



Kansas Bureau of Investigation

Kirk D. Thompson
Director

Derek Schmidt
Attorney General

June 29, 2012

Michael Sharp, Sheriff
Jackson County Sheriff's Office
3310 NE Rennau Dr
Lee Summit, MO 64064

Dear Sheriff Sharp:

Attached for your signature and county executives is the 2012 MOU for Midwest HIDTA funds for the Kansas City/Overland Park DEÁ. Please review the package carefully, as signatures are required on several separate documents. Please make a copy for your files and send me the original signature copy. I will then acquire the other signatures and a copy of the signature pages only will be returned for your files.

Appendix I are excerpts from the ONDCP HIDTA Program Policy pertaining to initiative structure, fiscal and inventory requirements for any agency accepting HIDTA funds. To get the full version of the HIDTA Program Policy go to the web page nhac.org.

Please make sure that your accountant receives a copy of the Midwest HIDTA MOU and the reimbursement form (Appendix G). Your funding dates for 2012 are January 1, 2012 to December 31, 2013.

If you have any questions pertaining to this grant award, please feel free to contact me.

Sincerely,

Neet O'Connor
Kansas Bureau of Investigation
HIDTA Accountant III
(785) 296-6782

MIDWEST HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA)

MEMORANDUM OF UNDERSTANDING

KANSAS CITY/OVERLAND PARK DEA TASK FORCE

G12MW0003A

1-01-2012 / 12-31-2013

CFDA number 95.001

The Office of National Drug Control Policy (ONDCP) has awarded HIDTA funding to federal, state and local law enforcement agencies in the region comprised of the states of Kansas, Missouri, Nebraska, Iowa, South Dakota and North Dakota for the purpose of combating the manufacture and importation of methamphetamine and the disruption of poly-drug trafficking organizations. The Kansas Bureau of Investigation (KBI) has been designated as the fiscal agent for award proceeds to be distributed to state and local agencies participating in the Midwest HIDTA program within Kansas and in selected regional initiatives. These funds shall be used for purposes designated in the KANSAS CITY/OVERLAND PARK DEA TASK FORCE (Appendix A) and associated budget (APPENDIX B), as approved by ONDCP.

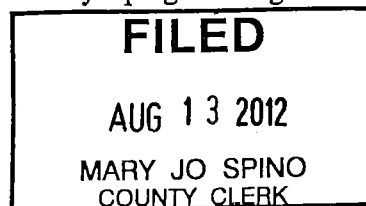
Scope of Service

The services carried out under this Memorandum of Understanding shall be consistent with those contained in the initiative proposal and budget as approved for funding by ONDCP. Changes shall not be made in the subject or the proposed objectives of the initiative without prior written approval from The Midwest HIDTA State Coordinator for Kansas, the Midwest HIDTA Executive Director and the Midwest HIDTA Executive Committee.

The signatories agree to provide written notice to the KBI and to the Midwest HIDTA Kansas State Coordinator, at least (30) days in advance of any planned withdrawal from this agreement. In the event of withdrawal from this initiative by any party, all property and equipment acquired with HIDTA funds by the withdrawing party, shall be re-distributed as per Midwest HIDTA policy and procedure. Upon the date specified in the written notice of withdrawal, this agreement shall become void with respect to the agency giving notice but shall remain in effect for all other participants. The KBI shall process all allowable reimbursement requests for the withdrawing agency through the date of the withdrawal.

Reprogramming of Funds

Reprogramming of funds within a HIDTA award requires different levels of approval based upon the amount to be reprogrammed and whether the reprogramming is inter-agency or inter-initiative. In all cases the recipient agency is responsible for forwarding a request for authorization for reprogramming to the KBI to be forwarded to the Midwest HIDTA State Coordinator for Kansas, the Midwest HIDTA Executive Director and Midwest HIDTA Executive Committee. The recipient agency is also responsible for maintaining detailed records of any reprogramming activities.



Reporting Requirement

All participants may be required to prepare a final report of initiative expenditures, which shall be submitted to the KBI within 30 days of the close of the program fiscal year. The financial report will be of a form approved by the KBI and shall contain a listing of expenditures/costs by cost category from the approved initiative budget (Appendix B). The report shall also contain a comparison of actual costs/expenditures against budget estimates. Failure to submit reports on a timely basis may result in the interruption or termination of the initiative funding for your agency. Detailed information on the financial reporting requirements is found in the HIDTA Program Policy and Budget Guidance publication and the Midwest HIDTA Policies and Standard Operating procedures document.

Program Standards

Each agency agrees to abide by the standards and rules defined in the HIDTA Program Policy and Budget Guidance publication and the Midwest HIDTA Policies and Standard Operating procedures document as well as all formal written program guidance regarding financial management standards, reporting, records retention, equipment, vehicles, and procurement and supplanting requirements for any agency accepting HIDTA funds. Excerpts ONDCP (Appendix I) you can download the full version from National HIDTA Assistance Center (NHAC) nhac.org.

Assurances

Each agency agrees to abide by the terms and conditions set out in OMB Form 424B, Assurances - Non-Construction Programs (Appendix D) and ONDCP Certifications regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; Drug Free Work Place Requirements; Federal Debt Status and Nondiscrimination Statutes and Implementing Regulations (Appendix E). Each agency will also submit a signed OMB form, Disclosure of Lobbying Activities (Appendix F) and will abide by all applicable special conditions included as a part of the award agreement (Appendix H).

Invoicing

Each agency receiving reimbursements shall invoice once per month, on or about the fifteenth of the month, for expenditures incurred during the prior month. Invoices shall be of a form approved by the KBI (Appendix G) and shall contain a listing of expenditures by category. Each agency shall retain the original supporting documentation and provide a copy to the KBI with the monthly report.

Inventory

Equipment purchased with HIDTA funds shall be identified by cost, type and serial number and reported to the Kansas State Coordinator on the Midwest HIDTA Inventory Form (Appendix C). The Kansas State Coordinator shall maintain an inventory of all equipment purchased and provide the same to HIDTA. A copy of all inventory transactions shall be provided to the KBI. Any change to the inventory of HIDTA purchased equipment shall be reported promptly and in writing to the KBI.

Operations

1. The KBI will serve as the purchasing agent for all services, equipment and supplies for the general use of the task force and will make direct payments from HIDTA funds. Individual agencies shall be responsible for the initial payment of costs for phones, pagers, travel and overtime associated with their agent/officer. Each agency agrees to compile those costs on a monthly basis and submit the same to the KBI for reimbursement as per the section of this document titled Invoicing. In the event all available travel funds for non-federal participants

are expended, the DEA will assume responsibility for all necessary travel costs associated with this initiative. Reimbursement to each agency is limited to the amount specified in the respective funding category, for that agency, as set out in the approved initiative budget and this agreement.

2. Signatories agree to provide all required statistical, financial and programmatic documentation to the Midwest HIDTA, including but not limited to non-supplanting agreements, monthly performance reports and yearly threat assessment information.
3. Signatories agree to participate in and support all Midwest HIDTA information and intelligence programs, including but not limited to, HIDTA SAFETYNET, EPIC NCLSS,
4. The signatories agree that in event that any additional funds are received from HIDTA for the benefit of the initiative, those funds shall be distributed pursuant to the written award authorizing those additional funds.
5. The KBI, Jackson County Sheriff's Office shall agree to designate two commissioned officers to the Kansas City/Overland Park DEA HIDTA Task Force pursuant to the terms and conditions of the DEA document titled State and Local HIDTA Task Force Agreement.

Acceptance

Acceptance of this MOU by participating agencies is acceptance of all standards and conditions of the HIDTA Award, included as Appendix A, B, C, D, E, F, G, H, and I.

