U.S. Department of Justice
Office of Community Oriented Policing Services

COPS
COMMUNITY ORIENTED POLICING SERVICES
U.S. DEPARTMENT OF JUSTICE

2009 COPS Secure Our Schools (SOS) Grant Owner's Manual

U.S. Department of Justice
Office of Community Oriented Policing Services

www.cops.usdoj.gov

2009 COPS Secure Our Schools (SOS) Grant Owner's Manual

This manual was created to assist COPS Secure Our Schools (SOS) grantees with the administrative and financial matters associated with the grant.

For more information about your SOS grant, please contact your COPS Grant Program Specialist. If you do not know the name or telephone number of your Grant Program Specialist, please contact the COPS Office Response Center at 800.421.6770.

U.S. Department of Justice
Office of Community Oriented Policing Services
1100 Vermont Avenue, N.W.
Washington, DC 20530
(For overnight delivery, please use 20005 as the ZIP Code)

COPS Online: www.cops.usdoj.gov

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Getting Started

Getting Started

Congratulations on receiving a grant from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS). Your COPS Secure Our Schools (SOS) grant provides funding to municipalities to assist with the development of school safety resources. This funding will allow recipients the opportunity to establish and enhance a variety of school safety equipment and/or programs to encourage the continuation and enhancement of school safety efforts within their communities. The COPS Office is optimistic that this grant program will help place agencies at the forefront of innovative school safety developments.

This COPS Secure Our Schools Grant Owner's Manual will assist your agency with the administrative and financial matters associated with your grant. It was developed by the COPS Office to ensure that all COPS Secure Our Schools grantees clearly understand and meet the requirements of their grant. Please review this manual carefully, because a failure to follow grant requirements can have serious ramifications. Please do not hesitate to call the COPS Office Response Center at 800.421.6770 if you need assistance with the implementation of your grant.

Thank you for providing us with the opportunity to work in partnership with your community.

I. Grant Acceptance, Terms, and Conditions

I. GRANT ACCEPTANCE, TERMS, AND CONDITIONS

To officially accept and begin your Secure Our Schools grant, your agency must review, sign and return the original Award Document to:

U.S. Department of Justice
Office of Community Oriented Policing Services (COPS)
Attention: Secure Our Schools Control Desk
1100 Vermont Avenue, N.W., 8th Floor
Washington, DC 20530
(For overnight delivery, please use 20005 as the ZIP Code.)

Your agency will not be able to draw down grant funds until the COPS Office receives your original, signed Award Document. **Signatures on the Award Document must be original—photocopies, faxed copies, stamps, and/or electronic signatures will not be accepted.** For more information on drawing down grant funds, please see Section III, "Accessing Grant Funds."

The Award Document

The Award Document is the document indicating your official grant funding amount, the grant number, the grant conditions, and the award start and end dates.

The Award Document is preprinted with your agency's law enforcement and government executives' names and addresses. If this information is incorrect or has changed, please complete the Change of Information (COI) form online at www.cops.usdoj.gov through the Account Access option. If the law enforcement or government official has changed since the time of application, please have the current law enforcement executive and/or government executive for your agency sign the Award Document. **Please do not make corrections to the original Award Document (including the use of correction fluid). The COPS Office will not accept an altered Award Document.** Once you have reviewed your Award Document, please sign it, make a copy of the document for your records, and mail the original document (copies cannot be accepted) with original signatures back to the COPS Office within 90 days of the date shown on the award congratulatory letter.

The award start date indicated on the Award Document means that your agency may be reimbursed for any allowable costs incurred on or after this date. The duration of your Secure Our Schools grant award is two years or 24 months.

Your grant number is in the following format: 2009-CKWX-0000 for grants awarded in FY 2009. The COPS Office tracks grant information based upon this number. Therefore, it is important to have your agency's grant number (and/or your agency's ORI number) readily available when corresponding with the COPS Office.

Your ORI number begins with your state abbreviation followed by five numbers and/or letters (e.g., VA00000). This number is assigned by the Federal Bureau of Investigation (FBI) for use in tracking information for the Uniform Crime Report (UCR). The COPS Office tracks programmatic grant information based upon this ORI number. If your agency does not have an ORI number assigned by the FBI, the COPS Office assigns a non-official ORI code to use as an agency identifier (in such cases, the last two digits will be "ZZ"). If you have any questions regarding your grant, please refer to your grant award number or your agency's ORI number when you contact the COPS Office.

Your OJP vendor number, in most circumstances, is your agency's nine-digit federal tax identification number assigned to you by the Internal Revenue Service. If your OJP vendor number differs from your tax identification number, the OJP vendor number is only to be used for administrative purposes in connection with this grant program, and should not be used for Internal Revenue Service purposes.

Grant Conditions

The grant conditions are listed on your agency's Award Document. By accepting this grant, you are obtaining federal funds from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office). As part of that agreement, your agency acknowledges that it will comply with these conditions (and, if applicable, additional special conditions specific to your agency). The section that follows describes in detail each of the award conditions, their rationale, and their implications. It also addresses many frequently asked questions. If you have additional questions concerning any of these grant conditions, please contact your COPS Grant Program Specialist at 800.421.6770.

In limited circumstances, your award may be subject to special conditions that prevent your agency from drawing down or accessing grant funds until the special conditions are satisfied as determined by the COPS Office. Any special conditions will be included with your award package. However, if you have questions about the special conditions, please call your COPS Grant Program Specialist at 800.421.6770.

Reasons for Grant Conditions

The requirements of your Secure Our Schools grant are established within:

- The Public Safety Partnership and Community Policing Act of 1994 which established the COPS Office.
- Applicable rules, regulations and policies issued by the U.S. Department of Justice, Office of Management and Budget (OMB), the Government Accountability Office (GAO), and the United States Treasury.
- The specific Secure Our Schools programmatic requirements established by the COPS Office.

A list of source documents for this booklet is provided in Appendix A. You may request copies of any source reference document from:

Office of Administration, Publication Unit
New Executive Office Building, Room G 236
Washington, DC 20503

COPS-specific documents may be requested directly from the COPS Office.

Review of Grant Conditions

By signing the Award Document to accept this Secure Our Schools grant, your agency agrees to abide by the following grant conditions:

1. GRANT OWNER'S MANUAL

The grantee agrees to comply with the terms and conditions in this 2009 COPS Secure Our Schools Grant Owner's Manual; COPS statute (42 U.S.C. §. 3796dd, et seq.); 28 C.F.R. Part 66 or 28 C.F.R. Part 70 as applicable (governing administrative requirements for grants and cooperative agreements); 2 C.F.R. Part 225 (OMB Circular A-87), 2 C.F.R. Part 220 (OMB Circular A-21), 2 C.F.R. Part 230 (OMB Circular A-122) and 48 C.F.R. Part 31.000 et seq. (FAR 31.2) as applicable (governing cost principles); OMB Circular A-133 (governing audits); representations made in the Secure Our Schools grant application; and all other applicable program requirements, laws, orders, regulations, or circulars.

Why This Condition:

This manual has been designed to inform you of the requirements, laws, regulations, and policies that apply to your grant. Your agency will be responsible for the information and rules contained in this manual and for implementing your grant in compliance with the applicable terms, conditions, and regulations. More detailed guidance regarding any particular grant requirement or your agency's specific circumstances can be requested through your COPS Grant Program Specialist.

What You Should Do:

Please read the entire Secure Our Schools Grant Owner's Manual carefully prior to signing the grant Award Document. If you have any questions, please contact your COPS Grant Program Specialist. When accepting your grant award, you should ensure that the proper reporting and financial systems are in place to satisfy the grant requirements.

2. ASSURANCES AND CERTIFICATIONS

The grantee acknowledges its agreement to comply with the Assurances and Certifications forms that were submitted as part of its Secure Our Schools application.

Why This Condition:

Although the COPS Office has made every effort to simplify the process of applying for and receiving grants, several provisions of federal law require us to seek your assurances and certification regarding certain matters. Most of the assurances and certifications apply to all federal grant programs.

What You Should Do:

Applicants to COPS grant programs are required to sign and submit the Assurances and Certifications forms at the time of application. Signing these documents assures the COPS Office that you have read, understand, and accept the grant terms and conditions outlined in the Assurances and Certifications. Your agency is required to keep the Assurances and Certifications forms containing the original signatures of the law enforcement executive and government executive named on the COPS Application Attachment to the SF-424. The original signed forms must be furnished upon request. Please read these documents carefully as signatures on these documents are treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines whether to award

the covered grant. Additional copies of the Assurances and Certifications forms are contained in Appendix B of this manual. If you have any questions about them, please contact your COPS Grant Program Specialist at 800.421.6770.

3. ALLOWABLE COSTS

The funding under this project is for the payment of up to 50% of approved costs to improve security at schools and on school grounds. The allowable costs for which your agency's grant has been approved are limited to those listed on the Financial Clearance Memorandum, which is included in your agency's award packet.

The Financial Clearance Memorandum specifies the costs that your agency is allowed to fund with your Secure Our Schools grant. It also describes any costs which have been disallowed after review of your proposed budget. ***Your agency may not use Secure Our Schools grant funds for any costs that are not identified as allowable in the Financial Clearance Memorandum.***

Why This Condition:

The funding under this project is for the purchase of items and services approved by the COPS Office as reflected in the Financial Clearance Memorandum. The COPS Secure Our Schools grant program funds the purchase of items that have a link to the implementation or enhancement of community policing and/or child safety initiatives in your agency.

To be eligible for payment under this grant, the purchase and/or hire of approved items/personnel must be made after the grant award start date and comply with the guidelines described in Section III, "Accessing Grant Funds," of this manual. Section V, "Financial Record Maintenance," outlines the types of records you must keep to document that you followed this grant condition. Purchases must also reflect the costs that were approved as shown in the Financial Clearance Memorandum.

What You Should Do:

Refer to your Financial Clearance Memorandum for the list of approved allowable costs. Listed below are the budget categories that may appear on your Financial Clearance Memorandum. As long as funds are spent during the grant period on the equipment and technology, supplies, travel, contracts/consultants, salaries and benefits, and other costs that were documented in your application's budget summary and were approved through the issuance of the Financial Clearance Memorandum, this grant condition will be satisfied.

