



Interoffice Memorandum

December 12, 2016

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

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for January 10, 2017
Memorandum of Agreement – Help America Vote Act Funds

The Florida Department of State/Division of Elections and the Orange County Supervisor of Elections are to enter into a memorandum of agreement for the receipt and use of the Help America Vote Act (HAVA) funds for federal election activities. These funds will be distributed to the Orange County Supervisor of Elections pursuant to a formula based on active registered voters in each county as of the 2016 Presidential Preference Primary Election's book closing, and will be used to support election activities related only to federal elections.

In order for the Orange County Supervisor of Elections to receive the HAVA funds of \$172,871.12, the Board of County Commissioners needs to attest that Orange County will match the state funds with a 15% county match of \$25,930.67.

ACTION REQUESTED: Approval of Receipt and Use of HAVA Funds for Federal Election Administration Activities in the amount of \$172,871.12; approval and execution of Certificate Regarding Matching Funds as required by the Department of State/Division of Elections; and approval to make a one-time payment of \$25,930.67 to the Orange County Supervisor of Elections as matching funds.

KP/RW/vh

c: Eric Gassman, Chief Accountability Officer
Randy Singh, Assistant County Administrator

**RECEIPT AND USE OF HAVA FUNDS
FOR FEDERAL ELECTION ADMINISTRATION ACTIVITIES**

This agreement is between the State of Florida, Department of State, Division of Elections ("Department"), R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 and The Honorable Bill Cowles, Supervisor of Elections ("Supervisor"), on behalf of Orange County, 119 W. Kaley Street, Orlando, FL 32806. This agreement is effective as of the date fully executed by the parties.

I. GOVERNING LAW

Funds provided under this agreement are made available by the Department as a pass-through entity. The U.S. Elections Assistance Commission originally awarded these funds in fiscal year 2003-2004, pursuant to section 251 of the Help America Vote Act of 2002 (HAVA) and the Catalog of Federal Domestic Assistance (CFDA) 90.401 ("Help America Vote Act Requirements Payments") to improve the administration of federal elections. Through specific appropriation 3064 of the 2016-2017 General Appropriations Act (see Section 6, Chapter 2016-66, Laws of Florida) the Department is authorized to disburse up to \$3,000,000 from the Federal Grants Trust Fund (HAVA Account # 261011) to the county supervisors of elections for the fiscal year 2016-2017 ("FY 2016-2017 funds"). Because the State of Florida on August 28, 2006, certified that Subchapter III requirements of HAVA have been met, the funds can be used to carry out other activities to improve the administration of federal elections, pursuant to section 251(b)(2) of HAVA.

Specific Appropriation 3064 proviso language authorizing the use of funds is attached hereto as **Attachment A**.

II. SCOPE OF USE AND RESTRICTIONS

A. Scope of Work. The Supervisor shall only use the FY 2016-2017 funds for programs to improve the administration of federal elections, in one or more of the following categories:

- *Voter Education*
- *Poll Worker Training*
- *Standardizing Election Results Reporting*
- *Other Federal Election Administration Activities, as approved in advance by the Department of State.*

B. Deliverable.

Payment 1, Deliverable/Task 1:

- Payment will be an advance payment in a fixed amount up to the amount identified for the Supervisor's county in **Attachment C**. The advance fixed amount will be the amount requested by the Supervisor in the Federal Election Activities Plan submitted to and approved by the Department prior to the payment being made. Any expenditures from the advance payment must be made pursuant to the budget set out in the Federal Election Activities Plan to accomplish the program or activity described in detail therein.

Any amendments to the Plan must be approved by the Department, and no expenditures or obligations may be incurred regarding an amendment until approved by the Department.

- C. Length of Agreement.** This agreement shall begin on the date the Supervisor and the Department sign the agreement and continue until all grant funds distributed pursuant to this agreement have been expended or the Supervisor chooses to revert remaining distributed HAVA funds including accrued interest (but excluding county match) to the Department. The award date for the funds will be the day the funds are transferred to the Supervisor.
- D. Minimum Performance Administration Standards.** In order to receive grant funds under this agreement, the Supervisor shall include as part of the required detailed Federal Election Administration Activities Plan (DS-DE 126) referenced in Section III.A., performance measures and goals including milestones for how the funds will be used. Additionally, the Supervisor shall show report on how those goals and measures were achieved or are outstanding using the annual expenditure report ((DS-DE 128, rev. 1/16) required under Section V.B.1
- E. Interest bearing account/public depository and accounting.** The Supervisor must establish and maintain the FY 2016-2017 funds in an interest bearing account in a “qualified public depository” as defined by section 280.02, Florida Statutes, and otherwise must comply with the applicable requirements of chapter 280. The Supervisor must segregate federal funds and required county matching dollars in a separate account established to hold only such funds.

Funds in this account must be used only for the purposes identified in the Federal Election Administration Activities Plan. Funds shall remain in the account to be used for the purposes identified in the Federal Election Administration Activities Plan for subsequent years or until such funds are expended or returned to the department.

