does not receive any single award of \$25,000 or more from the Department of Justice or if it is a nonprofit organization, a medical or educational institution, or an Indian Tribe. If an organization is exempt from the EEO Plan requirement, it must submit an EEO Certification to FDLE.
- 4.4 The subrecipient and implementing agency acknowledge that failure to comply with EEO requirements within 60 days of the project start date may result in suspension or termination of funding, until such time as it is in compliance.
- 5.0 In the event a federal or state court, or a federal or state administrative agency, makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to FDLE and to the Office for Civil Rights, Office of Justice Programs.
- 6.0 In accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.
- 7.0 Subrecipients must include comprehensive Civil Rights/Nondiscrimination Provisions in all contracts funded by the subgrant recipient.
- 8.0 If the subrecipient or any of its employees, contractors, vendors, or program beneficiaries has a discrimination complaint, they may file a complaint with the subrecipient, with FDLE, or with the Office for Civil Rights. Discrimination complaints may be submitted to FDLE at Office of the Inspector General, Post Office Box 1489, Tallahassee, Florida 32302-1489, or online at info@fdle.state.fl.us. Discrimination complaints may also be submitted to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, Northwest, Washington, D.C. 20531, or by phone at (202) 307-0690.
- 9.0 The subrecipient must have procedures in place for responding to discrimination complaints that employees, clients, customers, and program participants file directly with the subrecipient.
- 10.0 The subrecipient must have written policies or procedures in place for notifying program beneficiaries how to file complaints alleging discrimination by the subrecipient/implementing agency with FDLE or the OCR.
- 11.0 Any discrimination complaints filed with FDLE will be reviewed by FDLE's Inspector General and referred to the Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission, based on the nature of the complaint.
- 12.0 **Americans with Disabilities Act** - Subrecipients must comply with the requirements of the Americans with

Disabilities Act (ADA) (Pub. L. No. 101-336), which prohibits discrimination by public and private entities on the basis of disability and requires certain accommodations be made with regard to employment (Title I), state and local government services and transportation (Title II), public accommodations (Title III), and telecommunications (Title IV).

- 13.0 Rehabilitation Act of 1973 (28 C.F.R. § 42(G))** - If the subrecipient has 50 or more employees and receives DOJ funding of \$25,000 or more, the subrecipient must take the following actions:
- 13.1** Adopt grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Section 504 of the Rehabilitation Act of 1973, found at 28 C.F.R. § 42(G), which prohibit discrimination on the basis of a disability in employment practices and the delivery of services.
 - 13.2** Designate a person to coordinate compliance with the prohibitions against disability discrimination contained in 28 C.F.R. § 42(G).
 - 13.3** Notify participants, beneficiaries, employees, applicants, and others that the subrecipient/implementing agency does not discriminate on the basis of disability.
- 14.0 Limited English Proficiency (LEP)** - Subrecipients must certify that Limited English Proficiency persons have meaningful access to services under this award. National origin discrimination includes discrimination on the basis of limited English Proficiency (LEP). In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with LEP. For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at www.lep.gov. FDLE strongly encourages subgrant recipients to have a written LEP Language Access Plan.
- 15.0 Title IX of the Education Amendments of 1972 (28 C.F.R. § 54)** - If the subrecipient operates an education program or activity, the subrecipient must take the following actions:
- 15.1** Adopt grievance procedures that provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Title IX of the Education Amendments of 1972, found at 28 C.F.R. § 54, which prohibit discrimination on the basis of sex.
 - 15.2** Designate a person to coordinate compliance with the prohibitions against sex discrimination contained in 28 C.F.R. § 54.
 - 15.3** Notify applicants for admission and employment, employees, students, parents, and others that the subrecipient/implementing agency does not discriminate on the basis of sex in its educational programs or activities.
- 16.0 Equal Treatment for Faith Based Organizations** - The subrecipient agrees to comply with the applicable requirements of 28 C.F.R. § 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the recipient or a subrecipient must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. The subrecipient also understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from the award, or the parent or legal guardian of such students. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See www.ojp.gov/about/ocr/equal_fbo.htm.
- 17.0 Immigration and Nationality Act** - No public funds will intentionally be awarded to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. § 1324a(e), Section 274A(e) of the Immigration and Nationality Act ("INA"). The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA.

Such violation by the subrecipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this contract by the Department.