Equipment/Technology

To be eligible for payment under this grant, the purchase of equipment and technology must occur on or after the award start date, the items must be those specifically applied for and approved by the COPS Office, and they must meet the guidelines described in 28 C.F.R. 66 or 28 C.F.R. 70, as applicable. Equipment or technology purchased on or after the award start date must be in addition to purchases that the grantee is obligated or funded to make in its current budget. Funds currently budgeted to purchase equipment or technology may not be reallocated to other purposes or reimbursed upon the award of a Secure Our Schools grant.

Supplies

All supplies must be solely used for the project identified in your project proposal. Reimbursements for office supplies that are consumed by routine administrative purposes instead of project-related activities are prohibited. Items must meet the guidelines described in 28 C.F.R. 66.33 or 28 C.F.R. 70.35, as applicable.

Travel/Training

Travel costs for transportation, lodging, subsistence, and related items are allowable under the Secure Our Schools program with prior approval from the COPS Office. For grantees subject to 2 C.F.R. Part 220 (OMB Circular A-21) Cost Principles for Educational Institutions; 2 C.F.R. Part 225 (OMB Circular A-87) Cost Principles for State, Local and Indian Tribal Governments; or 2 C.F.R. Part 230 (OMB Circular A-122) Cost Principles for Non-Profit Organizations, travel costs incurred directly by the grantee or costs incurred for project-related non-grantee travel will be reimbursed based upon the grantee's written institutional travel policy (if available) and if the costs are reasonable and allocable under the project. In the absence of an acceptable and available institutional travel policy, allowable per diem travel costs for lodging, meals and incidentals will be reimbursed based on the established GSA per diem rates for the relevant geographic area. These rates can be found at www.gsa.gov. Allowable airfare travel costs will be reimbursed based upon the lowest discount commercial airfare, the federal government contract airfare, if authorized and available, or standard coach airfare.

For grantees subject to 48 C.F.R. Part 31.000, et seq. (FAR-31.2) Cost Principles for Commercial Organizations, travel costs incurred directly by the grantee will be reimbursed if the costs are reasonable and allocable under the project. Travel costs for lodging, meals and incidental expenses may be reimbursed based upon per diem, actual expenses or a combination of these methods, as long as the reimbursement rate does not exceed established GSA per diem rates as set forth in the Federal Travel Regulation. Transportation costs may be reimbursed based on mileage rates, actual costs incurred, or a combination of these methods. Allowable airfare travel costs will be reimbursed based upon standard coach fare, unless otherwise authorized in advance by the COPS Office.

The COPS Secure Our Schools program will fund grant-related travel costs for the grantee agency or other (non-grantee) individuals to attend training and technical assistance conferences, seminars, or classes, or to visit a site specified in the application. Allowable expenses for grant-related lodging, meals and incidental expenses that were included in the application have been approved by the COPS Office as part of the SOS award and final budget. Your agency should keep timely and accurate records of all travel expenses. If at any time these costs change, you should immediately contact your COPS Grant Program Specialist to obtain a grant modification.

Contracts/Consultants

Any consultant fees in excess of $550 per day must receive prior written approval from the COPS Office if the consultant or contractor is hired through a noncompetitive bidding process. Specific and detailed justification must be submitted to and approved by the COPS Office prior to obligation or expenditure of such funds.

Personnel (Salaries and Benefits)

Personnel must be hired on or after the grant award start date, and specifically for the Secure Our Schools project. In addition, a position's salary must be reasonable for the services rendered, and must be paid to a person appointed under the law or rules governing hiring by your agency. Salary payments must be based on payroll records. Time and attendance records or the equivalent must support payroll records. Grant-funded salary and benefit costs must supplement, not supplant (replace), locally-funded personnel costs that would have been funded even in the absence of this grant. If any civilian personnel are employed on a part-time or temporary basis, then the agency must have specified the percentage of time that each person is working solely on the project identified in the agency's Secure Our Schools proposal.

Fringe benefits may be paid if they are part of a reasonable compensation package offered to your employees. Particular items of fringe benefits must fall within the categories authorized by the COPS Office. Authorized fringe benefits include FICA, Social Security, health insurance, life insurance, vacation, sick leave, retirement, worker's compensation, and unemployment insurance.

Other Costs

The purchase of project-related expenditures that do not conform to any other category descriptions specified above were included in this section of your Financial Clearance Memorandum. In addition, items that have a direct correlation to the overall success of a grantee's project objectives and are necessary for the project to reach full implementation will be considered on a case-by-case basis by the COPS Office.

Requests may be made only for items or positions that are not otherwise budgeted with state, local, or Bureau of Indian Affairs funds, and would not be funded in the absence of the Secure Our Schools grant.

If at any time you are unsure if an item is considered allowable or not, please contact your COPS Grant Program Specialist for further assistance.

Please be advised that grantees may not use COPS funding for the same item or service also funded by an Office of Justice Programs (OJP) award.

4. TRAVEL COSTS

Travel costs for transportation, lodging and subsistence, and related items are allowable under the Secure Our Schools program with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. Part 225 (OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments), 2 C.F.R. Part 220 (OMB Circular A-21, Cost Principles for Educational Institutions), 2 C.F.R. Part 230 (OMB Circular A-122, Cost Principles for Non-Profit Organizations), and 48 C.F.R. Part 31.000, et seq. (FAR-31.2, Cost Principles for Commercial Organizations), as applicable.

Why This Condition:

The COPS Secure Our Schools program will fund grant-related travel costs for the grantee agency or other (non-grantee) individuals to attend training and technical assistance conferences, seminars, or classes, or to visit a site specified in the original application. Allowable expenses for grant-related lodging, meals, and incidental expenses that were included in the application were approved by the COPS Office as part of your agency's Secure Our Schools award and final budget. For more information, please refer to Grant Condition #3, "Allowable Costs."

What You Should Do:

Your agency should refer to your Financial Clearance Memorandum for a list of approved travel costs and use Secure Our Schools funds only for those approved travel costs incurred during the grant period. In addition, your agency should keep timely and accurate records of all travel expenses. If at any time these costs change, you should immediately contact your COPS Grant Program Specialist to obtain a grant modification.

5. SUPPLEMENTING, NOT SUPPLANTING

State, local, and tribal governments must use Secure Our Schools grant funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for grant purposes (hiring, training, purchases, and/or activities) during the grant period. In other words, grantees may not use COPS funds to supplant (replace) state, local, or Bureau of Indian Affairs funds that would have been dedicated to the COPS-funded item(s) in the absence of the COPS grant.

Why This Condition:

The COPS statute nonsupplanting requirement mandates that grant funds may not be used to replace state or local funds (or, for tribal grantees, Bureau of Indian Affairs funds) that would, in the absence of federal aid, be made available for the grant purposes.

What You Should Do:

Secure Our Schools grantees may not use grant funds to pay for any item or cost funded under the grant (equipment, personnel, training, etc.) if that item or cost was otherwise budgeted with state, local, or Bureau of Indian Affairs funds, or committed to the grantee's budget.

In addition, state and local grantees may not reallocate state, local, or BIA funds from one area within the law enforcement budget to another as a result of receiving Secure Our Schools grant funds. For example, grantees who have budgeted funds to pay for a camera security system may not reallocate those funds to pay for any other law enforcement cost as a result of receiving SOS grant funds for the same camera security system.

Personnel – To meet this grant condition, you must ensure that:

- Each individual employed under the Secure Our Schools grant program is newly hired on or after the grant award start date, unless an exception is authorized in writing by the COPS Office. If current personnel are redeployed into this program, they must be paid with local funds. The COPS grant funds may be used to backfill the resulting vacancy with newly hired personnel for an equivalent amount of time.
- Any civilian(s) that you are hiring not only brings your force to a number over and above the number of funded positions that you had on the date of your Secure Our Schools application (including funded but vacant positions), but over and above the number of locally-funded positions during the grant award period.

- During the life of your grant, you must continue to hire as many new, locally-funded civilians as you would have if you had not received your grant. You may not cancel or postpone spending money in your budget that is committed to hiring other civilians.
- You must take active and timely steps to fill any vacancies that were created on or after the date of your grant application by retirement, resignation, or other reasons with civilians other than your Secure Our Schools grant-funded positions.

Example: If you are redeploying a current employee who would otherwise be paid $30,000 in salary and benefits during the life of the grant project, your agency must continue to pay this employee with local funds. The COPS grant funds may be used to "backfill" the resulting vacancy with a new hire, even though the COPS-funded position will not be working directly on the Secure Our Schools project.

Equipment and Technology – To meet this grant condition, you must ensure that:

- Equipment and technology must be purchased on or after the award start date (unless an exception is authorized in writing by the COPS Office) and must be in addition to purchases that the grantee is obligated or funded to make in the current budget. Funds currently allocated to purchase equipment or technology may not be reallocated to other purposes or reimbursed upon the award of a Secure Our Schools grant.

Example: Grantees who have budgeted local funds to pay for a new computer system may not reallocate those funds to pay for any other law enforcement cost as a result of receiving Secure Our Schools funds for the same computer system.

Training – To meet this grant condition, you must ensure that:

- Any training provided by the Secure Our Schools program is in addition to the number of hours of training already provided by your agency. Funds currently allocated for training may not be reallocated to other purposes.

Note: This grant condition applies to all state or locally-funded agencies working in partnership with your agency under this grant. Your agency is responsible for ensuring that any state or locally-funded partnership agencies use COPS funds only to supplement, not supplant, their state or local funding as described in this condition.

6. EXTENSIONS

Your agency may request an extension of the grant award period to receive additional time to implement your grant program. Such extensions do not provide additional funding. Only those grantees that can provide a reasonable justification for delays will be granted no-cost extensions. ***Extension requests must be received prior to the end date of the award. Any extension requests received after an award has expired will be approved only under very limited circumstances.***

Why This Condition:

Under federal regulations, requests to extend the grant award period require prior written approval from the COPS Office. Without an approved extension, your agency is not permitted to draw down federal funding for costs incurred beyond the official grant award end date. However, if justified, the COPS Office seeks to accommodate reasonable requests for no-cost time extensions to fully implement the COPS grant.