Please note that separate public depository requirements apply under chapter 280, Florida Statutes, but are outside the scope of enforcement of this agreement. The Supervisor will be required to execute and retain in the official records a Public Deposit Identification and Acknowledgment Form (DFS-J1-1295) and to submit a Public Depositor Annual Report to the Chief Financial Officer (DFS-J1-1009) to the Public Deposits Program, Florida Department of Financial Services. Refer to The Department of Financial Services Collateral Management for Governmental Units page for more information, or contact the Program Administrator at 850-413-3360.

The Supervisor shall maintain separate accounting records for each of the funding sources identified under its plan submitted pursuant to this agreement.

- F. Restrictions.** Funds must be used only for programs to improve federal election administration activities, pursuant to section 251 of HAVA, as detailed in the Supervisor’s

Federal Election Administration Activities Plan, as approved by the Department.). If any of these funds are used for any other purpose, the cost must be pro-rated for the portion of the expenditure that is allocable to improvement of federal election activities.

Funds may not be used to support state or federal lobbying activities but this does not affect the right, or that of any other organization to petition Congress, or any other level of Government, through the use of other resources.

III. DISBURSEMENT

The Department shall distribute to each eligible county supervisor of elections upon request up to an amount equal to the funding level per voter multiplied by the number of active registered voters as of book closing in the county for the 2016 Presidential Preference Primary Election (12,060,748). The Supervisor shall receive grant funds in an amount not to exceed the sum specified for Supervisor's county in **Attachment C**, and the actual amount disbursed will be the amount requested by the Supervisor in the Federal Election Administration Activities Plan and approved by the Department.

A. Submissions. Prior to the Department disbursing FY 2016-2017 funds to the Supervisor under this agreement, the Supervisor must submit to the Department the following for approval:

1. A completed Federal Election Administration Activities Plan utilizing Form DS-DE 126 (Attachment B) as a template and incorporating by reference *a* separate, detailed description of each program that will be implemented for every category checked on Form DS-DE 126, and a timeline and budget for each program. Each description shall include program goals and performance measures for those goals. The Supervisor shall also indicate on Form DS-DE 126, for each category checked, all sources of funding that apply, i.e. include the source of funds (federal, county matching funds, other county funds, and interest earned for each federal election administration activity set forth in the plan. Where applicable, the Supervisor shall provide SAMPLES of all publications, including voter education printed documents, and transcripts of audio and video recordings or clips to be used in any program.
2. A written certification from the county governing body (e.g. Board of County Commissioners) (DS-DE 127, Revised 8/16) that it will provide in addition *matching funds in an amount equal to fifteen percent (15%) of the amount to be received from the state.* This form is attached hereto as **Attachment D**. If the county governing body fails to appropriate the matching funds, the Supervisor must return or repay to the Department the portion of the funds for which the matching funds would have applied.
3. A completed ED Form GCAS-009 (6/88), entitled "*Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions*", and attached hereto as **Attachment E**. [Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35, prohibits the disbursement of federal funds to the intended recipient of such funds or to any sub-recipient thereunder unless such recipient and each sub-

recipient, if any, certify that they are not excluded or disqualified from receiving federal funds by any federal department or agency.]

4. *A completed* "Certificate of Equipment for Casting and Counting Ballots" (DS-DE 135, Effective 8/16), attached hereto as **Attachment F**. This is required if the request, in part or in full, is to use HAVA funds for the purpose of purchasing emerging or enhancing software and hardware technology.

IV. Electronic Payments

The Supervisor may choose to use electronic funds transfer (EFT) to receive grant payments. All Supervisors wishing to receive their award through electronic funds transfer must submit a Direct Deposit Authorization form to the Florida Department of Financial Services. If EFT has already been set up for your organization, you do not need to submit another authorization form unless you have changed bank accounts. To download this form visit <http://www.myfloridacfo.com/Division/AA/Forms/DFS-A1-26E.pdf>. This page also includes tools and information that allow you to check on payments.

V. MONITORING, AUDITS, AND REPORTS

The administration and use of funds are subject to monitoring, audits, and reports as follows:

A. Monitoring.

In addition to reviews of audits conducted in accordance with OMB Circular A-133, Subpart B, as revised, and Section 215.97, F.S., monitoring procedures may include, but are not limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, Subpart B, as revised, and/or other procedures (**see Attachment G**). By entering into this agreement, the Recipient agrees to comply and cooperate with any monitoring procedures/processes the Department deems appropriate.

The Department shall closely monitor the Supervisors' annual expenditure reports to ensure that the Supervisors expend HAVA funds in accordance with the approved Federal Election Administration Activities Plan, applicable law, and this agreement, and will require reimbursement for all expenditures not approved or otherwise authorized. Also, the Department shall ensure that Supervisors report the expenditures made with HAVA funds separately from expenditures made with county funds.

For additional guidance to state and federal monitoring and auditing requirements, refer to: <http://election.dos.state.fl.us/hava/index.shtml> and <http://www.eac.gov>.

B. Financial reports. The Supervisor shall submit the following written financial reports to the Department:

1. Expenditure report. The Supervisor shall submit an annual report (DS-DE 128, Revised 1/16) by December 31 of every year until the funds are expended or returned to the Department, as described in section II.D. of this agreement.