SECTION III: FINANCIAL REQUIREMENTS AND RESPONSIBILITY

1.0 Fiscal Control and Fund Accounting Procedures

- 1.1 All expenditures and cost accounting of funds shall conform to the Office of Justice Programs Financial Guide, the Common Rule, and OMB Uniform Requirements (2 C.F.R § 200) as applicable, in their entirety.
- 1.2 Subrecipients must have written procedures for procurement transactions. Procedures must ensure that all solicitations follow 2 C.F.R. §§ 200.319, "Competition" and 200.320, "Methods of Procurement".
- 1.3 The subrecipient is required to establish and maintain adequate accounting systems and financial records and to accurately account for funds awarded to them. As a subrecipient, you must have a financial management system in place that is able to record and report on the receipt, obligation, and expenditure of grant funds. An adequate accounting system for a subrecipient must be able to accommodate a fund and account structure to separately track receipts, expenditures, assets, and liabilities for awards, programs, and subrecipients.
- 1.4 All funds spent on this project shall be disbursed according to provisions of the project budget as approved by the Department.
- 1.5 All funds not spent in accordance with this agreement shall be subject to repayment by the subrecipient.

SECTION IV: SUBAWARD MANAGEMENT AND REPORTING REQUIREMENTS

- 1.0 **Obligation of Subrecipient Funds** - Subaward funds shall not, under any circumstance, be obligated prior to the effective date, or subsequent to the termination date, of the period of performance. Only project costs incurred on or after the effective date, and on or prior to the termination date of the subrecipient's project are eligible for reimbursement. All payments must be completed within thirty (30) days of the end of the subaward period of performance.
- 2.0 **Advance Funding** - Advance funding may be provided to a subrecipient upon a written request to the Department. The request must be electronically signed by the subrecipient or implementing agency's Chief Financial Officer or the Chief Financial Officer designee.
- 3.0 **Trust Funds**
 - 3.1 The unit of local government must establish a trust fund in which to deposit JAG funds. The trust fund may or may not be an interest bearing account.
 - 3.2 The account may earn interest, but any earned interest must be used for program purposes and expended before the federal grant period end date. Any unexpended interest remaining at the end of the federal grant period must be submitted to the Office of Criminal Justice Grants for transmittal to the Bureau of Justice Assistance.
- 4.0 **Performance**
 - 4.1 **Subaward Performance** - The subrecipient must comply with state and federal requirements for subaward performance under 2 C.F.R. §§ 200.76-77. The subaward shall describe the timing and scope of expected performance as related to the outcomes intended to be achieved by the program. Where appropriate, the subaward should provide specific performance goals, indicators, milestones, or expected outcomes (such as outputs, or services performed or public impacts of any of these) with an expected timeline for accomplishment. Submitted programmatic reports must clearly articulate, where appropriate, performance during the execution of the award has met a standard against which the subrecipient's performance can be measured. These requirements should be aligned with agency strategic goals, strategic objectives, or performance goals that are relevant to the program.
 - 4.2 **Performance of Agreement Provisions** - In the event of default; non-compliance; or violation of any

provision of this agreement by the subrecipient, the subrecipient's consultants and suppliers, or both, the Department shall impose sanctions it deems appropriate including withholding payments and cancellation, termination, or suspension of the agreement in whole or in part. In such event, the Department shall notify the subrecipient of its decision thirty (30) days in advance of the effective date of such sanction. The subrecipient shall be paid only for those services satisfactorily performed prior to the effective date of such sanction.

5.0 Grant Adjustments - Subrecipients must submit a grant adjustment through SIMON for major substantive changes such as: scope modifications or changes to project activities, target populations, service providers, implementation schedules, project director, designs or research plans set forth in the approved agreement, and for any budget changes that affect a cost category that was not included in the original budget. Adjustments are also required when there will be a transfer of 10% or more of the total budget between budget categories, or there is an indirect cost rate category change.

5.1 Subrecipients may transfer up to 10% of the total budget between current, approved budget categories without prior approval as long as the funds are transferred to an existing line item.

5.2 Under no circumstances can transfers of funds increase the total budgeted award.

5.3 Requests for changes to the subaward agreement must be electronically signed by the subrecipient or implementing agency's chief official or the chief official's designee.

5.4 All requests for changes must be submitted in SIMON no later than thirty (30) days prior to grant expiration date.

6.0 Required Reports - All reports must relate financial data to performance accomplishments. Subrecipients must submit both reports on the same reporting cycle.