What You Should Do:

The COPS Office will contact your agency during the last quarter of the grant award period to determine whether a no-cost time extension is needed. Requests to extend the grant award period must be received by the COPS Office before the official grant award end date. Failure to submit a request for a no-cost time extension by the end date may result in the immediate deobligation of any remaining grant funds.

7. MODIFICATIONS

Occasionally, a change in an agency's fiscal or law enforcement situation necessitates a change in its Secure Our Schools award. Grant modifications under the Secure Our Schools program are evaluated on a case-by-case basis. All modification requests involving the purchase of new budget items must be approved, in writing, by the COPS Office prior to their implementation. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

Why This Condition:

The COPS Office realizes that agencies may need to reprogram grant funds. Acceptable examples of such award modifications include purchasing additional equipment using cost-savings from approved items, or purchasing a different type of equipment due to changing needs. Under federal regulations, you may expend grant funds only as approved in the Financial Clearance Memorandum. Any requests to change or alter grant awards require written approval from the COPS Office prior to their implementation. Without prior written approval, you must continue to implement your grant as it was originally awarded and accepted by your agency. Please be advised that reprogramming requests for unallowable costs will not be approved (e.g., construction, indirect costs, etc.).

What You Should Do:

If you wish to modify your grant award, you are required to submit your plan in writing to the COPS Office for approval. Grantees must request a modification to the award by submitting a letter on official letterhead that includes:

- ORI number
- Grant number
- Details of the original award
- A description of the proposed changes, including each new item proposed for purchase, its purpose, and how it relates to the overall project
- Revised budget worksheets that reflect all changes.

Please contact your Grant Program Specialist for Modified Budget Detail Worksheets and further direction on any additional requirements that may apply to your modification request. The COPS Office will then evaluate your request and notify your agency, in writing, of our decision.

8. EVALUATIONS

The COPS Office may conduct monitoring or sponsor national evaluations of the COPS Secure Our Schools program. The grantee agrees to cooperate with the monitors and evaluators.

Why This Condition:

The Public Safety Partnership and Community Policing Act of 1994 states that evaluations of the program may be carried out or commissioned by the Attorney General for the furtherance of the purposes of the Act. The COPS Office conducts evaluations to determine what programs are working, how programs may be improved, and why certain programs are more successful than others. Specifically, the COPS Office may assess the way in which your agency implements its Secure Our Schools grant. In some jurisdictions, COPS staff or evaluators may study the effectiveness of funded programs, projects, and activities. Evaluators may collect information about the programs' effect on crime, victims of crime, and the quality of life in communities. In addition, they may ask questions about the challenges encountered during project implementation, how residents feel about community policing and how police feel about their work. This information will be useful to other communities and police agencies across the country.

What You Should Do:

When evaluations are undertaken, you may be contacted in writing with specific requests for information. In general, evaluators may need to speak with individuals in your agency or department, observe activities, and obtain written reports about and from your agency or department. You will be asked to facilitate any site visits and information-gathering activities.

In addition, you will be asked to provide accurate and timely information about your grant activities. You should fully comply with any requests made regarding these evaluations.

9. REPORTS

To assist the COPS Office in the monitoring of your award, your agency will be responsible for submitting periodic programmatic progress reports and quarterly financial reports.

Why This Condition:

The Public Safety Partnership and Community Policing Act of 1994 and other federal regulations and policies require that financial assistance provided by the federal government be monitored carefully to ensure the proper use of federal funds. In addition, the COPS Office seeks to document, on a continuing basis, the progress of our programs and grantees.

What You Should Do:

This grant condition is designed to make your agency aware of reporting requirements associated with Secure Our Schools grants. These reports are discussed in greater detail in Section VII, "Reports," of this manual. All reports should be submitted within the deadlines given to avoid suspension or possible termination of grant funds or other remedial actions.

10. GRANT MONITORING ACTIVITIES

Federal law requires that law enforcement agencies receiving federal funding from the COPS Office must be monitored to ensure compliance with their grant conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of grant implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Grant monitoring activities conducted by the COPS Office include site visits, office-based grant reviews, alleged noncompliance reviews, financial and program reporting, and audit resolution. As a COPS Secure Our Schools grantee, you agree to cooperate with and respond to any requests for information pertaining to your grant.

Why This Condition:

The Public Safety Partnership and Community Policing Act of 1994 states that each grant program must contain a monitoring component. The COPS Office actively monitors how grantees are adhering to COPS grant requirements and develops the best technical assistance based on this feedback.

What You Should Do:

Your agency may be required to accommodate routine and non-routine efforts by the COPS Office, or an entity designated by COPS, to examine your agency's use of federal funds, both programmatically and financially. The most common ways are:

1. Site Visits - The COPS Office conducts grantee site visits to ensure compliance with grant terms and conditions. These visits also provide firsthand observation of the grantee's community policing strategies. Promising practices identified during site visits are documented and may be shared with the law enforcement community. Technical assistance and follow-up are conducted to address potential and actual vulnerabilities. The purpose of site visits is therefore three-fold: review community policing activities, ensure grantee compliance, and provide service and technical assistance. If selected, you will be notified in writing in advance of any on-site review of your COPS grants. This review is generally performed over a one or more day period and also provides an opportunity for agency representatives to seek assistance on any grant implementation issues. Your agency will be notified in writing of the results and any action required to remedy identified grant violations.
2. Office-Based Grant Reviews (OBGRs) - Certain grants are selected for a review conducted at the COPS Office. If selected, your agency will be contacted at the start of this review and our staff will work with your agency to correct any grant problems or deficiencies through telephone, fax and/or written correspondence with your agency.
3. Complaints - The COPS Office responds to complaints from citizens, labor associations, media, and other sources. Written complaints or allegations are reviewed by the COPS Office Grant Monitoring Division, and may result in a review of your agency's grants to determine compliance with grant conditions.

Grantees are responsible for remedying any grant noncompliance that is identified through these or other monitoring or auditing activities. Remedies for noncompliance may include, but are not limited to: suspending grant funding, repaying misused grant funds, voluntary withdrawal from or involuntary termination of remaining grant funds, and bars from receiving future COPS grants. To avoid findings of noncompliance, grantees are strongly encouraged to contact the COPS Office at any time during the life of a COPS grant with questions concerning grant requirements and also to maintain all relevant documentation that may demonstrate grant compliance. For more information, please contact the COPS Office Grant Monitoring Division at 800.421.6770 or at ask.Cops@usdoj.gov.

11. EQUAL EMPLOYMENT OPPORTUNITY PLAN (EEOP)

All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E).

Why This Condition:

It is the experience of the Justice Department in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the statute that established the COPS Office, that "the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act's program to reduce crime and delinquency in the United States." 28 C.F.R. § 42.301. The Equal Employment Opportunity Plan (EEOP) does not impose quotas or hiring requirements on recipients of federal funds.

What You Should Do:

The obligations to comply with the EEOP requirement differ depending on your organization's legal status, the number of its employees, and the amount of the award.

If your organization received an award for less than $25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization, or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form, which explains that your organization is eligible for this exemption, and then return the form to the **Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice, 810 7th Street, N.W., Washington, DC 20531**. The Certification Form can be found at www.ojp.usdoj.gov/about/ocr/eeop.htm. Recipients that are exempt from the EEOP requirement are still responsible for complying with all applicable federal civil rights laws that prohibit recipients from discriminating in employment or in the delivery of services or benefits.

If your organization is a governmental agency or a business and has received a single award between $25,000 and $500,000 and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then your organization has to prepare an EEOP Short Form, but it does not have to submit the EEOP Short Form to the OCR for review. Instead, your organization has to maintain the EEOP Short Form on file and make it available to the OCR for review on request. For assistance in developing an EEOP Short Form, please consult OCR's website at www.ojp.usdoj.gov/about/ocr/eeop.htm. You may also request technical assistance from an

EEOP specialist at the OCR by calling 202.616.3208. In addition, your organization has to complete Section B of the Certification Form, which explains that your organization is eligible for the exemption from the submission requirement, and your organization must return the form to the OCR at the above address. The Certification Form can be found at www.ojp.usdoj.gov/about/ocr/eeop.htm.

If your organization is a governmental agency or business and has received a single award for $500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP Short Form and submit it for review to the OCR at the above address within 60 days of the notification of the award. For assistance in developing an EEOP Short Form, please consult OCR's website at www.ojp.usdoj.gov/about/ocr/eeop.htm. You may also request technical assistance from an EEOP specialist at the OCR by calling 202.616.3208.

12. CRIMINAL INTELLIGENCE SYSTEMS

Grantees using Secure Our Schools funds to operate an interjurisdictional criminal intelligence system must comply with operating principles of 28 C.F.R. Part 23. The grantee acknowledges that it has completed, signed and submitted with its grant application the relevant Special Condition certifying its compliance with 28 C.F.R. Part 23.

Why This Condition:

If your agency receives funding for equipment or technology that will be used to operate an interjurisdictional criminal intelligence system, you must comply with the operating principles found at 28 C.F.R. Part 23. An "interjurisdictional criminal intelligence system" is generally defined as a system which receives, stores, analyzes, and exchanges or disseminates data regarding ongoing pre-arrest criminal activities (examples of such activities include, but are not limited to, loan sharking, drug or stolen property trafficking, gambling, extortion, smuggling, bribery, and public corruption) and shares this data with other law enforcement jurisdictions. 28 C.F.R. Part 23 contains operating principles for these interjurisdictional criminal information systems which protect individual privacy and constitutional rights.

If your agency will use Secure Our Schools grant funds simply to operate a single agency database (or other unrelated forms of technology) and will not share criminal intelligence data with other jurisdictions, 28 C.F.R. Part 23 does not apply to this grant.

What You Should Do:

All Secure Our Schools grant recipients were required to agree to the Criminal Intelligence Systems/28 C.F.R. Part 23 Compliance Special Condition as part of their application proposal so the COPS Office can track which agencies intend to use their grant funds to operate interjurisdictional criminal intelligence systems. If your agency intends to use grant funds to operate an interjurisdictional criminal intelligence system, you should have indicated this in your application and certified your agency's agreement to comply with the operating principles found at 28 C.F.R. Part 23. Your agency now must comply with 28 C.F.R. Part 23 in operating the interjurisdictional criminal intelligence system funded through your Secure Our Schools grant.