- If expenses are made at any time from the date of initial receipt of the FY 2016-2017 Federal Election Activities grant funds through September 30 of the year received, the first report is due on December 31 of that year.
- Thereafter, an expenditure report is only due on December 31 of every year in which expenditures were made and/or funds remain to cover the preceding October 1st through September 30th period until all funds are fully expended.

The Supervisor shall indicate on the report if the funds are fully expended during the expenditure period being reported. The report must include the detailed information required in section II. D ("Minimum Performance Administration Standards"), e.g., an explanation of how grant funds were spent on each program identified in the approved Federal Election Administration Activities Plan, goals, timeline and milestones met or outstanding, and performance measures. The Supervisor must attach to the report Additionally, the Supervisor must include documentation (such as appropriation statement, committee meeting minutes approving appropriation, or account statement) that shows that the county governing body appropriated matching funds as certified in Section III. A. 2. "Disbursements." The county's failure to appropriate the matching funds or reversion of those funds back to the county for any reason must be reported to the Department.

Each financial report shall include complete documentation detailing expenditures made, including billing or itemized receipts, invoices, paid bills, payroll records and employee time sheets or semi-annual certifications, to account for the expenditures identified in Attachment B. The voter education publications must provide voter education concerning voting procedures, voting rights or voting technology. If deemed necessary after review of a financial report, the Supervisor may be required to provide any requested supplemental documentation. For products, documentation may include a copy of or the actual product or publication and an indication of how many individual items were produced or printed. For services, documentation may include a copy of or the actual newspaper article, audio recording, or video clip and/or template or transcript thereof, and an indication of how many times it was published, aired, or accessed, or a copy of the graphics template and content layout for a special created webpage. Documentation must account for all expenditures made from grant funds awarded under this agreement.

2. Remaining balance report. The Supervisor shall report annually to the Department any unspent funds remaining on June 30 of each fiscal year. The Department will provide the report form (DS-DE 129, Revised 7/16). The Supervisor shall submit the annual report no later than July 31 of every year until such HAVA funds are fully expended or returned.

C. Reporting Requirements

Copies of financial reporting packages as described in section .320(c), 2 CFR §200.328 (as revised) for audits conducted by or on behalf of the Recipient pursuant to **Attachment G** of this agreement, shall be submitted as required to:

*Department of State
Division of Elections
R.A. Gray Building, Ste 316
500 S. Bronough St.
Tallahassee, FL
32399-0250*

*Department of State
Office of Inspector General
R.A. Gray Bldg., Rm. 114-A
500 S. Bronough Street
Tallahassee, FL
32399-0250*

*Auditor General's Office
Room 401, Pepper Bldg.
111 West Madison St.
Tallahassee, FL
32399-1450*

*Federal Audit
Clearinghouse
Bureau of the Census
1201 East 10th St.
Jeffersonville, IN
47132*

Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), 2 CFR 2 §200.328 (as revised).

Any reports, management letter, or other information required to be submitted to the Department pursuant to this agreement shall be submitted timely and in accordance with 2 CFR §200.328, the Florida Statutes, and Chapter 10.550 (local governmental entities) of the Rules of the Auditor General, whichever is applicable (<http://www.myflorida.com/audgen/pages/localgovt.htm>). The correspondence accompanying the financial reporting package forwarded to the Department must include the date the Recipient received the reporting package.

VI. RECORD RETENTION

The Supervisor shall keep and maintain accurate and detailed records (e.g., invoices, receipts, and other documentation) sufficient to identify how and whether expenditures were used for authorized purposes, in accordance with **Attachment A**, to support financial reporting, and to conduct audits as may be required or requested. These records must be retained for five fiscal years after the last report that all funds have been fully expended or funds are returned by the county, or three years after the date an audit report is issued, whichever is earlier (See GS-01 General Records Retention Schedule). The Supervisor shall allow the Department or its designee, CFO, or Auditor General access to such records, including the audit working papers upon request. **Failure to provide adequate documentation shall result in a request to return the funds to the Department.**

VII. INCORPORATED DOCUMENTS

This agreement incorporates by reference the following documents:

- **Attachment A:** General Appropriations Act Proviso Language
- **Attachment B:** Federal Election Administration Activities Plan (Form DS-DE 126, rev. 8/2016)
- **Attachment C:** Federal Election Administration Activities - Funds Allocation per County/County Matching Funds
- **Attachment D:** Certificate Regarding Matching Funds (Form DS-DE 127, rev. 8/2016).
- **Attachment E:** Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions (ED federal form GCS-009, v. 6/88)
- **Attachment F:** Certificate of Equipment for Casting and Counting Ballots (Form DS-DE 145, rev. 8//2016)


- **Attachment G:** Single Audit Act Requirements, Exhibit I and Compliance Requirements for Agreements and Exhibit 2 CFO Memorandum No. 03

VIII. ENTIRETY OF THE AGREEMENT

All terms and conditions of this agreement are fully set forth in this document and attachments incorporated by reference and shall be governed by the laws of the State of Florida regardless of any conflict of laws provisions. In any proceeding or action brought under this section, the parties agree that proper venue will be in Leon County, Florida. The Department shall not be liable for attorney fees, interest, late charges or service fees, or costs of collection related to this agreement.