Appendix A: Task Force Initiative

Appendix B: Task Force Budget

Appendix C: Midwest HIDTA Inventory Form

Appendix D: OMB Form 424B, Assurances - Non-Construction Programs

Appendix E: ONDCP Certifications regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; Drug Free Work Place Requirements; Federal Debt Status and Nondiscrimination Statutes and Implementing Regulations

Appendix F: OMB form, Disclosure of Lobbying Activities

Appendix G: HIDTA Reimbursement Form

Appendix H: HIDTA Award Agreement

Appendix I: ONDCP Excerpts Program Policy

Fiscal Contact KBI: Neet O'Connor
Kansas Bureau of Investigation
1620 SW Tyler
Topeka, Kansas 66612
785-296-6782
785-296-0915 (FAX)
neet.oconnor@kbi.state.ks.us

Project Manager KBI: Frank Papish, Assistant Director
Kansas Bureau of Investigation
7700 Shawnee Mission Parkway
Overland Park, Kansas 66202
913-671-2044
913-671-2042 (FAX)

Fiscal Contact JCOSO:


Gregg De Mo
Jackson County Sheriff's Department
3310 NE Rennau Dr
Lee's Summit, MO 64064
816-524-4302 ext 972218
816-881-3877 (FAX)
E-mail: GDemo@jacksongove.org

**State Coordinator:
Midwest HIDTA**

Allan King
7700 Shawnee Mission Parkway, Suite 12
Overland Park, Kansas 66212
913-671-2051
913-671-2042 (FAX)

Participating Agencies:

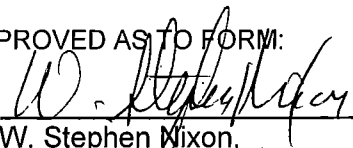
Jackson County Missouri



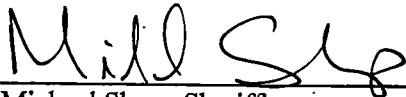
Michael D. Sanders, County Executive
Jackson County, Missouri

7/25/12
Date

APPROVED AS TO FORM:

By 
W. Stephen Nixon,
County Counselor

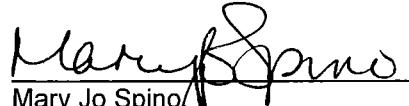
Through Jackson County Missouri Sheriff's Office



Michael Sharp, Sheriff


7.30.12
Date

ATTEST BY:


Mary Jo Spino,
Clerk of the County Legislature

Fiscal Agent:

Kansas Bureau of Investigation



Kirk D. Thompson, Director

8/6/12
Date

FY 2012 ENFORCEMENT INITIATIVE BUDGET PROPOSAL

HIDTA: Midwest

INITIATIVE TITLE: Kansas City/Overland Park DEA Task Force

LEAD AGENCY(S): Drug Enforcement Administration

LOCATION: Overland Park, KS

1. INITIATIVE DESCRIPTION

(Includes initiatives involved in investigative, prosecution, and interdiction activities.)

- A. This task Force was first funded in 1999. The Kansas City/Overland Park DEA Combined Task Force is composed of the Clandestine Lab Group and the Major Investigations Group, both collocated in the Kansas City District Office of DEA. The Kansas City/Overland Park DEA Combined Task Force continues to conduct investigations targeting PTOs, CPOTs, RPOTs, DTOs, and major poly drug trafficking organizations, as well as investigating the sale and diversion of precursor and essential chemicals utilized in the manufacture of methamphetamine; and the investigation of individuals and criminal organizations involved in the clandestine manufacture and distribution of poly-drugs and methamphetamine. The task force also initiates investigations of drug trafficking organizations operating in the KCDO area of responsibility.

All enforcement and investigative operations are coordinated through the de-confliction system at the Midwest HIDTA ISC to enhance officer safety and increase efficiency by reducing duplication of effort.

The Kansas City/Overland Park DEA Combined Task Force is a Drug Enforcement Administration managed full time co-located, federal, state and local task force located in Overland Park, Kansas in the DEA Kansas City District Office.

- B. Is this initiative collocated with other HIDTA initiatives?

Yes
 No

- C. Is this initiative staffed with fulltime federal and fulltime state/local personnel?

Yes
 No

(If not, attach Program Policy Waiver Request.)

(Note: If this initiative only funds a prosecutor, a waiver is not required.)

- D. Are fulltime members of the initiative collocated and commingled with federal and state/local personnel?

Yes
 No

(If not, attach Program Policy Waiver Request.)

(Note: If this initiative only funds a prosecutor, a waiver is not required.)

2. INITIATIVE PARTICIPANTS

A. HIDTA Participating Agency Positions, Summary

	Full Time	Part Time	Total
Collocated	24	0	24
Non-collocated	0	0	0
Total	24	0	24

B. HIDTA Participating Agency Positions

Quantity	Title/Position	Agency	HIDTA Funded	Collocated	Fulltime/Part-Time
1	Task Force Officers	Belton MO Police Department	Yes	Yes	Fulltime
9	Special Agent	Drug Enforcement Administration	No	Yes	Fulltime
1	Analyst	FSA-Contract Personnel	Yes	Yes	Fulltime
1	Special Agent	Immigration and Customs Enforcement	No	Yes	Fulltime
2	Task Force Officers	Independence MO Police Department	Yes	Yes	Fulltime
2	Task Force Officer	Jackson County MO Sheriff's Office	Yes	Yes	Fulltime
1	Task Force Officers	Johnson County KS Sheriff's Office	Yes	Yes	Fulltime
1	Task Force Officers	Johnson County KS Sheriff's Office	No	Yes	Fulltime
2	Task Force Officers	Kansas City KS Police Department	No	Yes	Fulltime
2	Task Force Officers	Kansas City, MO Police Department	No	Yes	Fulltime
1	Watch Officer	Missouri National Guard	No	Yes	Fulltime
1	Task Force Officer	Overland Park KS Police Department	No	Yes	Fulltime

3. INITIATIVE BUDGET

A. FY 2012 Request for initiative: \$0.00

4. LAW ENFORCEMENT INITIATIVES: INVESTIGATION AND INTERDICTION ACTIVITIES

A. Level of Activity: (Check all that apply)

- Local DTO focus
 Multi-state DTO focus
 International DTO focus
 Interdiction focus

B. Does the initiative routinely provide information to the HIDTA Investigative Support Center?

- Yes
 No

4a. Budget Detail

2012 - Midwest

Kansas City/Overland Park DEA Task Force

Awarded Budget (as approved by ONDCP) \$488,093.00

Personnel	Quantity	Amount	Comments
Investigative - Law Enforcement Officer	6	\$229,183.00	Belton PD(1), Independence MO PD(2), Jackson CO MO SO (3), Johnson CO KS SO (1)
Total Personnel		\$229,183.00	
Fringe	Quantity	Amount	Comments
Investigative - Law Enforcement Officer		\$66,298.00	Same as above
Total Fringe		\$66,298.00	
Overtime	Quantity	Amount	Comments
Investigative - Law Enforcement Officer	9	\$94,772.00	
Total Overtime		\$94,772.00	
Travel	Quantity	Amount	Comments
Investigative/Operational	1	\$5,400.00	KBI Mileage
Total Travel		\$5,400.00	
Services	Quantity	Amount	Comments
Communications - mobile phones & pagers		\$9,060.00	9 cell phones
Vehicle lease - passenger	8	\$58,680.00	8 lease vehicles
Total Services		\$67,740.00	
Supplies	Quantity	Amount	Comments
Investigative/operational		\$24,700.00	Fuel
Total Supplies		\$24,700.00	
Total Budget		\$488,093.00	