6.1 Financial Expenditure Reports

6.1.1 The subrecipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. Project Expenditure Reports are due thirty (30) days after the end of the reporting period. In addition, if the subaward period is extended, additional Project Expenditure Reports shall be submitted.

6.1.2 All project expenditures for reimbursement of subrecipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCJG) through the SIMON (Subgrant Information Management Online) system.

6.1.3 All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.

6.1.4 Before the "final" Project Expenditure Report will be processed, the subrecipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.

6.1.5 Reports are to be submitted even when no reimbursement is being requested.

6.1.6 The report must be electronically signed by the subrecipient or implementing agency's Chief Financial Officer or the Chief Financial Officer's designee.

6.2 Project Performance Reports

6.2.1 The subrecipient shall submit Monthly or Quarterly Project Performance Reports in SIMON, within fifteen (15) days after the end of the reporting period. In addition, if the subaward period is extended beyond the original project period, additional Quarterly Project Performance Reports shall be submitted.

6.2.2 Failure to submit Quarterly Performance Reports that are complete, accurate, and timely may

result in sanctions, as specified in Section IV 4.2, Performance of Agreement Provisions.

- 6.2.3 Performance Reports must include a response to all objectives included in your subaward. A detailed response is required in the narrative portion for yes/no performance objectives. The narrative must also reflect on accomplishments for the quarter and identify problems with project implementation and address actions being taken to resolve the problems. Additional information may be required if necessary to comply with federal reporting requirements.
- 6.2.4 Performance Reports may be submitted by the Project Director, Application Manager or Performance Contacts.

SECTION V: MONITORING AND AUDITS

- 1.0 **Access to Records** - The Florida Department of Law Enforcement, the Auditor General of the State of Florida, the U.S. Department of Justice, the U.S. Comptroller General or any of their duly authorized representatives, shall have access to books, documents, papers and records of the subrecipient, implementing agency and contractors for the purpose of audit and examination according to the Financial Guide and the Common Rule.

The Department reserves the right to unilaterally terminate this agreement if the subrecipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of § 119, Fla. Stat., unless specifically exempted and/or made confidential by operation of § 119, Fla. Stat., and made or received by the subrecipient or its contractor in conjunction with this agreement.

The subrecipient will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

- 2.0 **Monitoring** - The recipient agrees to comply with FDLE's grant monitoring guidelines, protocols, and procedures; and to cooperate with FDLE on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, site visits, and/or Florida Department of Financial Services contract reviews and Expanded Audits of Payment (EAP). The recipient agrees to provide FDLE all documentation necessary to complete monitoring of the award and verify expenditures in accordance with § 215.971, Fla. Stat. Further, the recipient agrees to abide by reasonable deadlines set by FDLE for providing requested documents. Failure to cooperate with grant monitoring activities may result in sanctions affecting the recipient's award, including, but not limited to: withholding and/or other restrictions on the recipient's access to funds, referral to the Office of the Inspector General for audit review, designation of the recipient as a FDLE High Risk grantee, or termination of award(s).
- 3.0 **Subaward Closeout** - A Financial Closeout Audit shall be submitted to the Department within forty-five (45) days of the end date of the performance period. The Financial Closeout Audit must be electronically signed by the subrecipient or implementing agency's Chief Financial Officer or the Chief Financial Officer's designee.
- 4.0 **High Risk Subrecipients** - The subrecipient agrees to comply with any additional requirements that may be imposed during the grant performance period if FDLE's pre-award risk assessment or the U.S. Department of Justice determines the subrecipient is a high-risk grantee. (28 C.F.R. §§ 66, 70)
- 5.0 **Reporting, Data Collection and Evaluation** - The subrecipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the Bureau of Justice Assistance in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by FDLE.
- 6.0 **Retention of Records** - The subrecipient shall maintain all records and documents for a minimum of five (5) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons. The subrecipient shall comply with State of Florida General Records Schedule GS1-SL for State and Local Government Agencies: <http://dos.myflorida.com/media/693574/general-records-schedulegs01-sl.pdf> <http://dos.myflorida.com/media/693578/gso2.pdf>
- 7.0 **Disputes and Appeals** - The Department shall make its decision in writing when responding to any disputes, disagreements, or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The subrecipient shall proceed diligently with the performance of this agreement according

to the Department's decision. If the subrecipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The subrecipient's right to appeal the Department's decision is contained in § 120, Fla. Stat., and in procedures set forth in Rule 28-106.104, Florida Administrative Code. Failure to appeal within this time frame constitutes a waiver of proceedings under § 120, Fla. Stat.

