

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No. **4845**

Sponsor(s): Dan Tarwater III

Date: May 23, 2016

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Ordinance transferring and appropriating funds for the acceptance of the Victims of Crime Act (VOCA) Grant.</u>																																									
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$364,327.21</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$364,327.21</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number;</td> <td></td> </tr> <tr> <td>FROM</td> <td style="text-align: right;">FROM ACCT</td> </tr> <tr> <td>008 – Anti-Drug Sales Tax Fund; 2810 – Undesignated Fund Balance</td> <td style="text-align: right;">\$276,402.43</td> </tr> <tr> <td>001- General Fund; 4101 – Prosecuting Attorney; 55010 – Salary</td> <td style="text-align: right;">\$51,767.04</td> </tr> <tr> <td>001- General Fund; 4101 – Prosecuting Attorney; 55040 – FICA</td> <td style="text-align: right;">\$3,960.18</td> </tr> <tr> <td>001- General Fund; 4101 – Prosecuting Attorney; 55050 – Pension</td> <td style="text-align: right;">\$7,454.45</td> </tr> <tr> <td>008 – Anti Drug Sales Tax Fund; 4156 – Pros Comm/Crime/Drug Prevention; 56798 – Grant Match</td> <td style="text-align: right;">\$24,743.11</td> </tr> <tr> <td>TO</td> <td style="text-align: right;">TO ACCT</td> </tr> <tr> <td>008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55010 – Salary</td> <td style="text-align: right;">\$253,007.04</td> </tr> <tr> <td>008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55040 – FICA</td> <td style="text-align: right;">\$19,355.04</td> </tr> <tr> <td>008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55050 – Pension</td> <td style="text-align: right;">\$36,433.01</td> </tr> <tr> <td>008 – Anti-Drug Sales Tax Fund; 4107 -VOCA Grant; 55060 – Insurance</td> <td style="text-align: right;">\$43,140.35</td> </tr> <tr> <td>008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55070 – Unemployment</td> <td style="text-align: right;">\$748.80</td> </tr> <tr> <td>008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55110 Workers Comp</td> <td style="text-align: right;">\$2,396.16</td> </tr> <tr> <td>008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55150 – LTD</td> <td style="text-align: right;">\$748.80</td> </tr> <tr> <td>008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 56140 – Travel</td> <td style="text-align: right;">\$2,610.00</td> </tr> </table>		Amount authorized by this legislation this fiscal year:	\$364,327.21	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$364,327.21	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number;		FROM	FROM ACCT	008 – Anti-Drug Sales Tax Fund; 2810 – Undesignated Fund Balance	\$276,402.43	001- General Fund; 4101 – Prosecuting Attorney; 55010 – Salary	\$51,767.04	001- General Fund; 4101 – Prosecuting Attorney; 55040 – FICA	\$3,960.18	001- General Fund; 4101 – Prosecuting Attorney; 55050 – Pension	\$7,454.45	008 – Anti Drug Sales Tax Fund; 4156 – Pros Comm/Crime/Drug Prevention; 56798 – Grant Match	\$24,743.11	TO	TO ACCT	008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55010 – Salary	\$253,007.04	008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55040 – FICA	\$19,355.04	008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55050 – Pension	\$36,433.01	008 – Anti-Drug Sales Tax Fund; 4107 -VOCA Grant; 55060 – Insurance	\$43,140.35	008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55070 – Unemployment	\$748.80	008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55110 Workers Comp	\$2,396.16	008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 55150 – LTD	\$748.80	008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 56140 – Travel	\$2,610.00
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	<p>008 – Anti-Drug Sales Tax Fund; 4107X - VOCA Grant; 56661 – Software \$740.01</p> <p>008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 56750 – Education \$2,250.00</p> <p>008 – Anti-Drug Sales Tax Fund; 4107 - VOCA Grant; 58171 - Computers \$2,898.00</p> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION: <input type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable): Prior Year Actual Amount Spent (if applicable):</p>																							
PRIOR LEGISLATION	<p>Prior ordinances and (date): 4590 (11/13) 4804 (11/15)</p> <p>Prior resolutions and (date):</p>																							
CONTACT INFORMATION	RLA drafted by (name, title, & phone): Gina Robinson, Chief of Operations 881-3369																							
REQUEST SUMMARY	<p>Requesting an ordinance accepting the VOCA Grant awarded to Jackson County by the Department of Public Safety for the funding of four victim advocates, travel, training and equipment. The award amount for this eighteen month grant is \$276,402.43 with an-kind match of \$63,181.67 and a required grant match of \$13,391.77. To complete the project, the Prosecutor's Office will provide an additional \$11,351.34 to pay for the unfunded portions of encumbants. The term of this grant is 4/1/16 through 9/30/17.</p> <p>Please appropriate \$276,402.43 from 008-2810 and transfer \$51,767.04 from 001-4101-55010, \$3,960.18 from 001-4101-55040, \$7,454.45 from 001-4101-55050 and \$24,743.11 from 008-4156-56798 into the following accounts:</p> <table> <tr><td>55010 Salary</td><td>253,007.04</td></tr> <tr><td>55040 FICA</td><td>19,355.04</td></tr> <tr><td>55050 Pension</td><td>36,433.01</td></tr> <tr><td>55060 Insurance</td><td>43,140.35</td></tr> <tr><td>55070 Unemployment</td><td>748.80</td></tr> <tr><td>55110 Workers Comp</td><td>2,396.16</td></tr> <tr><td>55150 LTD</td><td>748.80</td></tr> <tr><td>56140 Travel</td><td>2,610.00</td></tr> <tr><td>56661 Software</td><td>740.01</td></tr> <tr><td>56750 Education</td><td>2,250.00</td></tr> <tr><td>58171 Personal Computers</td><td>2,898.00</td></tr> </table>	55010 Salary	253,007.04	55040 FICA	19,355.04	55050 Pension	36,433.01	55060 Insurance	43,140.35	55070 Unemployment	748.80	55110 Workers Comp	2,396.16	55150 LTD	748.80	56140 Travel	2,610.00	56661 Software	740.01	56750 Education	2,250.00	58171 Personal Computers	2,898.00	
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CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)																							
ATTACHMENTS	Award of Contract, Budgets																							
REVIEW	<p>Department Director: <i>Jean Peters Baker</i></p> <p>Finance (Budget Approval): <i>[Signature]</i></p> <p>Division Manager: <i>Mary Lou Brown</i></p> <p>County Counselor's Office:</p>	<p>Date: 5/5/16</p> <p>Date: 5/10/16</p> <p>Date: 5/19/16</p> <p>Date:</p>																						