Midwest HIDTA Inventory Action Form

Grantee: _____
 Funding Year: _____
 Date: _____
 Funding NO#: _____

Agency Inventory #	Vendor Name	Date Purchased	Item Description Description/Model/Brand	Location	Purchase Price	Serial Number

Authorizing Officer _____ Title _____ Telephone _____

ASSURANCES – NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program, if you have questions, please contact the awarding agency. Further, certain Federal-awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost) to ensure proper planning, management and completion of the project describe in this application.
2. Will give the awarding agency, the Comptroller General of United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all record, books, paper, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U. U. C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C. F. R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U. S. C. 1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U. S. C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U. S. C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U S C. 3601 et seq), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970 (P. L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assistance programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U. S.C. 1501-1508 and 7324-7328) which limit the political activities are funded in whole or in part with Federal Funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U. S. C. 276a to 276a - 7), the Copeland Act (40 U. S. C. 276c and 18 U. S. C. 874), and the Contract Work Hours and Safety Standards Act (40 U. S. C. 327-333), regarding labor standards for federally assisted construction sub agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176 (c) if the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic: Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties) and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Subawardee Name and Address: County Legislature of Jackson County
415 East 12th Street
Kansas City, MO 64106

Applicant Number and/or Project Name: G12MW0003A
Midwest HIDTA
Investigative Support Center Initiative

Grantee IRS/Vendor Number: _____

Michael D. Sanders, County Executive

Type Name & Title of Authorized Representative



Signature



Date

OFFICE OF NATIONAL DRUG CONTROL POLICY

CERTIFICATIONS REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; DRUG-FREE WORKPLACE REQUIREMENTS; FEDERAL DEBT STATUS, AND NONDISCRIMINATION STATUS AND IMPLEMENTING REGULATIONS

Instructions for the certifications

General Requirements

The Office of National Drug Control Policy (ONDCP) is required to obtain from all applicants' certifications regarding federal debt status, debarment and suspension, and a drug free workplace. Applicants requesting monies greater than \$100,000 in grants funds must also certify regarding lobbying activities and may be required to submit a "Disclosure of Lobbying Activities" (Standard Form LLL). Institutional applicants are required to certify that they will comply with the nondiscrimination statutes and implementing regulations.

Applicants should refer to the regulations cited below to determine the certifications to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of the form provides for compliance with certification requirements under 21 CFR part 1405, "New Restrictions on Lobbying" and 21 CFR part 1414, Government wide Debarment and Suspension. (Non procurement), Certification Regarding Federal debt Status (OMB Circular A-129), and Certification Regarding the Nondiscrimination Statutes and Implementing Regulations. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Office of National Drug Control Policy determines to award the covered cooperative agreement

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented in 21 CFR part 1405, for persons entering into a cooperative agreement over \$100,000, as defined at 21 CFR Part 1405, 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, and 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 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 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;

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

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTER (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension and implemented at 21 CFR Part 1404, for prospective participants in primary covered transactions

- A. The applicant certifies that it and its principals:
 - (a) 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;
 - (b) Have not within a three-year period preceding this application been convicted of or and 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) transaction or contract under a public transaction' violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) terminated for cause or default;and

- B. Where the applicant is unable to certify to any of the statements in this certification. He or she shall attach an explanation to the application.

2. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug Free Workplace Act of 1988, and implemented at 21 CFR Part 1404 Subpart F.

- A. The applicant certifies that it will or will continue to provide a drug free workplace by:
 - (a). Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
 - (b) Establishing an on-going drug free awareness program to inform employees about

- (1) The dangers of drug abuse in the workplace;
- (2) The applicant's policy of maintaining a drug free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violation occurring in the workplace;

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

- (1) Abide by the terms of the statement; and
- (2) 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:

- (f) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) form an employee or otherwise receiving actual notice of such convictions. Employers of convicted employees must provide notice including position title, to: The Assistance Center, 8401 Northwest 53rd Terrace, suite 200, Miami, Florida 33166. Notice shall include the identification number of each affected grant;

- (g) Taking one of the following actions within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

- (1) 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
- (2) 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;
- (h) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

- B. The applicant may insert in the space provided below the site(s) for the performance of work done in connection with the specific cooperative agreement:

Place of Performance (street address, city, country, state, zip code)

Kansas Bureau of Investigation

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

The regulations provide that a recipient that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for ONDCP Funding.

DRUG FREE WORKPLACE (RECIPIENTS WHO ARE INDIVIDUALS)

As required by the Drug Free Workplace Act of 1988, and implemented at 21 CFR Part 1404 Subpart F.

- A. as a condition of the cooperative agreement, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in connection any activity with the grant; and
- B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction in writing, within 10 calendar days of the conviction, to: The Assistance Center, 8401 Northwest 53rd Terrace, Suite 208, Miami, Florida 33166.

4. CERTIFICATION REGARDING FEDERAL DEBT STATUS (OMB Circular A-129)

The Applicant certifies to the best of its knowledge and belief, that it is not delinquent in the repayment of any federal debt.

5. CERTIFICATION REGARDING THE NONDISCRIMINATION STATUTES AND IMPLEMENTING REGULATIONS

The applicant certifies that it will comply with the following nondiscrimination statutes and their implementing regulations: (a) title VI of the Civil right Act of 1964 (42 U.S.C. 2000D et seq.) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity for which the applicant received federal financial assistance; (b) Section 504 of the rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance; (c) title IX of the Education Amendments of 1972m as amended (20 U.S.C. 1981 et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance; and (d) the Age Discrimination Act of 1975, and amended (42 U.S.C. 6101 et seq.) which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance, except that actions which reasonably take age into account as a factor necessary for the normal operation or achievement of any statutory objective of the project or activity shall not violate this statute

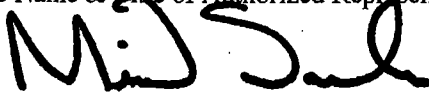
As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Subawardee Name and Address: County Legislature of Jackson County
415 East 12th Street
Kansas City, MO 64106

Applicant Number and/or Project Name: G12MW0003A
Midwest HIDTA
Investigative Support Center Initiative

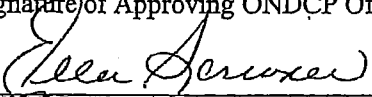
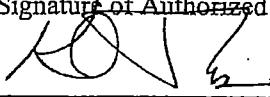
Grantee IRS/Vendor Number: _____

Michael D. Sanders, County Executive
Type Name & Title of Authorized Representative



Signature

7/25/12
Date

Executive Office of the President Office of National Drug Control Policy		Grant Agreement	
1. Recipient Name and Address Director Kirk D. Thompson Kansas Bureau of Investigation 1620 SW Tyler Topeka, KS 66612		4. Award Number: G12MW0003A	
		5. Grant Period: From 01/01/2012 to 12/31/2013	
1A. Recipient IRS/Vendor No.: 1486029925L2		6. Date: 2/27/2012	7. Action <input checked="" type="checkbox"/> Initial Supplemental
Subrecipient Name and Address		8. Supplement Number	
2A. Subrecipient IRS/Vendor No.:		9. Previous Award Amount:	
3. Project Title Multiple		10. Amount of This Award: \$4,030,514.00	
		11. Total Award: \$4,030,514.00	
12. This Grant is approved subject to such conditions or limitations as are set forth on the attached four (4) pages.			
13. Statutory Authority for Grant: Public Law 112-74			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Ellen Scrivner, Ph.D. National HIDTA Director		15. Typed Name and Title of Authorized Official Kirk D. Thompson Kansas Bureau of Investigation	
16. Signature of Approving ONDCP Official 		17. Signature of Authorized Recipient/Date  3/15/2012	
AGENCY USE ONLY			
18. Accounting Classification Code DUNS: 150943496 EIN: 1486029925L2		19. HIDTA AWARD OND10B3SE1213 OND2000000 OC4101	

Received

MAR 14 2012

Midwest HIDTA Administration

Appendix H

GRANT CONDITIONS

A. General Provisions

1. This grant is subject to:

- OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Government; or, if applicable, OMB Circular A-21, Cost Principles for Educational Institutions;
- OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments; or, if applicable, OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations;
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Institutions;
- Government-wide Debarment and Suspension (Non procurement), codified at 21 CFR § 1401 et. seq.;
- Government-wide Requirements for Drug-Free Workplace (Grants), codified at 21 CFR § 1401 et. seq.;
- New Restrictions on Lobbying, codified at 18 USC § 1903 and 31 USC § 1352;
- Nondiscrimination in Federally Assisted Programs and Equal Opportunity Plans requirements are codified at USC, Title VI (42 USC § 2000d et seq.); and
- Immigration and Naturalization Service Employment Eligibility Verification Form (I-9).