8.0 Single Annual Audit

- 8.1** Subrecipients that expend \$750,000 or more in a year in federal awards shall have a single audit or program-specific audit conducted for that year. The audit shall be performed in accordance with 2 C.F.R. § 200(F) Audit Requirements and other applicable federal law. The contract for this agreement shall be identified in the Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and funds disbursed. When applicable, the subrecipient shall submit an annual financial audit that meets the requirements of Florida Statutes 11.45, "Definitions; duties; authorities; reports; rules."; 215.97, "Florida Single Audit Act"; Rules of the Auditor General; Chapter 10.550, "Local Governmental Entity Audits"; and Chapter 10.650, "Florida Single Audit Act Audits Nonprofit and For-Profit Organizations."
- 8.2** A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, including audit report and management letter findings. Incomplete audit reports will not be accepted by the Department.
- 8.3** Audits shall be completed by an Independent Public Accountant (IPA) and according to Generally Accepted Government Auditing Standards (GAGAS). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant. Subrecipients shall procure audit services according to § 200.509, and include clear objectives and scope of the audit in addition to peer review reports to strengthen audit quality and ensure effective use of audit resources.
- 8.4** The subrecipient shall promptly follow-up and take appropriate corrective action for any findings on the audit report in instances of noncompliance with federal laws and regulations, including but not limited to preparation of a summary schedule of prior audit findings and a corrective action plan. Subrecipient follow-up to audit findings must abide by requirements in 2 C.F.R. § 200.511. Subrecipient understands and agrees that federal awarding and pass-through entities may withhold award funds, or may impose other related requirements, if (as determined by the federal awarding agency or pass-through entity, the subrecipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements or terms of this subaward, or other outstanding issues that arise in connection with audits, investigations or reviews of DOJ awards or subawards.
- 8.5** Auditees must make copies available for public inspection and ensure respective parts of the reporting package do not include protected personally identifiable information. Records shall be made available upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- 8.6** Subrecipients that expend less than \$750,000 in federal awards during a fiscal year are exempt from the audit requirements of 2 C.F.R. § 200(F) for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subrecipient is exempt. This notice shall be provided to the Department no later than June 30 following the end of the fiscal year.
- 8.7** If this agreement is closed without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- 8.8** The Federal Audit Clearinghouse is the repository of record for 2 C.F.R. § 200(F). Audits performed as a result of this requirement must be completed and submitted to the Federal Audit Clearinghouse within the earlier of thirty (30) calendar days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Submissions must include required elements described in Appendix X to Part 200 on the specified Data Collection Form (Form SF-SAC), and be signed by a senior level representative or chief official of the auditee. A scanned copy of the completed audit reports or a link to the electronic audit report should be sent via email to criminaljustice@fdle.state.fl.us or mailed to the

following address:

Florida Department of Law Enforcement
Office of Criminal Justice Grants
Post Office Box 1489
Tallahassee, Florida 32302-1489

SECTION VI: SUBAWARD PROCUREMENT AND COST PRINCIPLES

- 1.0 Procurement Procedures** - Subrecipients must use documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, provided that the procurement standards conform to federal procurement guidelines (2 C.F.R. §§ 200.317-326).
- 2.0 Federal Procedures** - All procedures employed in the use of federal funds for any procurement shall also be according to 28 C.F.R. § 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments", 2 C.F.R. § 200.318, "General procurement standards", and Florida law to be eligible for reimbursement.
- 3.0 Cost Analysis** - A cost analysis must be performed by the subrecipient if the cost or price is above the simplified acquisition threshold of \$150,000. Costs or prices based on estimated costs for contracts are allowable only if allowable under 2 C.F.R. § 200.405(e), "Cost Principles".
- 4.0 Allowable Costs** - Allowance for costs incurred under the subaward shall be determined according to the general principles and standards for selected cost items set forth in the Office of Justice Programs Financial Guide, 28 C.F.R. § 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"; and 2 C.F.R. § 200.405(e), "Cost Principles".
 - 4.1** All procedures employed in the use of federal funds for any procurement shall be according to 28 C.F.R. § 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments", 2 C.F.R. § 200.420, "Considerations for selected items of cost"; and Florida law to be eligible for reimbursement.
 - 4.2** Subrecipients eligible to use the "de minimis" indirect cost rate described in 2 C.F.R. § 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise FDLE Office of Criminal Justice Grants in writing of both its eligibility and election, and must comply with all associated requirements in the OMB Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC).
- 5.0 Unallowable Costs** - Payments made for costs determined to be unallowable by either the Federal awarding agency or the Department, either as direct or indirect costs, must be refunded (including interest) to the Federal Government in accordance with instructions from the Federal agency that determined the costs are unallowable unless Federal statute or regulation directs otherwise. See also Subpart D—Post Federal Award Requirements, 2 C.F.R. §§ 200.300, "Statutory and national policy requirements", through 200.309, "Period of performance."
- 6.0 Personal Services** – Subrecipients may use grant funds for eligible personal services (salaries/benefits and overtime) and must maintain internal controls over salaries and wages. The following requirements apply to personal services paid with subgrant funds:
 - 6.1 Timesheets** - Timesheets must be kept for all project staff whose hours will be charged to the project. The timesheets must be signed by the supervisor and clearly indicate hours spent on project activities.
 - 6.2 Additional Documentation** - In accordance with § 215.971, Fla. Stat., the Florida Department of Financial Services may require documentation validation that personnel services were performed on project-related activities in accordance with the contract agreement.