13. SOLE SOURCE JUSTIFICATION

Grantees who have been awarded funding for the procurement of an item (or group of items) or service in excess of $100,000 and who plan to seek approval for use of a noncompetitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending, or drawing down grant funds for that item.

Why This Condition:

In general, grant recipients are required to procure funded items through open and free competition. However, in some instances, grantees may have already determined that competition is not feasible.

What You Should Do:

If you have received an award for an item (or group of items) or service in excess of $100,000 and have already determined that the award of a contract through a competitive process is infeasible, you must provide a written justification that explains why it is necessary to contract noncompetitively.

The initial determination that competition is not feasible can be made if one of the following circumstances exists:

1. The item (or group of items) or service is available only from a single source;
2. Public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; or
3. Competition is determined inadequate after solicitation of a number of sources.

The COPS Office will review your request and the supporting information that you provide and will make a determination as to whether or not an exception can be granted to the general rule regarding competition. If submitting a sole source justification request to the COPS Office, please use the format described in Section II, "Procurement Process."

14. EMPLOYMENT ELIGIBILITY

The grantee agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.

Why This Condition:

Under federal immigration law, all employers are required to take certain steps to ensure that persons that are hired are legally permitted to work in the United States. The Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9) outlines the types of documents that an employer should review to confirm that a new hire is eligible for employment.

What You Should Do:

You do not need to submit any documentation to the COPS Office to satisfy this condition. Rather, you should complete and maintain the I-9 forms for all new employees under the guidelines set forth by the Bureau of Citizenship and Immigration Services. For further information about this requirement, you may contact the Bureau's Office of Business Liaison at 800.357.2099 or the National Customer Service Center at 800.375.5283.

15. FALSE STATEMENTS

False statements or claims made in connection with COPS grants may result in fines, imprisonment, or debarment from participating in federal grants or contracts, and/or any other remedy available by law.

Why This Condition:

This condition advises recipients of the consequences of submitting false claims or statements on applications, financial and programmatic reports, or other grant documents.

What You Should Do:

Ensure that all documentation related to your agency's receipt and use of grant funding (grant applications, progress reports, Financial Status Reports, etc.) is true and accurate.

What are the specific rules regarding termination of grant funding?

The COPS Office has the right to sanction or terminate your agency's project when there is reason to believe that your agency:

- Is not substantially complying with the grant requirements or other applicable provisions of federal law;
- Is failing to make satisfactory progress toward the goals or strategies outlined in its application;
- Is not adhering to grant requirements or conditions;
- Is proposing substantial plan changes to the extent that, if originally submitted, would have resulted in the application being denied funding;
- Is not submitting financial or programmatic reports in a timely manner;
- Is filing false statements or certifications in connection with an application, periodic report, or other grant-related documents; and/or
- Is providing other good cause for sanctions or termination as determined by the COPS Office.

In these instances, the COPS Office may:

- Temporarily withhold payments pending correction of the situation by your agency;
- Disallow all or part of the cost of the activity or action not in compliance;
- Wholly or partly suspend or terminate your grant;
- Require that some or all of the grant funds be remitted to the U.S. Department of Justice;
- Condition a future grant or elect not to provide future grant funds to your agency until appropriate actions are taken to ensure compliance;
- Withhold or bar your agency from obtaining future awards;
- Recommend civil or criminal enforcement by other agencies; and/or
- Take other remedies that may be legally available.

In the event that sanctions are imposed or your grant is terminated, your agency will be notified in writing of our decision and the reason(s) for that decision.

Accepting the Grant Award

After you have reviewed the conditions of your Secure Our Schools award and your agency agrees with these conditions, you are ready to accept the award. The Acting Director of the COPS Office has signed the Award Document indicating approval of your grant, an obligation of federal funds to your organization, and our commitment to the award. As stated at the beginning of this section, to officially begin your grant and draw down your funds, the **authorized officials** (see Section X, "Glossary of Terms") must sign the Award Document and return the **original** document to:

U.S. Department of Justice
Office of Community Oriented Policing Services (COPS)
Attention: Secure Our Schools Control Desk
1100 Vermont Avenue, N.W., 8th Floor
Washington, DC 20530
(For overnight delivery, please use 20005 as the ZIP Code.)

Since COPS is required to maintain the original Award Document with original signatures in our files, faxed or altered copies of the Award Document cannot be accepted.

Who should sign the Award Document for our agency?

The "authorized officials" are the law enforcement and government executives who have ultimate and final responsibility for all programmatic and financial decisions regarding this grant as representatives of the legal grantee. COPS grants require that both the top law enforcement executive (e.g., Chief of Police, Sheriff, or equivalent) and the top government executive (e.g., Mayor, Board Chairman, or equivalent) sign the Award Document. For non-law enforcement agencies (universities, private organizations, etc.), the authorized officials are the programmatic and financial officials who have the ultimate signatory authority to sign contracts on behalf of your organization. Typically, these are the same executives who signed the forms located in your Secure Our Schools application package (if one or both of these individuals have changed, please complete a Change of Information form online at www.cops.usdoj.gov through the Account Access option). If you have any questions as to who should sign the award, please contact your jurisdiction's local legal advisor.

When must the Award Document be returned?

Please return the original signed Award Document within 90 days of the date on the award congratulatory letter. Grant funds will not be released until we have received your agency's original signed Award Document, your budget has received final clearance, and any other relevant grant conditions particular to your agency have been satisfied. Failure to submit your signed Award Document within the 90-day award acceptance period may result in your Secure Our Schools award being withdrawn and the funds deobligated without additional notification. If your agency requires an extension for accepting the award beyond the 90-day acceptance timeframe, please submit a written request to your COPS Grant Program Specialist. Be sure to explain the circumstances that prevent your agency from returning the Award Document within the 90-day period, and identify the date by which the Award Document will be signed and mailed to the COPS Office. The COPS Office will review such requests on a case-by-case basis. The COPS Office reserves the right to deny requests to extend the 90-day award acceptance period.

II. Procurement Process

II. PROCUREMENT PROCESS

In general, grant recipients are required to procure funded items through open and free competition when feasible. For the purchase of equipment, technology or services under a COPS grant award, grant recipients must follow their own policies and procedures on procurement as long as those requirements conform to the federal procurement requirements set forth in 28 C.F.R. § 66.36 and 28 C.F.R. § 70 (as applicable).

As described in Grant Condition #13, grantees will be required to submit a sole source justification (SSJ) request if a competitive bidding will not be possible and the threshold of $100,000 for goods or services to be procured through a sole source is met. The COPS Office will review your request and supporting information to determine whether an exception can be granted to the general rule of open competition. Written approval from the COPS Office for the use of a sole source must be received prior to purchasing items or services, obligating funding for a contract, or entering into a contract with grant funds. All grantees are expected to review and abide by 28 C.F.R. Part 66.36 Procurement (or 28 C.F.R. Part 70.40 - 70.48 for institutions of higher education, hospitals and other non-profit organizations) in determining if an SSJ must be completed. Please contact your COPS Grant Program Specialist at 800.421.6770 for further assistance with this federal regulation.

A sole source justification request should be submitted if a grant recipient determines that the award of a contract through a competitive process is infeasible, and if one or more of the following circumstances apply:

1. The item (or group of items) or service is available only from one source;
2. The public exigency or emergency for the item/service will not permit a delay resulting from competitive solicitation; or
3. Competition is determined inadequate after solicitation of a number of sources.

If your agency is submitting the written request for approval for a sole source justification, the documentation should follow the format provided below:

Letterhead – The sole source request must be signed and submitted on grantee department letterhead, and include the agency ORI and the grant number for which the approval is being sought. The request should also include the following information:

Section I – A brief description of the project, the amount to be designated for the sole source procurement, and the purpose of the contract.

Section II – a) An explanation as to why it is necessary to contract in a noncompetitive manner, and b) which one (or more) of the three circumstances identified on the following page applies to the procurement transaction. Include supporting information as identified on the following page under the applicable section(s).

1. If the item/service is available only from one source, please include the following:
   - Uniqueness of items/services to be procured from the proposed contractor or vendor (compatibility, patent issues, etc.)
   - How the agency determined that the item/service is only available from one source (e.g., market survey results, independent agency research, patented or proprietary system, etc.)
   - Explanation of need for contractor's expertise linked to the current project (e.g., knowledge of project management, responsiveness, experience of contractor personnel, prior work on earlier phases of project, etc.)
   - Any additional information that would support the case
2. If the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation, please include the following:
   - When the contractual coverage is required by your department and why
   - Impact on project if deadline/dates are not met
   - How long it would take an alternate contractor to reach the same required level of competence (equate to dollar amounts, if desired)
   - Any additional information that would support the case
3. If competition is determined inadequate after solicitation of a number of sources, please include the following:
   - Results of a market survey to determine competition availability; if no survey is conducted, please explain why not
   - Any additional information that would support the case

Section III – A declaration that this action/choice is in the best interest of the agency.

Failure to provide all of the necessary information will delay the processing of your request. Your agency will be contacted if any of the identified information is missing or if additional supporting information is required. If the COPS Office determines that the request does not meet the standards set forth above, the request will be denied.

Please be advised that conflicts of interest are prohibited under the procurement standards set forth in 28 C.F.R. Part 66 and 28 C.F.R. Part 70.

If you have any questions regarding the federal requirements that guide procurement procedures, please contact your COPS Grant Program Specialist at 800.421.6770.

III. Accessing Grant Funds

III. ACCESSING GRANT FUNDS

This section provides answers to payment-related questions, including all the information needed to set up your payments. For assistance with financial management and grant administration, please contact the COPS Office Response Center at 800.421.6770 or visit our website at www.cops.usdoj.gov.

Payment Method

What method of payment is used?

There is currently one method of payment available for accessing federal grant funds—the Phone Activated Paperless Request System (PAPRS). PAPRS enables grantees to use their touch-tone telephone to request funds. Approved payment requests will be automatically scheduled for payment by the U.S. Treasury Department. The system also provides online information to grantees about the status of their requests.

If you do not have a touch-tone telephone, please contact the COPS Office Response Center at 800.421.6770. If you need to request a reprinted PAPRS package, please contact the Office of the Chief Financial Officer, Customer Service Center, Office of Justice Programs at 800.458.0786.

COPS grantees will be informed of any additional payment options that may become available during the grant life cycle.