2. Audits conducted pursuant to OMB Circular A-133, "Audits of State and Local Governments", must be submitted no later than 9 months after the close of the grantee's audited fiscal year. A copy of the audit report and management letter must be sent to:

EOP/ONDCP

Attention: Michael Reles

GSD/RDF (202) 395-6608

Anacostia Naval Annex

Bldg 410/Door 123

250 Murray Lane, SW

Washington, DC 20509

or:

mreles@ondcp.eop.gov

3. Grantees are required to submit Federal Financial Reports (FFR) to the Department of Health and Human Services, Division of Payment Management (HHS/DPM). Other reporting requirements are specified in the HIDTA Program Policy and Budget Guidance.
4. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.
5. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the HIDTA, its fiscal agent(s), HIDTA employees, HIDTA contractors, as well as state, local, and federal HIDTA participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.

B. Special Conditions HIDTA Grants

The following special conditions are incorporated into each award document.

1. This grant is awarded for the initiative(s) named above. Variation from the description of activities approved by ONDCP and/or from the budget attached to this letter must comply with the reprogramming requirements as set forth in ONDCP's HIDTA Program Policy and Budget Guidance.
2. This award is subject to the requirements in ONDCP's HIDTA Program Policy and Budget Guidance.
3. No HIDTA funds shall be used to supplant state or local funds that would otherwise be made available for the same purposes.
4. The requirements of 28 CFR Part 23, which pertain to information collection and management of criminal intelligence systems, shall apply to any such systems supported by this award.
5. Special accounting and control procedures must govern the use and handling of HIDTA Program funds for confidential expenditures; i.e. the purchase of information, evidence, and services for undercover operations. Those procedures are described in Section 6-12 of the HIDTA Program Policy and Budget Guidance.
6. The grant recipient agrees to account for and use program income in accordance with the "Common Rule" and the HIDTA Program Policy and Budget Guidance. Asset forfeiture proceeds generated by the HIDTA-funded initiatives shall not be considered as program income earned by HIDTA grantees.

7. Property acquired with these HIDTA grant funds is to be used for activities of the Midwest HIDTA. If your agency acquires property with these funds and then ceases to participate in the HIDTA, this equipment must be made available to the HIDTA's Executive Board for use by other HIDTA participants.
8. All law enforcement entities that receive funds from this grant must report all methamphetamine laboratory seizure data to the National Clandestine Laboratory Database/National Seizure System at the El Paso Intelligence Center.

C. Payment Basis

1. A request for Advance or Reimbursement shall be made using the HHS/DPM system (www.dpm.psc.gov). Copies of invoices or payroll registers must accompany the payment confirmation number to provide documentation for the reimbursement request. Requests for advances must be accompanied by details specifying the need for the advance. Documentation of how the advance was spent must be submitted within 21 days and before another advance or reimbursement will be approved.
2. The HIDTAs, or their respective grantees, must utilize the HIDTA program Financial Management System's (FMS) Disbursement module each time they submit a disbursement request to the NHAC. Requests for payment in the DPM system will not be approved unless the required disbursements have been entered into the FMS. Payments will be made via Electronic Fund Transfer to the award recipient's bank account. The bank must be FDIC insured. The account must be interest bearing.
3. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination Act (23 U.S.C. 450), grantees and subgrantees shall promptly, but at least quarterly, remit interest earned on advances to HHS/DPM at the address provided below. When submitting your checks, please provide a detailed explanation which should include: reason for check (remittance of interest earned on HIDTA advance payments), check number, grantee name, grant number, interest period covered, and contact name and number.

Ms. Janet Fowler
Division of Payment Management
Department of Health and Human Services

Via U.S. Postal Mail:
P.O. Box 6021
Rockville, MD 20852

Via FedEx:
7700 Wisconsin Avenue
10th Floor
Bethesda, MD 20814

4. The grantee or subgrantee may keep interest amounts up to \$100 per year for administrative purposes.

RECIPIENT ACCEPTANCE OF GRANT CONTITIONS

Signature: *M. D. Sanders* Date: 7/25/12

Name: Michael D. Sanders, County Executive

Organization: County Legislature of Jackson County

APPENDIX I

4.0 COMPOSITION OF INITIATIVES

4.1 PURPOSE

Encouraging and facilitating collaboration between and among federal, state, local and tribal law enforcement is a role of the HIDTA program. To promote this collaboration, HIDTA initiatives must be multi-agency efforts comprised of federal, state, local and tribal law enforcement personnel who are collocated and commingled. This section describes those requirements.

4.2 MULTI-AGENCY PARTICIPATION

1. Multi-agency participation means full-time federal and full-time state or local (optimally both state and local) agency personnel participating in an initiative and any subcomponents of an initiative (i.e., task force, squad, group, or unit) under a single initiative leader or commander. Any participating federal, state, local or tribal agency may lead an initiative.
2. Full-time participation means agency personnel are assigned to the initiative as their exclusive work assignment. A liaison position does not meet the requirement for full-time participation.
3. Except where indicated otherwise in this document, initiatives that combine single-agency squads, groups, or units do not meet the requirement for a full-time, multi-agency participation unless the HIDTA provides a clear explanation in the Initiative Budget Proposal of how these separate entities cooperate and coordinate their activities under a unified command structure. This justification must detail the expected benefits from combining these entities and explain how the combination will improve enforcement. ONDCP may require HIDTAs to separate these entities into different initiatives or place reprogramming or other restrictions on such initiatives.

4.3 COLLOCATION AND COMMINGLING OF PARTICIPANTS

1. ONDCP requires all full-time federal, state, local and tribal law enforcement personnel assigned to HIDTA Law Enforcement or Intelligence and Information Sharing initiatives to be collocated and commingled. Collocation means working in or from the same facility, preferably with shared or contiguous workspace. Commingling means that all participants in an initiative have free and open access and interaction with other participants in the same initiative.
2. Whenever possible, HIDTAs should try to house multiple initiatives together, in a central location and in a space without barriers that could hinder the interaction and commingling among participants of the various initiatives.
3. The requirement for collocation and commingling does not apply to Management and Coordination, Support, Treatment or Prevention Initiatives. However, ONDCP encourages that personnel assigned to demand reduction and prosecution initiatives be collocated and commingled.

4.4 TYPES OF INITIATIVES

There are four types of HIDTA initiatives: Enforcement; Intelligence and Information Sharing; Support; and Management and Coordination. Each HIDTA is required to have at least one initiative of each type.