IN WITNESS THEREOF, the parties have caused this agreement to be executed by their undersigned officials as duly authorized.

County Supervisor of Elections:

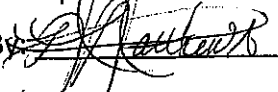
By: 
Bill Cowles, Supervisor of Election
 (print name/title)

County FEID Number: 59-2611403

Witness: 

Date: 11/16/16

FL Department of State/Division of Elections

By: 
Marc Matthews, Director
 (print name/title)

Witness: 

Date: 1/26/17

Please complete, sign & return this agreement, the required detailed plan, and the required certifications to:

HAVA Unit, Florida Department of State, Division of Elections,
 R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

ATTACHMENT A to MOA # 2016-2017-0001

3064 SPECIAL CATEGORIES

GRANTS AND AIDS - FEDERAL ELECTION ACTIVITIES (HELP AMERICA VOTE ACT)

FROM FEDERAL GRANTS TRUST FUND . . . \$3,000,000

Funds in Specific Appropriation 3064 shall be distributed to county supervisors of elections to be used for election administration activities such as voter education; poll worker training; standardizing elections results reporting; or other federal election administrative activities as approved by the Department of State.

County supervisors of elections will receive funds only after providing the Department of State a detailed description of the programs that will be implemented. Funds distributed to county supervisors of elections require a certification from the county that matching funds will be provided in an amount equal to fifteen percent of the amount to be received from the state.

Also, before a county supervisor of elections receives funds for any software or hardware technology, including, but not limited to any emerging technology that enhances or facilitates the delivery of absentee ballots, the casting and counting of valid votes, voting system audits or recount processes, and the certification of accurate and complete official election results, the software or technology must first be certified or approved, whichever is applicable by the Department of State. Additionally, before the Supervisor can receive funds for emerging or enhancing technology, the county supervisor of elections and the chairperson of the county governing body must certify that the county has purchased and made available sufficient equipment for casting and counting ballots to meet the needs of the county electors including reducing the wait time at the polls during the early voting period and on election day for the next regularly scheduled general election.

To be eligible, a county must segregate federal funds and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Funds shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended. Supervisors of elections shall report to the Department of State any unspent funds remaining on June 30 of each fiscal year.

Plan for HAVA Funds For Federal Election Administration Activities - Fiscal Year 2016-17

COUNTY NAME ORANGE

Part 1 Instructions: Columns B - N, put an X in boxes to indicate your county intent to expend that category of funds to support that activity
 Column P, for each activity you have indicated you intend to spend funds on, insert the % of funds you intend to spend on that activity
 Descriptions of the various activities is found in Tab 2 entitled "Details"

| | FY 16 - 17 FEDERAL ELECTION ADMINISTRATION ACTIVITIES FUNDS | | | | PRIOR YEARS' FEDERAL ELECTION ADMINISTRATION ACTIVITIES ROLL OVER FUNDS | | | PRIOR YEARS' VOTER EDUCATION ROLL OVER FUNDS | | | PRIOR YEARS' POLL WORKER TRAINING ROLL OVER FUNDS | | | ANTICIPATED % OF FUNDS TO BE SPENT |
|--|---|-----------------------------|--------------------------|----------|---|-----------------------------|----------|--|-----------------------------|----------|---|-----------------------------|----------|--|
| Activities | Federal HAVA Funds | County Matching Funds | Other County Funds | Interest | Federal HAVA Funds | County Matching Funds | Interest | Federal HAVA Funds | County Matching Funds | Interest | Federal HAVA Funds | County Matching Funds | Interest | |
| Voter Education | | | | | | | | | | | | | | |
| Mailing or Publishing Sample Ballots | X | X | X | X | | | | | | | | | | 95% |
| Voter Information Cards | | | | | | | | | | | | | | |
| Advertising or Publications | X | X | X | X | | | | | | | | | | 5% |
| Voting System Demonstrations | | | | | | | | | | | | | | |
| Voter Guides | | | | | | | | | | | | | | |
| Poll Worker Training | | | | | | | | | | | | | | |
| Training Salaries | | | | | | | | | | | | | | |
| Training Materials | | | | | | | | | | | | | | |
| Standardizing Election Results Reporting | | | | | | | | | | | | | | |
| Other Federal Election Administration Activities as Approved by Department of State | | | | | | | | | | | | | | |
| MOVE Act Implementation and Maintenance | | | | | | | | | | | | | | |
| Software or Hardware Technology | | | | | | | | | | | | | | |

P. G. Gaudin ✓ SOE
12/12/16

See page 2 for Performance Measures and Goals

Plan for HAVA Funds For Federal Election Administration Activities - Fiscal Year 2016-17

Part 2 Instructions: For each of the activity areas you have indicated you plan to spend funds on in Part 1, provide a performance goal, performance measure, timeline, and budget for the funds requested under this agreement. Attach additional pages if needed.