Setting Up Your Account

How do we set up a PAPRS account?

If you are a new grantee to the COPS Office, you should receive a packet of financial documents shortly after COPS receives your original signed Award Document. This packet will contain all of the information that your agency needs to set up your payment method. You will receive a PAPRS user's manual under separate cover from the Office of the Chief Financial Officer, Office of Justice Programs (OJP). Once you receive your Office of Justice Programs vendor number (which may or may not be the same as your taxpayer identification number), please use your PIN and Grant ID numbers (included in the PAPRS package) and follow the directions in the user's manual to access your funds.

How do we fill out the payment enrollment forms?

Your agency will receive an Automated Clearing House (ACH) Vendor/Miscellaneous Payment (SF-3881) enrollment form from OJP. **Prior to accessing your grant funds, your agency must mail the original form to:**

Office of Justice Programs
Office of the Chief Financial Officer
810 7th Street, N.W.
Washington, DC 20531

Your agency must complete the "Payee/Company Information" section following the directions on the back of the form and also provide the grant number (printed on the Award Document). Next, your financial institution must complete the "Financial Institution Information" section and have the appropriate financial official sign the form.

If you are already a COPS grantee, you should already have filled out an ACH enrollment form. Therefore, your agency will not be required to submit a new ACH enrollment form for the newly awarded grant as long as your OJP vendor number has not changed. If you have any questions, please call the COPS Office Response Center at 800.421.6770.

When should Financial Status Reports be filed?

After your agency returns the signed Award Document to the COPS Office, under current regulations, you are required to submit quarterly Financial Status Reports (FSRs) using a Standard Form 269A (SF-269A). This report reflects the actual monies spent and unliquidated obligations incurred by your agency. You will not be able to make drawdowns from your grant account if the SF-269A for the most recent reporting quarter is not on file with the COPS Office by the deadline date. Grantees are encouraged to submit their SF-269A reports via the Internet at https://www.cops.usdoj.gov.

For more information on how to complete and where to submit your quarterly FSRs, see Section VII of this Grant Owner's Manual titled "Reports."

Please be advised that after December 31, 2009, the COPS Office will discontinue the use of the SF-269A and recipients will be required to use the government-wide Standard Form 425 (SF-425) Federal Financial Report. The COPS Office will notify grantees in advance of any changes to the quarterly Financial Status Report requirement. Until further notice, recipients should continue to submit their quarterly SF-269A.

Filing the Financial Status Report identifies your federal and local expenditures made during that calendar quarter. However, to receive actual payment, you must request it through PAPRS.

Additional Payment Questions

Can we receive advances?

Yes. If you receive funds through electronic transfer, the period allowed is ten (10) days in advance. In general, the concept of "minimum cash on hand" applies to COPS grants. This concept requires that your agency request funds based upon immediate cash disbursement needs. You should time your request for payment to ensure that federal cash on hand is the minimum that you need.

There should be no excess federal grant funds on hand, except for advances not exceeding ten days, as noted above.

The federal government has four basic rules regarding advances. Advances can be terminated if the grantee:

- Is unwilling or unable to attain project goals;
- Maintains excess cash on hand;
- Does not adhere to the terms and conditions of the grant; or
- Fails to submit reliable and/or timely reports.

How often do we request reimbursement of costs?

There are no limitations on how often your agency may request reimbursements. However, reimbursement is only for costs that were approved in the Financial Clearance Memorandum under the Secure Our Schools grant. As a general guideline, most agencies request reimbursement on a monthly or quarterly basis.

Can we earn interest on our grant funds?

Your agency should minimize the time between your drawdown of grant funds and your payment of grant costs to avoid earning excess interest on your grant funds. You must account for interest earned on advances of federal funds as follows:

- Local units of government may keep interest earned on all advances of federal funds up to $100 per federal fiscal year in the aggregate. Interest earned in excess of $100 must be remitted promptly, but at least quarterly, to the U.S. Department of Health and Human Services, Payment Management Systems, P.O. Box 6021, Rockville, MD 20852.
- Except as provided in 28 C.F.R. 70.22(l), nonprofit organizations may keep interest earned on all advances of federal funds up to $250 per federal fiscal year in the aggregate. Interest earned in excess of $250 must be remitted annually to the U.S. Department of Health and Human Services, Payment Management Systems, P.O. Box 6021, Rockville, MD 20852.
- State governments, including any agency or instrumentality of a state, should follow the provisions of the Intergovernmental Cooperation Act (31 U.S.C. 6501 et. seq.) pertaining to the disposition of interest earned on federal funds.

IV. Meeting the Local Match

IV. MEETING THE LOCAL MATCH

The Secure Our Schools grant program provides up to 50 percent of the cost of allowable items, and grantees are therefore responsible for at least 50 percent of the total project costs. The local match must be a cash match made from local, state, or other non-COPS funds. Federal funds (other than COPS Office funds) may be used to meet your local match only if the federal funds are authorized by statute for that purpose and approved by both the federal agency providing those funds and the COPS Office.

Matching contributions may be applied at any time during the life of your grant, provided that the full matching share is obligated by the end of the grant period. The local match may not be paid from funds previously budgeted for any specific law enforcement purpose (i.e., you may not reallocate funds from within your law enforcement budget to pay the local match). The local match must be in addition to funds previously budgeted for specific law enforcement purposes.

Matching Funds

What are some sources of matching funds?

Sources for match requirements may include:

- Program income funds from non-federal asset forfeitures
- Funds from state or local governments that are committed to matching funds for your program
- Funds from federal programs whose statutes specifically authorize their use as matching funds, such as the Housing and Community Development Act of 1974 or the Asset Forfeiture Equitable Sharing Program
- Funds contributed by private sources
- Federal funds appropriated to tribal agencies or to the Bureau of Indian Affairs performing law enforcement functions on Indian lands may be used as matching funds.

When and how should the match be made?

As stated above, matching contributions may be applied at any time during the life of your grant, provided that the full matching share is obligated by the end of the grant period. If you have any questions about paying your local match, please contact your COPS Grant Program Specialist or your COPS Staff Accountant at 800.421.6770.

Should we maintain records of the match?

Yes, your agency must maintain records of your local share. These records should clearly show the source of the local matching funds, the amount of the match, and when the match was contributed. This is necessary to establish that the matching funds were not previously budgeted for law enforcement purposes and were contributed during the grant period. You do not need to provide these supporting documents to the COPS Office, but such records must be produced in the event of an audit or site visit. In addition, grantees are required to report the amount of local match contributed on the quarterly Financial Status Report SF-269A under "line B."

V. Financial Record Maintenance

V. FINANCIAL RECORD MAINTENANCE

Under the COPS Secure Our Schools grant, your agency is required to establish and maintain accounting systems and financial records to accurately account for funds awarded and disbursed. These records must include both federal funds and any local funds contributed to this project.

What accounting systems are required?

Your agency needs to establish and maintain accounting systems and financial records to accurately account for the funds awarded. These records must include both the federal funds and the matching funds from state, local, and/or private sources.

Your accounting system should:

- Present and itemize actual expenditures of funded items;
- Demonstrate that funds are spent in compliance with your grant conditions; and
- Be able to provide the necessary information for periodic financial review and audit.

What records must be kept?

Your agency's fiscal control and accounting systems should enable you to make accurate, current and complete disclosure of the financial activity under your Secure Our Schools grant. Your accounting records should contain information showing expenditures under the grant and must be supported by items such as payroll records, time and attendance records, canceled checks, purchase orders, or similar documents.

Your agency must adequately safeguard grant funds and make sure that they are used for authorized purposes only. Your agency will be responsible for refunding any unallowable expenses.

How long must documents be kept?

All financial records, including payroll, time and attendance records, canceled checks, purchase orders, and similar documents associated with your Secure Our Schools grant should be kept for at least three years from the date COPS officially closes the grant. If any litigation, claim, negotiation, audit or other action involving these records has been started before the end of the three-year period, the records should be kept until completion of the action. These records should be easily located and should be properly protected against fire or other damage. **Failure to maintain adequate records to document grant expenditures may result in a requirement to repay all federal funds that cannot be supported with appropriate records.**

Your agency should maintain records so that you can identify them by grant year or by fiscal year, whichever you find more convenient.

What if we have more than one grant?

If your agency has more than one COPS grant or a grant from another federal agency, funds received under one project may not be used to support another project without specific written authorization from COPS, or in the case of a grant from another agency, from both awarding agencies. Your accounting systems and financial records must reflect expenditures for each project separately.

Who may access our records?

Authorized federal representatives, including representatives from the U.S. Department of Justice, the Comptroller General of the United States, the COPS Office, and any entity designated by the COPS Office may access these records for the purposes of conducting audits, site visits or other examinations.

Records must be kept for at least three years from the date that the COPS Office has officially closed your agency's grant.

VI. Federal Audit Requirements

VI. FEDERAL AUDIT REQUIREMENTS

In addition to oversight by the COPS Office, your grant may be subject to an audit by independent examiners. The two primary types of audit are Single Audit Act (SAA) audits and Department of Justice (DOJ) Office of the Inspector General (OIG) audits.

What are the regulations governing SAA requirements?

The Single Audit Act of 1984 established uniform guidelines for state and local governments receiving federal financial assistance. The 1984 Act was amended in July 1996 and revised again June 27, 2003, and is effective for fiscal years after December 31, 2003, to reflect revised audit criteria and reporting requirements. The Office of Management and Budget Circular A-133 (OMB A-133), Audits of States, Local Governments and Non-Profit Organizations, provides additional guidelines regarding the implementation of SAA requirements.

Who must have an SAA audit?

Each non-federal entity that expends a total amount of federal awards equal to or in excess of $500,000 in a fiscal year is required to have a Single Audit conducted, except when it elects to have a program-specific audit conducted. SAA audits are conducted annually unless a state or local government is required by constitution or statute, in effect on January 1, 1987, to undergo audits less frequently than annually. The primary objective of an SAA audit is to express opinions on the grantee's financial statements, internal controls, major and non-major grant programs, and compliance with government laws and regulations. Single Audits may also address specific compliance issues with respect to COPS grant requirements.