1. **Enforcement Initiatives:** Enforcement Initiatives include multi-agency investigative, interdiction, and prosecution activities targeting drug trafficking and money laundering organizations, drug production organizations, drug gangs, drug fugitives, and other serious crimes with a drug nexus.
2. **Intelligence and Information Sharing Initiatives:** Intelligence and Information Sharing Initiatives include intelligence analysis (tactical, operational, and strategic), deconfliction services (event and case/subject), information collection and dissemination, and other analytical support for HIDTA initiatives and participating agencies.
3. **Support Initiatives:** Support Initiatives include activities beyond the core Enforcement and Intelligence and Information Sharing Initiatives, e.g. - training, treatment, prevention, crime and forensic labs, and information technology initiatives.
4. **Management and Coordination Initiatives:** Management and Coordination Initiatives fund the basic overhead of the HIDTA, e.g. - salaries and fringe benefits for the Director, Deputy Director, and other administrative staff positions approved by the Executive Board, rent and facilities charges for administrative staff, etc.

6.0 FINANCIAL MANAGEMENT

6.1 PURPOSE

This section describes major financial management requirements, including limitations on the use of funds, for the HIDTA program. It is primarily intended for use by HIDTA Executive Boards and Directors and senior representatives of fiduciary agencies who need to be familiar with federal grant management requirements but who are not responsible for day-to-day financial management. This section is not intended to be a substitute for more detailed financial management requirements and guidelines established by the Office of Management and Budget. (See Section 6.6 for a list of the relevant circulars and rules.)

6.2 HIDTA AWARDS

ONDCP uses a threat-driven process that requires each HIDTA Executive Board to assess the drug trafficking activities in its region, design a strategy to attack those activities, plan initiatives to carry out the strategy, and develop a budget that is sufficient to carry out the planned initiatives. ONDCP awards funds to HIDTAs based on a review and assessment of the Threat Assessment, Strategy, Initiative Description and Budget Proposals that each HIDTA submits to ONDCP.

HIDTAs are not legal entities under federal law but rather a grant program to coordinate drug law enforcement activities of federal, state, local, and tribal law enforcement agencies in designated areas. Consequently, ONDCP cannot award funds directly to a HIDTA but instead must provide the funds to one or more legal entities, such as federal, state, or local agencies to act as the fiduciaries for agencies participating in the HIDTA. In this fiduciary role, the entity receiving HIDTA funds is accountable for the use of HIDTA funds and must comply with all applicable federal statutes and regulations and with its own regulations and policies.

6.3 SUPPLANTING OF FUNDS

HIDTA funds must be used to supplement existing activities and must not replace (supplant) funds that have been appropriated for the same purpose. ONDCP will review all HIDTA budget submissions for potential supplanting. If there appears to be supplanting, ONDCP shall require the grantee to supply a written certification, through the HIDTA Director, stating that federal funds will not be used to supplant state or local funds. ONDCP will also review for supplanting of state, local and tribal funds during on-site monitoring and financial audits.

6.4 AWARD PERIODS AND GRANT EXTENSIONS

ONDCP awards HIDTA program funds to state, local & tribal agencies in the form of two-year grants, and to federal agencies in the form of intra-governmental fund transfers for two years. The two year period for Federal transfers commences on October 1st of the Federal Fiscal Year for which the funds are appropriated; for State, Local and Tribal grants, the two-year period commences on January 1st within the Federal Fiscal Year for which funds are appropriated. However, a HIDTA Director may request one-year extensions of these grants on behalf of the HIDTA's state, local and tribal fiduciary agencies. These requests must be submitted in the HIDTA automated

Financial Management System (FMS) outlined in 6.10.4. Grant extension requests will be approved on a case by case basis.

6.5 DOCUMENTATION FOR GRANTS TO STATE OR LOCAL AGENCIES OR INSTITUTIONS OF HIGHER EDUCATION

After ONDCP approves the proposed initiatives and budgets submitted by a HIDTA, state, local and tribal agencies and institutions of higher education must submit an SF-424, "Application for Federal Assistance," and the associated certifications and representations, through the HIDTA Director to the NHAC. ONDCP will not release funds for disbursement until the completed SF-424 and Award Letter are received by the NHAC.

ONDCP executes approved funding requests or grant modifications for state, local and tribal agencies by issuing a Grant Agreement. The grant recipient must sign a copy of the Grant Agreement and return it through the HIDTA Director to the NHAC. The Grant Agreement contains General Provisions, which describe requirements that apply to all federal grants, and Special Conditions that apply specifically to that grant. ONDCP may impose additional reporting or monitoring requirements, or require prior approval of certain actions to grantees that fail to comply with these requirements.

6.6 GOVERNMENT-WIDE GRANT REQUIREMENTS

The HIDTA Program Policy and Budget Guidance incorporates by reference the provisions of the Office of Management and Budget (OMB) circulars and government-wide common rules applicable to grants and cooperative agreements. These circulars and common rules include the following:

- OMB Circular A-21 "Cost Principles for Educational Institutions." (Codified at 2 CFR Part 220)
- OMB Circular A-87 "Cost Principles for State, Local, and Indian Tribal Governments." (Codified at 2 CFR Part 225)
- OMB Circular A-102 "Grants and Cooperative Agreements with State and Local Governments." (Codified at 21 CFR 1403)
- OMB Circular A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." (Codified at 2 CFR Part 215)
- OMB Circular A-122 "Cost Principles for Nonprofit Organizations." (Codified at 2 CFR Part 230)
- OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Institutions."
- "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Units of Governments," (Codified at 21 CFR Part 1403)
- Grants Management Common Rule for State and Local Units of Governments," (Codified at 21 CFR Part 1404)
- "Government-wide Debarment and Suspension (Nonprocurement)," (Codified at 21 CFR Part 1404)

- “Government-wide Requirements for Drug-free Workplace (Financial Assistance)” (Codified at 21 CFR Part 1405).
- “New Restrictions on Lobbying” (Codified at 28 CFR Part 69).

Grantees and HIDTA Financial Managers must keep apprised of changes in relevant government-wide regulations and OMB circulars.

6.7 DOCUMENTATION REQUIRED FOR TRANSFERS TO A FEDERAL AGENCY

Federal agencies receiving HIDTA funds from ONDCP shall sign a Memorandum of Agreement (MOA) with ONDCP prior to the transfer of HIDTA funds. The MOA establishes requirements pertaining to the scope of the initiatives, reprogramming of funds, reporting requirements, and financial management standards. ONDCP may require an agency that fails to comply with the requirements of the MOA to repay the funds transferred.

Each federal agency receiving HIDTA funds shall provide to its representative in each HIDTA a copy of the MOA and an approved budget for each initiative in that HIDTA for which it has received HIDTA funds. The signed MOAs will be posted in FMS.

6.8 RESTRICTIONS ON HIDTA FUNDS

6.8.1 HIDTA-Funded Positions

Grantees and sub-grantees may use HIDTA funds to hire employees or to enter into contracts with individuals to manage and staff the HIDTA. In either case, the individual becomes an employee of/contractor for that grantee, and the hiring agency’s employment and contracting rules and regulations apply to those positions. In addition, to the extent they do not conflict with the hiring agency’s rules and regulations, the following restrictions apply to HIDTA-funded positions.

6.8.1.1 Non-Law Enforcement Positions

HIDTA Directors and Deputy Directors—Compensation for the HIDTA Director shall not exceed the annual salary established by the Office of Personnel Management for a GS-15 step 5 (including locality adjustments) for the location of the HIDTA office. New HIDTA Directors shall begin at a GS-15 step 1 salary (including locality adjustments) and the Executive Board may adjust that compensation in subsequent years, based upon performance.

Compensation for the HIDTA Deputy Director shall not exceed the annual salary established by the Office of Personnel Management for a GS-14 step 5 (including locality adjustments). New HIDTA Deputy Directors shall begin at a GS-14 step 1 salary (including locality adjustments) and the Executive Board may adjust that compensation in subsequent years, based upon performance.