Voter Education

| | |
|------------------------------|---|
| Performance Goals: | To communicate timely election information to Orange County voters who are eligible to participate in the 2016 General Election. |
| Performance Measures: | Mail individualized Sample Ballots to all eligible voters, highlighting that there are three convenient ways to vote: Vote-By-Mail, Early voting, and Election Day voting. The message will also be supplemented with paid print and radio advertising. |
| Timeline: | Sample Ballots will be mailed on October 18, 2016, which is one week before Early Voting begins and three weeks before Election Day. Paid advertising will begin the week of October 17, 2016. |
| Budget: | A total of \$254,450 was budgeted for Sample Ballots, postage to mail them and paid advertising. |

Poll Worker Training

| | |
|------------------------------|--|
| Performance Goals: | |
| Performance Measures: | |
| Timeline: | |
| Budget: | |

Standardizing Election Results Reporting

| | |
|------------------------------|--|
| Performance Goals: | |
| Performance Measures: | |
| Timeline: | |
| Budget: | |

Other Federal Election Administration Activities as Approved by Department of State

| | |
|------------------------------|--|
| Performance Goals: | |
| Performance Measures: | |

Ph. Conner SOE
12/12/16

| | |
|----------------------|--------------|
| <i>Timeline:</i> | |
| <i>Budget:</i> | |
| Total Budget: | \$254,450.00 |

Deborah Soe
12/2/16

FLORIDA DEPARTMENT OF STATE-DIVISION OF ELECTIONS
County Allocation of Help America Vote Act Funds - Federal Election Administration Activities
FY 2016-2017

| County | 2016 Presidential Preference Primary - Active Registered Voters | Amount - Federal Election Activities Funds Per County | Amount - 15% Match By County Funds |
|---------------|--|--|---|
| Alachua | 162,326.00 | \$ 40,377.10 | \$ 6,056.56 |
| Baker | 13,918.00 | \$ 3,461.97 | \$ 519.30 |
| Bay | 109,212.00 | \$ 27,165.48 | \$ 4,074.82 |
| Bradford | 15,638.00 | \$ 3,889.81 | \$ 583.47 |
| Brevard | 393,307.00 | \$ 97,831.49 | \$ 14,674.72 |
| Broward | 1,103,115.00 | \$ 274,389.70 | \$ 41,158.45 |
| Calhoun | 8,326.00 | \$ 2,071.02 | \$ 310.65 |
| Charlotte | 122,379.00 | \$ 30,440.65 | \$ 4,566.10 |
| Citrus | 100,309.00 | \$ 24,950.94 | \$ 3,742.64 |
| Clay | 140,633.00 | \$ 34,981.16 | \$ 5,247.17 |
| Collier | 188,849.00 | \$ 46,974.45 | \$ 7,046.17 |
| Columbia | 36,776.00 | \$ 9,147.69 | \$ 1,372.15 |
| DeSoto | 15,041.00 | \$ 3,741.31 | \$ 561.20 |
| Dixie | 9,564.00 | \$ 2,378.96 | \$ 356.84 |
| Duval | 549,872.00 | \$ 136,775.60 | \$ 20,516.34 |
| Escambia | 199,365.00 | \$ 49,590.21 | \$ 7,438.53 |
| Flagler | 75,664.00 | \$ 18,820.72 | \$ 2,823.11 |
| Franklin | 7,328.00 | \$ 1,822.77 | \$ 273.42 |
| Gadsden | 28,687.00 | \$ 7,135.63 | \$ 1,070.34 |
| Gilchrist | 11,015.00 | \$ 2,739.88 | \$ 410.98 |
| Glades | 6,355.00 | \$ 1,580.75 | \$ 237.11 |
| Gulf | 9,785.00 | \$ 2,433.93 | \$ 365.09 |
| Hamilton | 7,820.00 | \$ 1,945.15 | \$ 291.77 |
| Hardee | 11,284.00 | \$ 2,806.79 | \$ 421.02 |
| Hendry | 16,574.00 | \$ 4,122.63 | \$ 618.39 |
| Hernando | 126,980.00 | \$ 31,585.11 | \$ 4,737.77 |
| Highlands | 58,974.00 | \$ 14,669.24 | \$ 2,200.39 |
| Hillsborough | 789,930.00 | \$ 196,487.81 | \$ 29,473.17 |
| Holmes | 10,830.00 | \$ 2,693.86 | \$ 404.08 |
| Indian River | 101,768.00 | \$ 25,313.85 | \$ 3,797.08 |
| Jackson | 28,089.00 | \$ 6,986.88 | \$ 1,048.03 |
| Jefferson | 9,377.00 | \$ 2,332.44 | \$ 349.87 |
| Lafayette | 4,301.00 | \$ 1,069.83 | \$ 160.48 |
| Lake | 209,578.00 | \$ 52,130.60 | \$ 7,819.59 |
| Lee | 424,777.00 | \$ 105,659.37 | \$ 15,848.91 |
| Leon | 192,497.00 | \$ 47,881.86 | \$ 7,182.28 |
| Levy | 25,615.00 | \$ 6,371.50 | \$ 955.72 |
| Liberty | 4,418.00 | \$ 1,098.94 | \$ 164.84 |
| Madison | 11,204.00 | \$ 2,786.89 | \$ 418.03 |
| Manatee | 214,993.00 | \$ 53,477.53 | \$ 8,021.63 |
| Marion | 219,416.00 | \$ 54,577.71 | \$ 8,186.66 |
| Martin | 106,915.00 | \$ 26,594.12 | \$ 3,989.12 |
| Miami-Dade | 1,253,788.00 | \$ 311,868.22 | \$ 46,780.23 |
| Monroe | 53,350.00 | \$ 13,270.32 | \$ 1,990.55 |
| Nassau | 58,776.00 | \$ 14,619.99 | \$ 2,193.00 |
| Okaloosa | 125,437.00 | \$ 31,201.30 | \$ 4,680.19 |
| Okeechobee | 19,208.00 | \$ 4,777.81 | \$ 716.67 |