- 6.3 Protected personally identifiable information** - The subrecipient shall take reasonable measures to safeguard protected personally identifiable information and other information the pass-through entity designates as sensitive or the subrecipient considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- 6.4 Overtime for Law Enforcement Personnel** - Prior to obligating funds from this award to support overtime by law enforcement officers, the U.S. Department of Justice encourages consultation with all allied components of the criminal justice system in the affected jurisdiction. The purpose of this consultation is to anticipate and plan for systemic impacts such as increased court dockets and the need for detention space.
- 6.5 Employees Working Solely on a Single Federal Award** - For any position that works 100% of its time on a single federal award, the employee must certify that 100% of his or her time was spent working on that federal award. This requirement applies to both full time and part time positions regardless of the percentage of the position's salary that is charged to the grant. The certification must be signed by both the employee and the employee's direct supervisor having firsthand knowledge of the work performed by the employee. The forms must be submitted semi-annually and may not be signed prior to the end of the reporting period. Certifications must be provided to cover the entire grant period
- 6.6 Maximum Allowable Salary** - No portion of these federal grant funds shall be used towards any part of the annual cash compensation of any employee of the subrecipient whose total annual cash compensation exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year. (The salary table for SES employees is available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/16Tables/exec/html/ES.aspx>. A subrecipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.
- 7.0 Contractual Services** - The subrecipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts as described in §200.318 General procurement.
- 7.1 Requirements for Contractors of Subrecipients** - The subrecipient assures the compliance of all contractors with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3711, et seq.); the provisions of the current edition of the Office of Justice Programs Financial Guide (<http://ojp.gov/financialguide/DOJ/index.htm>); and all other applicable federal and state laws, orders, circulars, or regulations. The subrecipient must pass-through all requirements and conditions applicable to the federal grant award/subaward to any subcontract. The term "contractor" is used rather than the term "vendor" and means an entity that receives a contract as defined in 2 C.F.R. § 200.22, the nature of the contractual relationship determines the type of agreement.
- 7.2 Approval of Consultant Contracts** - The Department shall review and approve in writing all consultant contracts prior to employment of a consultant when the consultant's rate exceeds \$650 (excluding travel and subsistence costs) per eight-hour day, or \$81.25 per hour. A detailed justification must be submitted to and approved by FDLE prior to obligation or expenditures of such funds. Approval shall be based upon the contract's compliance with requirements found in the Financial Guide, the Common Rule, and in applicable state statutes. The Department's approval of the subrecipient agreement does not constitute approval of consultant contracts. If consultants are hired through a competitive bidding process (not sole source), the \$650 threshold does not apply.

SECTION VII: ADDITIONAL REQUIREMENTS

- 1.0 Environmental Protection Agency's (EPA) list of Violating Facilities** - The subrecipient assures that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the Program Purpose are not listed on the EPA's list of Violating Facilities and that it will notify the Department of