Fringe benefits packages, or compensation in lieu of fringe benefits, for the Director and Deputy Director should not exceed 30 percent of the salary for that position. Car allowances, cell phone allowances, and liability insurance premiums are not considered compensation or fringe benefits.

6.8.1.2 Other Non-Law Enforcement Positions

Positions Authorized—In addition to the HIDTA Director position, HIDTA funds may be used to support other positions that an Executive Board determines are necessary for the efficient functioning of the HIDTA. These positions must directly and exclusively support the HIDTA, and the hiring agency must submit the certification described below.

Hiring agencies must document the policies and procedures for all personnel administration issues, including compensation and advancement, for all HIDTA-funded positions.

6.8.1.3 Hiring Agency Certification

Each agency that uses HIDTA funds to support positions within that agency must submit a semi-annual certification to the HIDTA Director on agency letterhead. These certifications must be signed by a supervisory official having first-hand knowledge of the work performed by the employee. Each certification shall be maintained at the HIDTA Director's office and shall be made available to ONDCP upon request. Hiring agencies must provide semi-annual certifications for employees that are supported, wholly or in part, by HIDTA funds.

The certification must attest, verbatim, to each of the following statements:

- The [Number and Title of Position(s)] does not supplant any part of the [Name of Agency] budget. HIDTA funds for this position(s) do not replace funds that have been appropriated for the same purpose.
- Each of these positions is exclusively dedicated to the HIDTA and a position description is on file and will be made available on request.
- The HIDTA-funded position(s) would be terminated if the funding were not available.
- There is no alternative funding available to support the salary(ies) and benefits for these positions.
- The Agency will be responsible for tracking overtime billing to ensure that HIDTA, Organized Crime Drug Enforcement Task Force (OCDETF), or other grant programs do not pay for the same hours worked by this officer(s).

6.8.1.4 Compensation Levels

HIDTA Executive Boards shall establish compensation in accordance with the hiring agency's pay scale for defined agency positions or positions with comparable duties and responsibilities. Executive Boards may recommend the compensation levels established in the federal General Schedule where a demonstrated lack of qualified candidates makes it difficult to fill a position.

No HIDTA funds may be used to compensate a person hired for a position other than Director, at a rate greater than a GS-14, Step 5, as specified in the General Schedule (GS) Locality Pay Tables in effect at that time for the area where the person is located.

6.8.1.5 Law Enforcement and Prosecutorial Positions

HIDTAs that propose using Program funds to pay all or part of the salary of a state or local law enforcement officer, a prosecutor, or prosecutorial support staff must submit a detailed justification explaining why it is necessary to use HIDTA funds for this purpose. ONDCP reviews of such requests will consider the number and salaries of the positions to be supported, the total amount of HIDTA funds requested for this purpose, the number of officers in the agency that will be reimbursed, and other factors. If ONDCP does not approve such a request, the grantee will be notified in writing of the reasons for the disapproval.

6.8.2 Overtime

6.8.2.1 Eligibility for Overtime

Only state, local, and tribal law enforcement officers and uniformed federal agents (e.g. uniformed Customs and Border Protection and U.S. Forest Service) are eligible for HIDTA-funded overtime. In unusual circumstances, non-law enforcement personnel may receive HIDTA-funded overtime if the overtime is performed exclusively for a HIDTA-funded activity.

6.8.2.2 Authorized Uses

HIDTA funds shall be used to pay overtime only if the participant is eligible for such compensation by his/her parent agency and the overtime was performed in support of a HIDTA designated Enforcement Initiative or Intelligence and Information Sharing Initiative. HIDTA funds shall not be used to pay overtime related to training attendance, financial management, drug treatment, drug demand reduction or prevention, or non-investigative related administrative work.

6.8.2.3 OCDETF Overtime

Once an investigation receives OCDETF designation, the OCDETF Program should pay for overtime. While there is no absolute prohibition on the use of HIDTA funds for overtime related to OCDETF cases, HIDTA funds should not be considered the first source of overtime or be used routinely for OCDETF cases.

- **MAXIMUM OVERTIME AMOUNTS.** HIDTA-funded overtime for individual state, local, and tribal law enforcement personnel and uniformed federal agents shall not exceed the lower of: (1) applicable state, local, and tribal regulations of officer's parent agency; or (2) 25 percent of the federal GS-12, Step 1 level pay scale for Rest of U.S." in effect at the beginning of the calendar

year, the parent agency's fiscal year, or other 12-month period selected by the parent agency.

- For non-law enforcement officers, the maximum amount shall be the lower of: (1) the applicable state, local, and tribal regulations of the agency hiring or contracting with the individual; or (2) 25 percent of the federal GS-12 step 1 level pay scale in the General Schedule ("Rest of U.S.") in effect at the beginning of the calendar year, the parent agency's fiscal year, or other 12-month period selected by the parent agency.

6.8.2.4 Responsibilities for Compliance

The parent agency or initiative commander of the individual receiving HIDTA-funded overtime shall ensure the maximum allowable amounts are not exceeded, that the overtime is for HIDTA-related activities, and that the individual does not receive overtime compensation from another funding source for the same hours worked.

6.8.2.5 Non-Compliance

ONDCP shall require repayment by the parent agency if overtime payments to an individual exceed the maximum limit or if the hours charged to overtime are found not to be for HIDTA-related activities. If ONDCP finds that a parent agency's recordkeeping is deficient, ONDCP may impose additional reporting requirements on that agency.

6.8.3 Vehicles

6.8.3.1 Eligible Uses of HIDTA Funds

HIDTA funds may be used to (1) pay the purchase price of special purpose vehicles, such as a surveillance van, for a participating agency; (2) provide vehicle allowance to a participating agency to lease or purchase a vehicle; and (3) provide a vehicle allowance for the use of privately-owned vehicles.

HIDTA funds may be used to purchase, lease, or provide a vehicle allowance only for the HIDTA Director, Deputy Director, and State, local and tribal law enforcement officers assigned full-time to a HIDTA initiative and who are on 24-hour recall status.

HIDTA funds may be used to provide vehicles or a vehicle allowance for other positions if prior approval is obtained from ONDCP annually. ONDCP will grant approval in such cases if the HIDTA Executive Board demonstrates: (1) the position requires frequent travel to multiple locations within the HIDTA region on official HIDTA business; and (2) reimbursement of actual expenses or current IRS mileage rates would exceed the cost of the vehicle or vehicle allowance.

6.8.3.2 Use of HIDTA-Funded Vehicles

Vehicles leased or purchased with HIDTA funds shall be used only for official HIDTA-related business in accordance with parent agency regulations. Participating agencies that choose to apply a vehicle allowance toward the purchase of a vehicle shall ensure the vehicle is assigned to investigators working full-time in a HIDTA initiative and is used exclusively for HIDTA-related activities. For each HIDTA-funded vehicle, the agency or initiative using the vehicle must document its assignment in support of HIDTA activities. For each HIDTA-funded vehicle, the agency or initiative using the vehicle must document its assignment in support of HIDTA activities and provide a copy of the documentation to the HIDTA on an annual basis.

6.8.3.3 Federal Agency Prohibition

HIDTA funds shall not be used to purchase or lease vehicles, aircraft, or watercraft for assignment to federal agency personnel, and shall not be used for fuel, repair, and maintenance for vehicles purchased, leased, or otherwise acquired by federal agencies.

6.8.4 Liability Insurance

HIDTA funds may be used to purchase liability insurance for the Director and the Deputy Director of a HIDTA if liability insurance is not provided or available through the agency/contracting agent employing the HIDTA Director and Deputy Director. The coverage purchased with HIDTA funds shall be limited to the typical coverage provided for a public official in the HIDTA region.