FLORIDA DEPARTMENT OF STATE-DIVISION OF ELECTIONS
County Allocation of Help America Vote Act Funds - Federal Election Administration Activities
FY 2016-2017

| County | 2016 Presidential Preference Primary - Active Registered Voters | Amount - Federal Election Activities Funds Per County | Amount - 15% Match By County Funds |
|--------------|--|--|---|
| Orange | 694,985.00 | \$ 172,871.12 | \$ 25,930.67 |
| Osceola | 174,206.00 | \$ 43,332.14 | \$ 6,499.82 |
| Palm Beach | 846,791.00 | \$ 210,631.46 | \$ 31,594.72 |
| Pasco | 314,292.00 | \$ 78,177.24 | \$ 11,726.59 |
| Pinellas | 626,775.00 | \$ 155,904.51 | \$ 23,385.68 |
| Polk | 383,002.00 | \$ 95,268.22 | \$ 14,290.23 |
| Putnam | 46,091.00 | \$ 11,464.71 | \$ 1,719.71 |
| St. Johns | 163,882.00 | \$ 40,764.14 | \$ 6,114.62 |
| St. Lucie | 183,427.00 | \$ 45,625.78 | \$ 6,843.87 |
| Santa Rosa | 124,431.00 | \$ 30,951.07 | \$ 4,642.66 |
| Sarasota | 287,399.00 | \$ 71,487.85 | \$ 10,723.18 |
| Seminole | 272,993.00 | \$ 67,904.49 | \$ 10,185.67 |
| Sumter | 87,792.00 | \$ 21,837.45 | \$ 3,275.62 |
| Suwannee | 25,583.00 | \$ 6,363.54 | \$ 954.53 |
| Taylor | 11,867.00 | \$ 2,951.81 | \$ 442.77 |
| Union | 6,964.00 | \$ 1,732.23 | \$ 259.83 |
| Volusia | 339,347.00 | \$ 84,409.44 | \$ 12,661.42 |
| Wakulla | 19,250.00 | \$ 4,788.26 | \$ 718.24 |
| Walton | 43,531.00 | \$ 10,827.94 | \$ 1,624.19 |
| Washington | 14,777.00 | \$ 3,675.64 | \$ 551.35 |
| TOTAL | 12,060,748 | \$ 3,000,000.00 | \$ 450,000.00 |

Formual for Allocation: Based on FY 2016-2017 appropriation for Federal Election Administration Activities divided by the total number of registered voters in the state as of bookclosing for the 2016 Presidential Preference Primary Election.

| | |
|---|--------------------|
| FY 2016-2017 Appropriation - Federal Election Administration Activities | \$3,000,000 |
| Total Number of active registered voters in the state - 2016 Presidential Preference Primary Election | 12,060,748 |
| Funding level per individual voter | \$0.2487 |

JAN 10 2017

ATTACHMENT D of MOA 2016-2017-0001

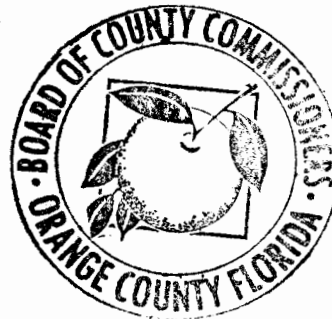
Certificate Regarding Matching Funds

I, Ajit Lalchandani, Chairman of the Board of County Commissioners of Orange County, Florida, do hereby certify that the Board of County Commissioners will provide a specific county match fund in FY 2016-17 in an amount equal to or greater than 15% of the amount of the Federal Election Activities grant that the county Supervisor of Elections receives from the state, which for Orange County is \$25,930.67. I understand that if the Board fails to appropriate the additional matching funds, all funds received from the state for this grant during the 2016-2017 state fiscal year will be required to be returned to the Department of State.

Ajit Lalchandani
Chairman, Board of County Commissioners

1.10.17

Date



**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION
LOWER TIER COVERED TRANSACTIONS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are 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.

Bill Cowles, ORANGE COUNTY, SUPERVISOR OF ELECTIONS

Name and Title of Authorized Representative

Bill Cowles

Signature

11/16/16

Date

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 which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is 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 Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not 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 Nonprocurement List (Telephone Number).
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 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.

Florida Single Audit Act Requirements

The administration of resources awarded by the Department of State to the Supervisor may be subject to audits and/or monitoring by the Department of State, as described in this section.

MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department of State staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, the Supervisor agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of State." In the event the Department of State determines that a limited scope audit of the Supervisor is appropriate, the Supervisor agrees to comply with any additional instructions provided by the Department of State staff to the Supervisor regarding such audit. The Supervisor further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the Supervisor is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the Supervisor expends \$300,000 (*\$500,000 for fiscal years ending after December 31, 2003*) or more in Federal awards in its fiscal year, the Supervisor must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this agreement indicates Federal resources awarded through the Department of State by this agreement. In determining the Federal awards expended in its fiscal year, the Supervisor shall consider all sources of Federal awards, including Federal resources received from the Department of State. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the Supervisor conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the Supervisor shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the Supervisor expends less than \$300,000 (*\$500,000 for fiscal years ending after December 31, 2003*) in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the Supervisor expends less than \$300,000 (*\$500,000 for fiscal years ending after December 31, 2003*) in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from Supervisor resources obtained from other than Federal entities).

PART II: STATE FUNDED

This part is applicable if the Supervisor is a nonstate entity as defined by Section 215.97(2), Florida Statutes.

1. In the event that the Supervisor expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such Supervisor (for fiscal years ending September 30, 2004 or thereafter), the Supervisor must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this agreement indicates state financial assistance awarded through the Department of State by this agreement. In determining the state financial assistance expended in its fiscal year, the Supervisor shall consider all sources of state financial assistance, including state financial assistance received from the Department of State, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1, the Supervisor shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the Supervisor expends less than \$500,000 in state financial assistance in its fiscal year (for fiscal years ending September 30, 2004 or thereafter), an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the Supervisor expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the Supervisor's resources obtained from other than State entities).

The Internet web addresses listed below will assist recipients in locating documents referenced in the text of this agreement and the interpretation of compliance issues.

State of Florida Department Financial Services (Chief Financial Officer)
www.fldfs.com/

State of Florida Legislature (Statutes, Legislation relating to the Florida Single Audit Act)
www.leg.state.fl.us/

PART III: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the Supervisor directly to each of the following:

A. The Department of State at each of the following addresses:

Department of State
Division of Elections
R.A. Gray Building, Ste 316
500 S. Bronough St.
Tallahassee, FL 32399-0250

- B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

- C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. In the event that a copy of the reporting package for an audit required by PART I of this agreement and conducted in accordance with OMB Circular A-133, as revised, is not required to be submitted to the Department of State for the reasons pursuant to Section .320 (e)(2), OMB Circular A-133, as revised, the Supervisor shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the Supervisor's audited schedule of expenditures of Federal awards directly to each of the following:

Department of State
Division of Elections
R.A. Gray Building, Ste 316
500 S. Bronough St.
Tallahassee, FL 32399-0250

3. Copies of financial reporting packages required by PART II of this agreement shall be submitted by or on behalf of the Supervisor directly to each of the following:

- A. The Department of State at each of the following addresses:

Department of State
Division of Elections
R.A. Gray Building, Ste 316
500 S. Bronough St.
Tallahassee, FL 32399-0250

- B. The Auditor General's Office at the following address:

Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Any reports, management letter, or other information required to be submitted to the Department of State pursuant to this agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
5. Supervisors, when submitting financial reporting packages to the Department of State for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Supervisor in correspondence accompanying the reporting package.

PART IV: RECORD RETENTION

1. The Supervisor shall retain sufficient records demonstrating its compliance with the terms of this agreement for a period of 5 years from the date the audit report is issued, and shall allow the Department of State, or its designee, CFO, or Auditor General access to such records upon request. The Supervisor shall ensure that audit working papers are made available to the Department of State, or its designee, CFO, or Auditor General upon request for a period of 3 years from the date the audit report is issued, unless extended in writing by the Department of State. *NOTE: Records need to be retained for at least five years to comply with record retention requirements related to original vouchers prescribed by the Department of State, Division of Library and Information Services, Bureau of Archives and Records Management.*

EXHIBIT – 1

FEDERAL RESOURCES AWARDED TO THE SUPERVISOR PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

NOTE: If the resources awarded to the Supervisor represent more than one Federal program, provide the same information shown below for each Federal program and show total Federal resources awarded.

Federal Help America Vote Act—Catalog of Federal Domestic Assistance (CFDA) § 90.401 Help America Vote Act Requirements Payments

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

CFDA Number 90.401, Help America Vote Act Requirements Payments

Part 1 of Subtitle D of Title II (Sections 251-258) and Title III of Public Law 107-252, the Help America Vote Act of 2002, Sections 301-305, and Sections 902 and 906. EAC has determined that the following Office of Management and Budget guidelines apply: Cost Principles for State, Local, and Indian Tribal Governments, 2 § CFR Part 225; Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, OMB Circular A-110 (amended 9/30/99).

State resources awarded to the recipient pursuant to this agreement consist of the following:

Not Applicable.

Matching resources for federal programs:

Not Applicable.

Subject to section 215.97, Florida Statutes:

Not Applicable.

Compliance requirements applicable to state resources awarded pursuant to this agreement are as follows:

Not Applicable.