Failure to have an audit performed may result in sanctions imposed by federal agencies for noncompliance with Circular A-133. These sanctions could include withholding part of your federal award until a required audit is completed satisfactorily, withholding or disallowing unnecessary or unreasonable audit costs, or suspending your award until the audit is performed.

Your Single Audit Act reports **should not** be sent to the COPS Office. If the U.S. Department of Justice is your Cognizant Federal Agency (see Section X, "Glossary of Terms"), they should be sent to the Federal Audit Clearinghouse at:

Federal Audit Clearinghouse
Bureau of Census
1201 E. 10th Street
Jeffersonville, IN 47132

The U.S. Department of Justice, Office of Justice Programs (OJP) serves as the liaison between grantees and auditors in the conduct of SAA audits. Questions and comments regarding SAA audits may be directed to the COPS Office Response Center at 800.421.6770.

What is the role of the Office of the Inspector General (OIG)?

The OIG is a separate component of the U.S. Department of Justice and is independent of the COPS Office. The primary objective of OIG audits is to assess compliance with grant conditions. OIG audits are designed to promote economy, efficiency, and effectiveness in the administration of grants by evaluating compliance with laws, regulations, policies, and procedures governing the operations encompassed in the scope of the audit.

How are COPS grants selected for an OIG audit?

The OIG may conduct a COPS grant audit in response to a referral that the OIG believes warrants further evaluation. The OIG also surveys DOJ agencies on an annual basis to solicit input on suggested audit areas for the upcoming fiscal year. In most instances, however, the OIG selects grants based on a number of factors, including the geographical distribution of grants awarded, award amount, population served, and type of grant (both active and expired). As such, the fact that your grant has been selected for an OIG audit is not necessarily indicative of a suspected concern or problem area.

The COPS Audit Liaison Division serves as the liaison between grantees and the OIG's Audit Division, which conducts the audit. After the OIG notifies COPS of upcoming audits to be conducted, the COPS Audit Liaison Division will send out a notification letter to the grantee outlining the scope of each audit and the anticipated audit timeframe. This notification letter also advises grantees of the supporting documentation required and information necessary for the OIG during their scheduled field work, and provides a COPS point of contact to address questions and concerns. If you have any questions regarding an OIG audit, please contact the COPS Audit Liaison Division at 800.421.6770. Questions and comments regarding the administration of your COPS grant, not specifically related to an audit, should be referred to your COPS Grant Program Specialist.

Typical Audit Findings

The OIG has typically reported the following audit findings pertaining to grants as a result of lack of proper documentation, poor business practices, or inadequate accounting and record keeping systems:

- Unallowable costs – Grantee incurred costs which were not approved in the original budget, were in excess of the approved budget, or were charged to the grant after the expiration date and a grant extension was not obtained.
- Unsupported costs – Specific grant expenditures and reimbursements could not be supported, or grant expenditures were in excess of actual grant costs.
- Lack of complete/timely programmatic and financial reporting – Grantee failed to submit required programmatic and financial reports in a timely manner and/or had inadequate record keeping systems.
- Unsupported local match contributions – Grantee did not have adequate accounting and record keeping systems to identify the source(s) of local matching contributions, when the local matching contributions were made, and/or the amount of contributions.
- Supplanting – Grantee could not document efforts to backfill vacant positions and/or grantee could not explain reductions in local law enforcement budget during the grant award period.
- Funds to better use – Funds could be used more efficiently based on management actions such as: a) reductions in outlays; b) deobligation of funds; c) withdrawal; d) costs not incurred by implementing recommended improvements; or e) any other savings which are specifically identified.

- Questioned costs – Costs that are questioned by the auditor because of an audit finding which resulted from a violation or possible violation of a provision of law, regulation, grant terms and conditions, or other document governing the use of federal funds; or because costs incurred appear unreasonable and do not reflect the actions a prudent person would take under the same circumstances; or because costs at the time of the audit are not supported by adequate documentation.

After the final OIG audit report has been issued, the COPS Audit Liaison Division will continue working as the liaison between your agency and the OIG to obtain closure on any audit findings. COPS will issue a closure letter once all audit recommendations have been closed by the OIG. You must keep all documentation related to the audit for a period of three years following the audit's closure.

VII. Reports

VII. REPORTS

As part of the Secure Our Schools program, your agency will be required to submit quarterly Financial Status Reports as well as program progress reports. Awarded agencies should be prepared to track and report Secure Our Schools grant funding separately from other funding sources (including other COPS and federal grants) to ensure accurate financial and programmatic reporting on a timely basis. Your agency should ensure that you have financial internal controls in place to monitor the use of Secure Our Schools funding and ensure that its use is consistent with the grant terms and conditions. Good practices in this area would include written accounting practices, an accounting system that tracks all drawdowns and grant expenditures, and the ability to track when grant-funded positions are filled or approved purchases are made. *Failure to submit complete reports, or submit them in a timely manner, may result in the suspension and possible termination of your agency's COPS grant funding or other remedial actions*.

Financial Status Reports

Your agency is required to submit quarterly Financial Status Reports (FSRs) using a Standard Form 269A (SF-269A). This report reflects the actual federal monies spent, unliquidated obligations incurred, local matching contributions, and the unobligated balance of federal funds.

Please be advised that after December 31, 2009, the COPS Office will discontinue the use of the SF-269A and recipients will be required to submit quarterly financial status reports within 30 days after the end of each calendar quarter using the government-wide Standard Form 425 (SF-425) Federal Financial Report. A final SF-425 will be due within 90 days after the end of the grant period. The COPS Office will notify grantees in advance of any changes to the quarterly financial status report requirement, including instructions on how to submit the new SF-425. Until further notice, recipients should continue to submit their quarterly SF-269A.

How do we file Financial Status Reports?

Under current regulations, the FSR is due at the COPS Office no later than 45 days following each calendar quarter. However, please be advised that the 45-day requirement will be shortened in the future. The COPS Office will notify grantees in advance of any changes to this reporting requirement. A chart showing the reporting quarter end dates and due dates under the current regulations is provided on the next page. Grantees are strongly encouraged to submit their SF-269A reports via the Internet at: **https://www.cops.usdoj.gov**.

If you need assistance in completing the SF-269A properly, please contact the COPS Office Response Center at 800.421.6770, by e-mail at AskCopsRC@usdoj.gov, or review the "Helpful Hints Guide for Completing a Financial Status Report" at www.cops.usdoj.gov/files/RIC/publications/e02085123.pdf.

For your first SF-269A submission, use the chart below to determine when the most recent SF-269A reporting quarter ended and complete an SF-269A to cover the period from the award start date of your grant to that particular end date. You are required to submit an SF-269A even if you have not spent any money or incurred any costs during a reporting period. The due dates for online filing of SF-269As are the same as for the submission of paper copies. Under current regulations, the SF-269As must be submitted not later than 45 days after the last day of each reporting quarter as follows:

SF-269A Reporting Quarters	Date Due
01-01-YY to 03-31-YY	No later than 05-15-YY
04-01-YY to 06-30-YY	No later than 08-14-YY
07-01-YY to 09-30-YY	No later than 11-14-YY
10-01-YY to 12-31-YY	No later than 02-14-YY

Example:

If your award start date is 02-01-09 and the current date is 04-15-09, then your first SF-269A would be due no later than 05-15-09 and would cover the period 02-01-09 (award start date) through 03-31-09 (end of the most recent reporting quarter). This SF-269A must be on file with the COPS Office so that you can successfully complete a drawdown of funds through PAPRS.

The online SF-269A requires the same reporting information as the paper version. The use of this online application enables authorized users to view current and past SF-269As, and allows them to file or amend the SF-269A for the current quarter.

Grantees who do not submit SF-269As by the due date will be unable to draw down funds. The payment system contains a function which checks for SF-269A delinquency and will reject a drawdown attempt if the SF-269A is not up to date.

E-mail reminders will be sent prior to the SF-269A submission due date, and subsequent e-mail, fax, and/or hard copy reminders may be sent to the grantee should SF-269As be delinquent.

How will grant funds be monitored?

The COPS Office and designated representatives from the Office of the Chief Financial Officer, Office of Justice Programs monitor the financial aspects of your agency's grant through financial reports, meetings, telephone contacts, reports, audits, reviews of grant change requests and special request submissions. In specific cases, information may also be requested during an on-site visit.

Program Progress Reports

Program progress reports and a final closeout report will be required as requested by the COPS Office during the life of the grant. The COPS Office will notify the agency when the progress report is due and provide instructions for submission. The report may be submitted online or by phone by the grantee agency's representative.

What kind of information will these reports require?

These reports will request information about the status of your grant in terms of the purchase of equipment and services and hiring of personnel, as well as general information about your department.

Do we need to request a progress report?

No. The COPS Office will contact your agency at any time when progress reports are being requested.

Contact Points to Obtain Technical Assistance and Report Violations

Any alleged violations, serious irregularities, or acts that may result in the use of public funds in a manner inconsistent with the Public Safety Partnership and Community Policing Act of 1994 or the purposes of this grant must be reported to the U.S. Department of Justice. Furthermore, the COPS Office welcomes the opportunity to provide assistance regarding the implementation of grant provisions to help ensure that federal grant funds are spent responsibly. As such, the following contacts are provided to address noncompliance and technical assistance issues:

- If you suspect grant violations, you must promptly refer to the Office of the Inspector General (OIG) any credible evidence that a person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving COPS grant funds. The OIG may be contacted at OIG.hotline@usdoj.gov, http://www.usdoj.gov/oig/FOIA/hotline.htm, and 800.869.4499.
- If you suspect grant violations (*not* criminal in nature) related to the grant conditions listed in this manual, please contact the COPS Grant Monitoring Division at 202.514.9202.
- If you have any questions and/or need assistance regarding your grant, please contact your COPS Grant Program Specialist at 800.421.6770.

VIII. When the Grant Period Has Ended

VIII. WHEN THE GRANT PERIOD HAS ENDED

At the end of your agency's Secure Our Schools grant period, the COPS Office is responsible for the "closeout" of your grant. As part of this process, the COPS Office requires documentation demonstrating that your agency has met all of the programmatic and financial requirements of the grant.

After the end of the grant period, your agency will be asked to submit a final Financial Status Report and any applicable final program reports.