HIDTA funds may be used to supplement existing liability insurance if that insurance is inadequate. In such cases, HIDTA funds may be used to acquire only the additional coverage needed to provide typical coverage for a public official in the HIDTA region.

If HIDTA funds are used to purchase liability insurance, the cost of that insurance shall be listed as a line item expense in the budget submission for the HIDTA's Management and Coordination Initiative.

6.8.5 Costs Related to Prosecutions

HIDTA funds may not be used for salaries of attorneys, paralegals, or other staff involved in prosecuting criminal offenders or providing other legal assistance unless the activity clearly contributes to the Strategy of the HIDTA.

6.8.6 Foreign Travel

HIDTA funds may not be used for foreign travel costs by State, Local or Tribal participants without the prior approval of ONDCP. Each separate foreign trip must receive such written approval. Requests for foreign travel need not contain "law enforcement sensitive" information; the case number, a summary of the investigative purpose, and roster of personnel required to travel is sufficient. For purposes of this provision, "foreign travel" includes any travel outside Canada, Mexico, the United States, and any United States territories and possessions.

6.9 PROHIBITED USES OF HIDTA FUNDS

OMB Circular A-87 and 21 CFR 1403 contain federal regulations governing the expenditure of federal funds. In addition to the disallowable items listed in OMB Circular A-87 Attachment B, ONDCP prohibits the use of HIDTA funds for the following purposes:

- Clothing or clothing allowances
- Food and beverage items, including coffee makers
- Personal hygiene or medication items, except for: (1) items such as toilet paper, hand-towels, soap and other items that are standard supplies for an office; and (2) special hygiene products for the mitigation of risks from contact with communicable pathogens or hazardous substances that arise from tasks performed by HIDTA participants, e.g. - disinfectant wipes and liquids used after handling persons, evidence, seized materials, or exercising a search warrant.
- Professional association or bar dues
- Promotional or representational items (e.g. - hats, pins, T-shirts, or other memorabilia)
- Gifts, except for plaques and other commemorative items not exceeding \$150 awarded to recognize service to an individual HIDTA or the HIDTA Program;
- Real property
- Travel that does not clearly benefit the HIDTA Program
- Weapons and holsters
- Ammunition
- Standard issue departmental-type raid/tactical gear

6.10 REPROGRAMMING

ONDCP awards funds to HIDTAs based on a review and assessment of the HIDTA's strategy and the initiatives described in the annual budget proposals that each HIDTA submits to ONDCP. Consequently, with the exception of funds reprogrammed following the procedures described below, HIDTA program funds must be used by recipients to carry out only those activities approved by ONDCP.

There are two levels of reprogramming: Level A reprogramming, which requires approval from ONDCP before the proposed reprogramming can be executed; and Level B reprogramming, which can be approved by the HIDTA Director subject to procedures established by the HIDTA's Executive Board. Only ONDCP and HIDTA Directors are authorized to approve a reprogramming. Participating agencies and initiative commanders do not have approval authority for reprogramming of HIDTA funds.

6.10.1 Approval Authority

6.10.1.1 Level A Reprogramming—ONDCP Approval Required

6.10.1.1.1. Changes to Grant or Transfer Totals

Approval from ONDCP is required for any proposed reprogramming that involves moving funding from a federal agency or state, local or tribal grantee to another federal agency or state, local or tribal grantee. Such reprogramming may require an amendment to the total amount of funds awarded to a grantee or the amount of funds transferred to a federal agency. Because both of these actions require changes to account balances established by ONDCP with the Department of the Treasury, any such reprogramming, regardless of the amount involved, must be approved by ONDCP.

6.10.1.1.2. Substantial Changes to Initiative Budgets

- Initiatives with budgets of \$100,000 or more—Approval from ONDCP is required for any reprogramming of an amount equal to or greater than twenty (20) percent of the initiative's currently approved budget.
- Initiatives with budgets of less than \$100,000—Approval from ONDCP is required for any reprogramming of an amount equal to or greater than thirty-five (35) percent of the initiative's currently approved budget.

6.10.1.2 Level B Reprogramming – HIDTA Director Approval

HIDTA Directors and SWB Regional Directors, subject to procedures established by the Executive Board, may approve any reprogramming not subject to the requirements for a Level A reprogramming.

6.10.2 Reprogramming Deadlines

6.10.2.1 Requests to reprogram funds from one federal agency to another or between a federal agency and a state or local agency will be collated and processed twice annually, on September 30th and March 31st. The final deadline for such reprogramming is March 31st of the final year following the appropriation of the funds. In other words, if the grant is a two year award the reprogramming must be submitted by March 31st of the second year of the award.

6.10.2.2 Terminated Initiatives –

If a HIDTA terminates an initiative that has not expended all funds budgeted for that initiative, the HIDTA shall reprogram the remaining funds within 90 days of the termination. The Annual Report shall

identify any outputs that were accomplished by the initiative before it was terminated. Reprogramming of funds of terminated initiatives shall be considered Level A reprogramming.

6.10.3 Reprogramming Limitations

Due to limitations enacted in Section 301 of the ONDCP Reauthorization Act, no HIDTA funds shall be used to establish or expand a drug treatment program that was not in existence on October 21, 1998. In addition, the Act requires the Director to ensure that not more than five percent of the Federal funds appropriated for the Program are expended for the establishment of drug prevention programs.

6.10.4 Administrative Requirements

6.10.4.1 - Each HIDTA Executive Board shall establish procedures to ensure that all reprogramming requests comply with administrative and financial requirements of participating agencies and with all HIDTA Program requirements established by ONDCP.

6.10.4.2 - All reprogramming requests must be submitted to ONDCP by the HIDTA Director using the HIDTA Financial Management System (FMS).

6.10.4.3 - Each request for a reprogramming shall include sufficient detail to enable ONDCP to assess the request; e.g., a request to reprogram funds into equipment must include a list of equipment to be purchased.

6.11 FORFEITURE PROCEEDS

Asset forfeiture proceeds generated by the HIDTA-funded initiatives shall not be considered as program income earned by HIDTA grantees. ONDCP encourages HIDTA Executive Boards to establish procedures for using asset forfeiture proceeds generated by HIDTA activities to supplement HIDTA-funded activities.

6.12 CONFIDENTIAL PAYMENTS

HIDTA Program funds may be used by participating agencies for the confidential purchase of services, evidence, and information subject to the requirements of this subsection. These provisions apply to all grantees, subgrantees, and HIDTA staff involved in the use of HIDTA grants for confidential funds.

6.12.1 Definition

Confidential funds are those monies allocated to:

Purchase of Services (P/S)

This category includes travel or transportation of an informant; the lease of an apartment, business front, luxury-type automobiles, aircraft or boat, or similar effects to create or establish the appearance of affluence; and/or meals, beverages, entertainment, and similar expenses (including buy money and flash rolls, etc.) for undercover purposes, within reasonable limits.

Purchase of Evidence (P/E)

This category is for the purchase of evidence and/or contraband, such as narcotics and other dangerous drugs, firearms, stolen property, counterfeit tax stamps, documents, etc., required to determine the existence of a crime or to establish the identity of a participant in a crime.

Purchase of Specific Information (P/I)

This category includes the payment of monies to an informant for specific information. All other informant expenses would be classified under P/S and charged accordingly.

6.12.2 Written Procedures

Special accounting and control procedures should govern the use and handling of HIDTA Program funds for confidential expenditures. It is important that expenditures are accurately reported as PE/PI/PS. It is only in this manner that these funds may be properly accounted for and accurate forecasts of projected need be made. Each agency authorized to disburse confidential funds must develop and follow written procedures that incorporate the elements listed below. This information must be made available to the HIDTA Director or his representatives, or to representatives of ONDCP upon request. If an agency does not have such procedures, the HIDTA Director is responsible for working with that agency to develop adequate procedures.