Exhibit - 2

December 3, 2014

CHIEF FINANCIAL OFFICER'S MEMORANDUM NO. 03 (2014 - 2015)

SUBJECT: COMPLIANCE REQUIREMENTS FOR AGREEMENTS

This memorandum supersedes the Chief Financial Officer's Memorandum No. 4 (2005-2006) **minimum** requirements and confirms state agencies must follow for proper accountability over state and federal resources. While the State is accountable to the federal government, sub-recipients of federal financial assistance must be accountable to the State. Recipients/sub-recipients of state financial assistance must also be accountable to the State.

FEDERAL FUNDS

This memorandum is applicable to discretionary grants, which the State receives from the federal government. Applicability to federal entitlement programs or formula based awards should be determined on a case by case basis pursuant to federal regulations for these programs.

State agencies must determine whether they are passing on federal awards in the form of federal financial assistance to sub-recipients or procuring goods and services from a contractor. This determination is critical for the proper accountability over federal financial assistance, which is passed on to sub-recipients. State agencies will use the criteria established in Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, Code of Federal Regulations Title 2, Part 200.330 to make this determination. Agencies must retain documentation to support this determination.

In 2005 the Office of Federal Financial Management confirmed to the Department of Financial Services, if the State receives an award of federal financial assistance in the form of a grant or cooperative agreement, any sub-award for the purpose of the grant is subject to the rules applicable to the grant, **even if the sub-award is on a fixed price basis**. Agreements (sub-awards) with sub-recipients of federal financial assistance must require compliance with the published requirements entitled Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (also known as the Super Circular), Code of Federal Regulations Title 2, Part 200 (2 CFR, Part 200). This guidance supersedes and consolidates the requirements from the Office of Management and Budget (OMB) Circulars A-21, A-87, A-110, A-122, A-89, A-102 and A-133 and is effective for awards or increments of awards issued on or after December 26, 2014.

The Super Circular also applies to **sub-awards** made by State and local governments to an organization covered by the circular and provides that:

- a. A grant may be charged only allowable costs resulting from obligations incurred during the specified funding period.

- b. Any balance of unobligated cash that has been advanced or paid that is not authorized to be retained for other projects must be refunded to the federal government.
- c. Any funds paid in excess of the amount to which the recipient is finally determined to be entitled, under the terms and conditions of the award, constitutes a debt to the Federal government.

Agreements with vendors must be procured in a manner that ensures a fair and reasonable price to the Federal government and compliance with applicable rules and regulations, including, but not limited to:

- a. 2 CFR, Part 200
 - b. Section 287.057, Florida Statutes (F.S.)
 - c. Section 215.917, F.S.
 - d. Section 216.3475, F.S.
- (1) Non-competitive procurements and competitive procurements that result in less than 2 responses must be supported by a detailed cost analysis. Cost must be reasonable, necessary and allowable in accordance with state and federal laws, rules and regulations. Agencies must maintain documentation to evidence the agency's review of individuals cost elements included on the detailed budget submitted by the person or entity awarded funding.

STATE FUNDS

State agencies must determine whether they are awarding state financial assistance to a recipient or procuring goods and services from a vendor. State agencies will use the Florida Single Audit Checklist for Non-state Organizations – Recipient/Sub-recipient vs Vendor Determination to make this determination. Agencies must retain copy of the checklist.

Agreements with recipients of state financial assistance, **even if awarded on a fixed price basis**, must require:

- a. Compliance with Section 215.97, F.S.
- b. Compliance with Section 215.971, F.S.
- c. Expenditures of state financial assistance be in compliance with laws, rules and regulations applicable to expenditures of State funds, including, but not limited to, the Reference Guide for State Expenditures

Agreements involving the State University System, the Florida Community College System, district school board, or charter schools using state funds must be procured in a manner that ensures a fair and reasonable price to the State and compliance with applicable rules and regulations, including, but not limited to:

- a. Section 216.3475, F.S.
- (1) Non-competitive procurements and competitive procurements that result in less than two (2) responses must be supported by a detailed cost analysis. Cost must be reasonable, necessary and allowable in accordance with state laws, rules and regulation. Agencies must maintain documentation to evidence the agency's review of individual cost elements included on the detailed budget submitted by the person or entity awarded funding.

- b. May be fixed price contract that entitles the provider to receive compensation of the fixed contract amount upon completion of all deliverables.
- c. May be fixed rated per unit contract that entitles the provider to receive compensation for each deliverable provided.
- d. May be a cost reimbursable contract that entitles the provider to receive compensation for actual allowable costs incurred in performing contract deliverables.
- e. May be a combination of b, c and d.

Agreements with vendors must be procured in a manner that ensures a fair and reasonable price to the State and compliance with applicable rules and regulations, including, but not limited to:

- a. Section 287.057, F.S.
- b. Section 216.3475, F.S.
 - (1) Non-competitive procurements and competitive procurements that result in less than two (2) responses must be supported by a detailed cost analysis. Costs must be reasonable, necessary and allowable in accordance with state laws, rules and regulations. Agencies must maintain documentation to evidence the agency's review of individual cost elements included on the detailed budget submitted by the person or entity awarded funding.

Please contact the Bureau of Auditing at (850) 413-5512 if you have any questions.