the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

- 2.0 **National Historic Preservation Act** – The Act will assist the Department (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
- 3.0 **Human Research Subjects** - Subrecipient agrees to comply with the requirements of 28 C.F.R. § 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
- 4.0 **Trafficking in Persons** - The subrecipient must comply with applicable requirements pertaining to prohibited conduct relating to the trafficking of persons, whether on the part of recipients, subrecipients or individuals defined as "employees" of the subrecipient.
- 5.0 **Disclosures**
 - 5.1 **Conflict of Interest** - The subrecipient and implementing agency will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. Subrecipients must disclose in writing any potential conflict of interest to FDLE (the non-federal pass-through entity).
 - 5.2 **Violations of Criminal Law** - The subrecipient and implementing agency must disclose all violations of state or federal criminal law involving fraud, bribery or gratuity violations potentially affecting the subaward.
- 6.0 **Uniform Relocation Assistance and Real Property Acquisitions Act** - The subgrant recipient will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which governs the treatment of persons displaced as a result of federal and federally-assisted programs.
- 7.0 **Limitations on Government Employees Financed by Federal Assistance** - The subrecipient will comply with requirements of 5 U.S.C. §§ 1501-08 and 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.
- 8.0 **Reporting Potential Fraud, Waste, Abuse, and Similar Misconduct** - The subrecipient must promptly refer to DOJ Office of Inspector General (OIG) and the Florida Department of Law Enforcement, Office of Criminal Justice Grants any credible evidence that a principal, employee, agent, contractor, subcontractor, or other person has either 1) submitted a claim for grant funds that violates the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.
- 9.0 **Restrictions and certifications regarding non-disclosure agreements and related matters** - Subrecipients or contracts/subcontracts under this award may not require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits, restricts or purports to prohibit or restrict, the reporting of waste, fraud or abuse in accordance with law, to an investigative or law enforcement representative of a state or federal department or agency authorized to receive such information.

The subrecipient certifies that if is informed or notified if any subrecipient, or contractor/subcontractor has been requiring their employees to execute agreements or statements that prohibit the reporting of fraud, waste, or abuse that it will immediately cease all further obligations of award funds to the entity and will immediately notify the awarding agency. The subrecipient will not resume obligations until expressly authorized to do so from the awarding agency.
- 10.0 **Text Messaging While Driving** - Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), and § 316.305, Fla. Stat., the subrecipient is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this subaward and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

- 11.0 Environmental Requirements and Energy** - For subawards in excess of \$100,000, the subrecipient must comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. §§ 1857(h)), section 508 of the Clean Water Act (33 U.S.C. § 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 C.F.R. § 15). The subrecipient must comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871), if any.
- 12.0 Other Federal Funds** - The subrecipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this award, and those awards have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this award, the subrecipient will promptly notify, in writing the grant manager for this award, and, if so requested by OCJG seek a budget modification or change of project scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
- 13.0 General Appropriations Law Restrictions** - The subrecipient must comply with all applicable restrictions on the use of federal funds set out in federal appropriation statutes. Pertinent restrictions in the Consolidated Appropriations Act, 2016 are set out at <http://oip.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>.
- 14.0 Compliance with 41 U.S.C § 4712** - The subrecipient must comply with all applicable provision of 41 U.S.C. § 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, gross waste of federal funds, and abuse of authority relating to a federal grant, a substantial or specific danger to public health or safety, or a violation of law, rule or regulation related to a federal grant.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

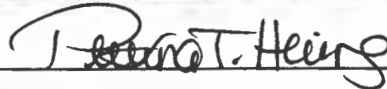
Section 6: Signatures

In witness whereof, the parties affirm they each have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duly authorized officers on the date, month and year set out below.

Corrections on this page, including Strikeovers,
whiteout, etc. are not

State of Florida
Department of Law Enforcement
Office of Criminal Justice Grants

Signature



Typed Name and Title: Petrina T. Herring, Bureau Chief

Date:

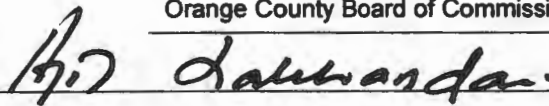
10/4/2016

Subgrant Recipient
Authorizing Official of Governmental Unit
(Commission Chairman, Mayor, or Designated Representative)

Typed Name of Subgrant

Orange County Board of Commissioners

Signature



Typed Name and Title: Ajit Lalchandani, County Administrator

Date:

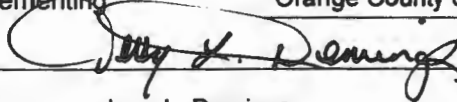
7.7.16

Implementing Agency
Official, Administrator or Designated Representative

Typed Name of Implementing

Orange County Sheriff's Office

Signature



Typed Name and Title: Jerry L. Demings

Date:

10/30/16

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant- Emergency Fund

Section 7: Certifications and Authorizations

Insert Certifications and Authorizations here.