Transaction records that clearly reflect:

- Case identifier
- The date of payment(s) of confidential funds
- The name of the payer and a witness to the payment
- The name of the person approving the payment
- The purpose for which the funds were used.
- Informant number or other non-sensitive identifier
- Adequate explanation to allow an auditor to determine that the funds were properly categorized

Confidential records (for agency use only)

Document informant identities, actual receipts, and other information that the agency deems appropriate.

Documentation

Purchase of Service expenditures, when not endangering the safety of the officer or informant, must be supported by canceled tickets, receipts, lease agreements, etc. If not available, the office head, or his immediate subordinate, must certify that the expenditures were necessary, and justify why supporting documents were not obtained.

6.13 FINANCIAL REPORTING

Officials requesting HIDTA funds must assist in coordinating the administration of HIDTA funds with their agency's administrative offices, the HIDTA Director, the NHAC for state, local, and tribal agencies, and ONDCP.

6.13.1 Federal Financial Report

Commencing January 1, 2010, HIDTA grantees are required to electronically submit, via the Department of Health & Human Services, Division of Payment Management (DPM) website, the Federal Financial Report (FFR) on a quarterly basis within 30 days after the reporting period. The OMB form SF 269 will no longer be prepared and submitted to the ONDCP Financial Management Office. All fields formerly required on the SF 269 are still required to be completed electronically on-line for the Federal Financial Report (FFR). Failure to submit the report on a timely basis will result in suspension of payment requests.

6.13.2 Request for Reimbursement

In accordance with the Grant Agreement, state, local, and tribal agencies are required to submit a Detailed Expenditure Worksheet (DEW) and supporting documentation at least quarterly to request reimbursement. Requests for Reimbursement shall be submitted through the HIDTA Director to the NHAC using the FMS. All other provisions for submission of Requests for Reimbursement are contained in the Attachment to the Grant Agreement.

6.13.3 Federal Agency Quarterly Expenditure Reporting

In accordance with the HIDTA MOA, federal agencies are required to submit a quarterly report of initiative obligations and expenditures.

6.13.4 HIDTA Financial Management System

The HIDTAs and ONDCP are required to use the automated HIDTA Financial Management System (FMS) to perform the following tasks:

Budgeting

- Prepare and submit budget requests
- Review and approve budget requests
- Adjust and track budgets requested

Managing disbursements and grant balances

- Record and approve reimbursements and advances. HIDTAs that have outstanding discrepancies between FMS and DPM balances shall provide to ONDCP a timeline for reconciling the differences.

Recording reprogramming entries

- Submit, review, and approve reprogramming entries

Processing Grant Extensions

- Submit, review and approve requests for the extension of grants.

Tracking Grant Balances

- Create summary reports for internal use.

6.13.5 Payment Management System (PMS)

Agencies must use the Payment Management System (PMS) to request payment of grant funds. PMS is managed by the Division of Payment Management of the U.S. Department of Health and Human Services (HHS). Immediately after requesting payments in the PMS and again after the reimbursements are received, agencies or HIDTAs must record the disbursement details in the HIDTA FMS to ensure a current grant balance.

8.0 PROPERTY MANAGEMENT

8.1 PURPOSE

HIDTA grantees, HIDTA Directors, participating agencies, and initiative participants share responsibility for ensuring that equipment purchased with HIDTA funds is used to the maximum benefit of the HIDTA and that its use complies with all ONDCP requirements pertaining to equipment management. This section describes the minimum standards for meeting those requirements.

8.2 GENERAL REQUIREMENTS

The requirements established in this section apply to all tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit at the time of purchase.

Each HIDTA grantee that acquires or holds HIDTA-purchased equipment must have a property management system that meets the requirements of this section.

If a HIDTA grantee or subgrantee does not have an adequate system for meeting the requirements of this section, the HIDTA Director shall work with the initiative to establish a system that meets these requirements.

HIDTA-purchased equipment shall be retained at the initiative for which it was purchased, unless there are compelling reasons to do otherwise. The HIDTA Director must authorize off-site storage in writing.

8.3 USE OF HIDTA-PURCHASED EQUIPMENT

Equipment purchased with HIDTA funds is intended for use in HIDTA-funded initiatives. HIDTA Executive Boards may authorize the use of such equipment in non-HIDTA activities if those activities: are consistent with the HIDTA's strategy; do not interfere with the work of HIDTA initiatives; and do not become the primary use of the equipment.

HIDTA Directors are required to establish a mechanism for sharing HIDTA-purchased equipment among HIDTA initiatives and for tracking the location of shared equipment.

Prior to disposing of any HIDTA-funded equipment, all HIDTA grantees must make the equipment available to the HIDTA Director for possible use by another HIDTA participant.

8.4 EQUIPMENT TRACKING SYSTEM

8.4.1 Tracking System Required

Each HIDTA grantee or subgrantee that acquires or holds HIDTA-purchased equipment must maintain a tracking system to account for all HIDTA-purchased equipment, vehicles, and other items valued at \$1,000 or more at the time of purchase. Grantees are encouraged to include lower-cost, high-risk items such as digital cameras, palm pilots, and GPS devices, in this tracking system.

8.4.2 Required Information

The HIDTA inventory list shall include for each piece of HIDTA-purchased equipment:

1. A description of the property;
2. A serial number or other identification number;
3. The source of property (manufacturer);
4. Who holds title (purchasing agency);
5. The acquisition date and the cost of the property (from invoice);
6. The percentage of the purchase price that came from HIDTA funds;
7. The location, use, and condition of the property;
8. Any reported loss, damage, or theft of the equipment; and
9. The date of and reason for disposal, transfer to another HIDTA participant, or sale of the equipment; including, if relevant, the sales price of the equipment.

8.5 IDENTIFICATION OF HIDTA EQUIPMENT

All HIDTA-purchased equipment must be clearly marked as such and have a unique identifier that links the equipment to the HIDTA's inventory tracking system.

8.6 INVENTORY REQUIREMENTS

Grantees or subgrantees that use HIDTA funds to purchase equipment must maintain a current inventory of HIDTA-purchased equipment and must provide that inventory to the HIDTA Director or an ONDCP employee upon request.

HIDTA Directors must be able to provide a copy of each such inventory upon request.

Each HIDTA grantee must conduct a 100-percent physical inventory of HIDTA-purchased equipment at least every two years and provide a copy of that inventory to the HIDTA Director. An inventory conducted at the direction of the HIDTA Director is adequate for this purpose.

As part of the HIDTA's annual internal review, the HIDTA Director shall perform a physical inventory of a sample of equipment purchased by each HIDTA grantee.

The results of the most recent 100 percent inventory and the most recent internal review, along with all supporting documentation, shall be retained for Program Review purposes.

8.7 DISPOSITION OF EQUIPMENT

The purchasing agency should use its own policies for determining the end of the useful life of HIDTA-purchased equipment and for disposing of and accounting for any

HIDTA-purchased equipment. Purchasing agencies must document the disposition of any HIDTA equipment and provide that documentation to the HIDTA Director.

8.8 PROTECTION OF SENSITIVE INFORMATION

Initiative supervisors shall ensure that all sensitive information is removed from the hard drives of a computer before it leaves the HIDTA premises for repair or disposal.

8.9 ACCOUNTABILITY FOR EQUIPMENT

Initiative commanders shall immediately report any item that is lost, stolen, or otherwise unaccounted for to the HIDTA Director. The purchasing agency's procedures shall be followed to investigate the loss or theft of any equipment. The initiative commander must also inform the HIDTA Director of efforts to find the item.