Final Financial Status Report

The final Financial Status Report (SF-269A) for your grant is due to the COPS Office no later than 90 days after the end of the grant period. The final report should reflect the total amount of federal expenditures and the amount of unobligated funds, if any. Additionally, it should reconcile with the amount of funds drawn down by your agency.

When should all of the grant monies be spent?

Grant funds reflecting allowable project costs must be obligated before the end of the grant period. Obligated funds cover monies spent and expenses for all approved items in the Financial Clearance Memorandum that your agency has incurred but not yet paid. Your agency has up to 90 days after the end of the grant period to request reimbursement for funds obligated.

Please be advised that 28 C.F.R. 66.50(c) requires grantees to submit final SF-269As and to draw down the final reimbursement for expended funds within 90 days after the expiration of the grant. In addition, be advised that failure to complete the drawdown of funds within the 90-day period following award expiration will result in the forfeiture of the remaining eligible balance.

It is possible that your agency may have excess grant funds remaining in your account following the grant period due to an overestimate of item costs during the grant period. Your agency should review its records carefully to ensure that it draws down and expends only the amount required for actual costs incurred during the grant period. Any excess unobligated or unspent funds should remain in your account, and will be deobligated during the closeout process.

Final Program Progress (Closeout) Report

After your grant period has ended, your agency may be sent a final progress or closeout report from the COPS Office and asked to complete it. This report will serve as your agency's final programmatic report on the grant, and the information your agency provides in this report will be used to make a final assessment of your grant progress.

Equipment Disposition

Each grantee must use any equipment funded through a COPS award for approved grant-related purposes and must retain the equipment for the life of the grant. After the conclusion of the grant period, property records must be maintained by the grantee. The records should include a description of the property; a serial number or other identification number; the source of the property; the name of the person or entity that holds the title; the acquisition date and cost of the property; the percentage of federal participation in the cost of the property; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposal and sale price of the property. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property.

When the grant has expired and original or replacement equipment obtained under the grant is no longer needed for the original project or for other activities currently or previously supported by a federal agency, disposition of the equipment shall be made as follows:

- Items of equipment with a current per-unit fair market value of less than $5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
- Items of equipment with a current per-unit fair market value in excess of $5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

For more information, please see 28 C.F.R. Part 66.32 or 28 C.F.R. Part 70.34, as applicable.

IX. Conclusion

IX. CONCLUSION

We hope that this manual has assisted you and your agency with your grant questions. We welcome and encourage any comments you have regarding the Secure Our Schools program and the materials we have developed for its administration. If you have specific comments regarding this manual, please send them to:

U.S. Department of Justice
Office of Community Oriented Policing Services (COPS)
Attention: Secure Our Schools Control Desk
1100 Vermont Avenue, N.W., 8th Floor
Washington, DC 20530
(For overnight delivery, please use 20005 as the ZIP Code.)

If you have any questions about your grant, please call your COPS Grant Program Specialist or the COPS Office Response Center at 800.421.6770.

X. Glossary of Terms

X. GLOSSARY OF TERMS

Allowable Costs

Allowable costs are expenses that may be funded by this grant program. COPS SOS provides funding for equipment, services, personnel, and other costs purchased or hired on or after the award start date. Upon review of your submitted budget, any unallowable costs were removed. The Financial Clearance Memorandum that was included in your award package outlined your allowable costs and noted any relevant revisions that were made to your original budget submission.

Audit

Work done by auditors, including both the Office of the Inspector General (OIG) and state or local auditors, to examine financial statements and to review: (a) compliance with laws and regulations; (b) economy and efficiency of operations; (c) effectiveness in achieving program results; and (d) allowability of costs claimed against the award.

Authorized Officials

The authorized officials are the individuals in your organization who have final authority and responsibility for all programmatic and financial decisions regarding this grant award. At the time of application, your agency listed the law enforcement executive (usually the Chief of Police, Sheriff, etc.) and the government executive (usually the Mayor, Board President, etc.) for your agency. These executives are listed on your Award Document and are understood to be your authorized officials. If any of the executive information is incorrect, please submit the correct information to the COPS Office by completing an official Change of Information form available online at www.cops.usdoj.gov.

Award Start Date

This is the date on or after which your agency is authorized to purchase or hire any allowable equipment, services, personnel, or other costs that were approved by the COPS Office. The award start date is found on your grant Award Document. *Grantees may not expend funds prior to this date without written approval from the COPS Office*.

Career Law Enforcement Officer

The COPS statute defines a "career law enforcement officer" as a person hired on a permanent basis who is authorized by law, or by a state or local public agency, to engage in or oversee the prevention, detection, or investigation of violations of criminal laws.

Catalog of Federal Domestic Assistance (CFDA)

The CFDA is an annual government-wide publication that contains a description and index of all forms of federal assistance. Each program is assigned a "CFDA number," which is used by auditors to track grant revenues under the Single Audit Act. It is also used in participating states by State Single Points of Contact in conducting the required intergovernmental reviews under Executive Order 12372. The CFDA number for the COPS Secure Our Schools grant is 16.710.

Closeout

This is the process in which the awarding agency, the COPS Office, determines that all applicable administrative actions and all required work and conditions of the award have been completed and met by the recipient and awarding agency.

Cognizant Federal Agency
Your Cognizant Federal Agency is generally the federal agency that provides your agency with the most federal money. The Office of Management and Budget (OMB) may have already assigned your Cognizant Federal Agency to you. If this is the first federal grant that your organization has received, the U.S. Department of Justice (DOJ) is your Cognizant Federal Agency.

Community Oriented Policing
Community policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. All newly hired, additional or rehired officers (or an equal number of redeployed veteran officers) funded under COPS programs must engage in community policing activities.

COPS Finance Staff
The COPS Finance Staff handles your agency's financial and budgetary needs related to this grant. A staff accountant has been assigned to your state and is available to answer any questions that you may have concerning the financial aspects of your grant. To identify your staff accountant, please call the COPS Office Response Center at 800.421.6770, or visit the COPS website at www.cops.usdoj.gov.

COPS Office
The Office of Community Oriented Policing Services (COPS) is the division of the U.S. Department of Justice that is the "grantor agency" for your grant. The COPS Office is responsible for assisting your agency with the administration and maintenance of your grant for the entire grant period. You can reach the COPS Office at 800.421.6770.

Data Universal Numbering System (DUNS) Number
Since FY 2004, the Office of Management and Budget (OMB) has required all agencies applying for federal funding to obtain this number prior to application. The DUNS number is a unique nine-digit identification number that is assigned upon request to agencies by Dun & Bradstreet (D&B). This number will be used by the federal government to better track grant recipient information throughout the grant cycle and to provide consistent name and address data for electronic grant application systems. To obtain a DUNS number, visit the Dun & Bradstreet website at www.dnb.com or call 866.705.5711.

Employer Identification Number (EIN) / OJP Vendor Number
This number is usually your agency's nine-digit federal tax identification number as assigned to you by the Internal Revenue Service (IRS). Your accounting/bookkeeping department should have this number. In some cases, the EIN has been previously assigned to another agency within your jurisdiction. In this instance, a new vendor number will be assigned to you by the Office of the Chief Financial Officer. The newly assigned number is to be used for COPS administrative purposes only and should not be used for IRS purposes.

Grant Monitoring Specialist

Grant Monitoring Specialists are trained and available to assist you in addressing any compliance-related questions regarding your grant. Grant Monitoring Specialists plan and conduct site visits and office-based grant reviews. During the life of your grant, you may be randomly selected for a monitoring site visit to assess your compliance with the terms and agreements of the grant program, to review your community policing initiatives, and to provide technical and administrative support for your grant award. Please contact the COPS Office Response Center at 800.421.6770 if you have any compliance-related questions.

Grant Number

The grant number identifies your agency's specific SOS grant, and can be found on your grant Award Document. This number should be used as a reference when corresponding with the COPS Office. Your grant number is in the following format: 2009-CKWX-0000 for grants awarded in FY2009. The COPS Office tracks grant information based upon this number.

Grant Program Specialist

COPS Grant Program Specialists are trained to assist you with implementing and maintaining your grant. A Grant Program Specialist is assigned to your state, and is available to answer any questions that you may have concerning the administrative aspects of your grant. Your Grant Program Specialist can assist you with such matters as requesting an extension on your grant or modifying the grant award. To obtain the name and phone number of your Grant Program Specialist, please contact the COPS Office Response Center at 800.421.6770 or refer to the COPS website, www.cops.usdoj.gov.

Obligation of Funds

The COPS Office obligates federal funds when the grant Award Document is signed by the COPS Director or his/her designated official. For the grantee, grant funds are obligated when monies are spent or orders are placed for approved items or incurring approved salaries and benefits under your grant. The term "encumbrance" is often used at the local and state levels to describe this type of transaction. Liquidated obligations are considered cash outlays or monies actually spent. Unliquidated obligations are obligations incurred and recorded but not yet paid (accrual basis of accounting) or not yet recorded and not yet paid (cash basis of accounting).

Originating Agency Identifier (ORI) Number

This number is assigned by the FBI, and it is your agency's unique identifier. The first two letters are your state abbreviation, the next three numbers are your county's code, and the final two numbers identify your jurisdiction within your county. If your agency does not have an ORI number assigned by the FBI, the COPS Office assigns a non-official ORI code to use as an agency identifier (in such cases, the last two digits will be "ZZ"). It can be found on your grant Award Document. When you contact the COPS Office with a question, please reference your ORI number (and/or your grant number).

The Public Safety Partnership and Community Policing Act of 1994
The COPS Office is charged with fulfilling the mandates of this law. The purposes of the law are to:

- Increase the number of community policing officers on the beat
- Provide additional and more effective training to law enforcement officers to enhance their problem-solving, service, and other skills needed in interacting with members of the community
- Encourage the development and implementation of innovative programs to permit members of the community to assist law enforcement agencies in the prevention of crime
- Encourage the development of new technologies to assist law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime.

Supplanting
For the purposes of your COPS grant, supplanting means replacing state, local or Bureau of Indian Affairs funds which otherwise would have been spent on law enforcement purposes with federal COPS funds. State, local, and Indian tribal governments are prohibited from supplanting throughout the grant period. This means that your agency may not use COPS funds to pay for any equipment/ technology, services, personnel, or other items which, in the absence of the COPS program, would otherwise have been funded with state and/or local funds, or funds supplied by the Bureau of Indian Affairs. COPS funds must instead be used to supplement, or increase, your law enforcement budget. For additional information on supplanting, please review Grant Condition #5 in this manual.

Appendixes

APPENDIXES

Appendix A – List of Source Documents

A. Primary Sources

Public Safety Partnership and Community Policing Act of 1994, 42 U.S.C.

B. Secondary Sources

Code of Federal Regulations (CFR)/Office of Management and Budget (OMB):

4 CFR Parts 101-105, Department of Justice/Government Accountability Office, "Joint Federal Claims Collections Standards"

5 CFR Part 1320, "Controlling the Paperwork Burden on the Public"

5 CFR Part 151, "Political Activities of State and Local Officials or Employees"

28 CFR Part 23, "Criminal Intelligence Systems Operating Policies"

28 CFR Part 61, "Procedures for Implementing the National Environmental Policy Act"

28 CFR Part 66, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"

28 CFR Part 67, "Government-wide Requirements for Drug-Free Workplaces (Grants)"

28 CFR Part 69, "Government-wide New Restrictions on Lobbying"

28 CFR Part 70, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations"

31 CFR Part 205, "Treasury Department Regulations Implementing for Cash Management Improvement Act of 1990"

2 CFR Part 220 (OMB Circular A-21), "Cost Principles for Educational Institutions"

OMB Circular A-33, "Audits of Educational Institutions"

2 CFR Part 225 (OMB Circular A-87), "Cost Principles for State and Local Governments"

2 CFR Part 230 (OMB Circular A-122), "Cost Principles for Non-Profit Organizations"

OMB Circular A-129, "Managing Federal Credit Programs"

OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations"

48 CFR Part 31.000, et seq. (FAR-31.2), "Cost Principles for Commercial Organizations"

Executive Orders:

Executive Order 12291, "Regulations"

Executive Order 12372, 28 CFR, Part 30 "Intergovernmental Review of Federal Programs"

Executive Order 12547, "Non-Procurement Debarments and Suspension"

Appendix B – Assurances

Several provisions of federal law and policy apply to all grant programs. The Office of Community Oriented Policing Services needs to secure your assurance that the applicant will comply with these provisions. If you would like further information about any of these assurances, please contact your state's COPS Grant Program Specialist at 800.421.6770.

By the applicant's authorized representative's signature, the applicant assures that it will comply with all legal and administrative requirements that govern the applicant for acceptance and use of federal grant funds. In particular, the applicant assures us that:

1. It has been legally and officially authorized by the appropriate governing body (for example, mayor or city council) to apply for this grant and that the persons signing the application and these assurances on its behalf are authorized to do so and to act on its behalf with respect to any issues that may arise during processing of this application.

2. It will comply with the provisions of federal law, which limit certain political activities of grantee employees whose principal employment is in connection with an activity financed in whole or in part with this grant. These restrictions are set forth in 5 U.S.C. § 1501, et seq.

3. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, if applicable.

4. It will establish safeguards, if it has not done so already, to prohibit employees from using their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

5. It will give the Department of Justice or the Comptroller General access to and the right to examine records and documents related to the grant.

6. It will comply with all requirements imposed by the Department of Justice as a condition or administrative requirement of the grant, including but not limited to: the requirements of 28 CFR Part 66 and 28 CFR Part 70 (governing administrative requirements for grants and cooperative agreements); 2 CFR Part 225 (OMB Circular A-87), 2 CFR 220 (OMB Circular A-21), 2 CFR Part 230 (OMB Circular A-122) and 48 CFR Part 31.000, et seq. (FAR 31) (governing cost principles); OMB Circular A-133 (governing audits) and other applicable OMB circulars; the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; 28 CFR Part 38.1; the current edition of the COPS Grant Monitoring Standards and Guidelines; the applicable COPS Grant Owner's Manuals; and with all other applicable program requirements, laws, orders, regulations, or circulars.

7. If applicable, it will, to the extent practicable and consistent with applicable law, seek, recruit and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions in the agency.

8. It will not, on the ground of race, color, religion, national origin, gender, disability or age, unlawfully exclude any person from participation in, deny the benefits of or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. These civil rights requirements are found in the non-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d); Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); Title II, Subtitle A of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12101, et seq.); the Age Discrimination Act of 1975 (42 U.S.C. § 6101, et seq.); and Department of Justice Non-Discrimination Regulations contained in Title 28, Parts 35 and 42 (subparts C, D, E, G and I) of the Code of Federal Regulations.

A. In the event that any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability or age against the applicant after a due process hearing, it agrees to forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, D.C. 20531.

B. If your organization has received an award for $500,000 or more and has 50 or more employees, then, it has to prepare an Equal Employment Opportunity Plan (EEOP) and submit it to the Office for Civil Rights ("OCR"), Office of Justice Programs, 810 7th Street, N.W., Washington, DC 20531, for review within 60 days of the notification of the award. If your organization received an award between $25,000 and $500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. If your organization received an award for less than $25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR.

9. Pursuant to Department of Justice guidelines (June 18, 2002 Federal Register (Volume 67, Number 117, pages 41455-41472)), under Title VI of the Civil Rights Act of 1964, it will ensure meaningful access to its programs and activities by persons with limited English proficiency.

10. It will ensure that any facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify us if advised by the EPA that a facility to be used in this grant is under consideration for such listing by the EPA.

11. If the applicant's state has established a review and comment procedure under Executive Order 12372 and has selected this program for review, it has made this application available for review by the state Single Point of Contact.

12. It will submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget for clearance under the Paperwork Reduction Act of 1995 if required.

13. It will comply with the Human Subjects Research Risk Protections requirements of 28 CFR Part 46 if any part of the funded project contains non-exempt research or statistical activities which involve human subjects and also with 28 CFR Part 22, requiring the safeguarding of individually identifiable information collected from research participants.
14. Pursuant to Executive Order 13043, it will enforce on-the-job seat belt policies and programs for employees when operating agency-owned, rented or personally-owned vehicles.
15. It will not use COPS funds to supplant (replace) state, local, or Bureau of Indian Affairs funds that otherwise would be made available for the purposes of this grant, as applicable.
16. If the awarded grant contains a retention requirement, it will retain the increased officer staffing level and/or the increased officer redeployment level, as applicable, with state or local funds for a minimum of 12 months following expiration of the grant period.
17. It will not use any federal funding directly or indirectly to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law ratification, policy or appropriation whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy or appropriation as set forth in the Anti- Lobby Act, 18 U.S.C. 1913.
18. In the event that a portion of grant reimbursements are seized to pay off delinquent federal debts through the Treasury Offset Program or other debt collection process, it agrees to increase the non-federal share (or, if the awarded grant does not contain a cost sharing requirement, contribute a non-federal share) equal to the amount seized in order to fully implement the grant project.

False statements or claims made in connection with COPS grants (including cooperative agreements) may result in fines, imprisonment, disbarment from participating in federal grants or contracts, and/or any other remedy available by law.

I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the grantee entity of its obligations under this grant.

_____ _____

Signature of Law Enforcement Executive
(or Official with Programmatic Authority, as applicable) Date

_____ _____

Signature of Government Executive
(or Official with Financial Authority, as applicable) Date

Appendix B – Certifications

Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Coordination with Affected Agencies.

Although the Department of Justice has made every effort to simplify the application process, other provisions of federal law require us to seek your agency's certification regarding certain matters. Applicants should read the regulations cited below and the instructions for certification included in the regulations to understand the requirements and whether they apply to a particular applicant. Signing this form complies with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "Nonprocurement Debarment and Suspension" 28 CFR Part 83 Government-Wide Requirements for Drug-Free Workplace (Grants)," and the coordination requirements of the Public Safety Partnership and Community Policing Act of 1994. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered grant.

1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over $100,000, as defined at 28 CFR Part 69, the applicant certifies that:

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

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

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

2. Debarment, Suspension and Other Responsibility Matters (Direct Recipient)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Part 2867.20(a)-

A. The applicant certifies that it and its principals:

(i) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;

(ii) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) or private agreement or transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;

(iii) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (A)(ii) of this certification; and

(iv) Have not within a three-year period preceding this application had one or more public transactions (federal, state or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application. Please check here ❑ if an explanation is attached to this application.

3. Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, for grantees/recipients, as defined at 28 CFR Part 83.660 -

A. The applicant certifies that it will, or will continue to, provide a drug-free workplace by:

(i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(ii) Establishing an on-going drug-free awareness program to inform employees about -

(a) The dangers of drug abuse in the workplace;

(b) The grantee's policy of maintaining a drug-free workplace;

(c) Any available drug counseling, rehabilitation and employee assistance programs; and

(d) The penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace;

(iii) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);

(iv) Notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(v) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: COPS Office, 1100 Vermont Ave., NW, Washington, D.C. 20530. Notice shall include the identification number(s) of each affected grant;

(vi) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (iv)(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency;

(vii) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii), (iv), (v), and (vi).

Grantee Agency Name and Address:

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of performance (street address, city, county, state, zip code)

_____

_____

Check ❑ if there are workplaces on file that are not identified here.

4. Coordination

The Public Safety Partnership and Community Policing Act of 1994 requires applicants to certify that there has been appropriate coordination with all agencies that may be affected by the applicant's grant proposal if approved. Affected agencies may include, among others, the Office of the United States Attorney, state or local prosecutors, or correctional agencies. The applicant certifies that there has been appropriate coordination with all affected agencies.

Grantee Agency Name and Address:

_____

_____

Grantee IRS/ Vendor Number: _____

False statements or claims made in connection with COPS grants (including cooperative agreements) may result in fines, imprisonment, disbarment from participating in federal grants or contracts, and/or any other remedy available by law.

I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the grantee entity of its obligations under this grant.

Typed Name and Title of Law Enforcement Executive/Agency Executive:

_____

Signature: _____ Date: _____

Typed Name and Title of Government Executive/Financial Official:

Signature: _____ Date: _____

For More Information:

U.S. Department of Justice
Office of Community Oriented Policing Services
1100 Vermont Avenue, N.W.
Washington, DC 20530

To obtain details on COPS programs, call the COPS Office Response Center at 800.421.6770

Visit COPS Online at www.cops.usdoj.gov.

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