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation and transfer are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:
008-2180	Anti-Drug Sales Tax Fund – Undesignated Fund Balance	\$276,402.43
001-4101-55010	General Fund – Prosecuting Attorney – Salary	\$51,767.04
001-4101-55040	General Fund – Prosecuting Attorney – FICA	\$3,960.18
001-4101-55050	General Fund – Prosecuting Attorney – Pension	\$7,454.45
008-4156-56798	Anti-Drug Sales Tax Fund – Pros Comm/Crime/Drug Prevention – Grant Match	\$24,743.11

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

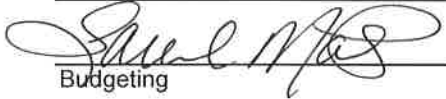
Supplemental Appropriation Request Jackson County, Missouri

Funds sufficient for this appropriation are available from the source indicated below.

Date: May 10, 2016

ORD # 4845

Department / Division	Character/Description	From	To
General Fund - 001			
4101 - Prosecuting Attorney	55010 - Salary	51,767	
4101 - Prosecuting Attorney	55040 - FICA	3,960	
4101 - Prosecuting Attorney	55050 - Pension	7,455	
9100 - Operatng Transfers	56105 - Operating Transfers Out		63,182
Anti-Drug Sales Tax Fund - 008			
4107 - VOCA	47070 - Operating Transfers In	63,182	
4107 - VOCA	45860 - Increase Revenues	276,403	
2810	Undesignated Fund Balance		339,585
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4156 - Prose Comm/Crime/Drug Prev	56798 - Grant Match	24,743	
4107 - VOCA	55010 - Salary		253,007
4107 - VOCA	55040 - FICA		19,355
4107 - VOCA	55050 - Pension		36,433
4107 - VOCA	55060 - Insurance		43,141
4107 - VOCA	55070 - Unemployment Ins		749
4107 - VOCA	55110 - Workers Comp		2,396
4107 - VOCA	55150 - Long Term Disability		749
4107 - VOCA	56140 - Travel		2,610
4107 - VOCA	56661 - Software		740
4107 - VOCA	56750 - Education		2,250
4107 - VOCA	58171 - Computers		2,898


Budgeting



MISSOURI DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR
SUBAWARD

P.O. Box 749
Jefferson City, MO 65102
Phone: (573) 751-4905

Subrecipient Name:		Subrecipient DUNS Number:	
Jackson County, Prosecutor's Office		809094092	
DPS Funding Opportunity Title:	Project Period Start Date:	Project Period End Date:	
2016-2017 VOCA	04/01/2016	09/30/2017	
Project Title:		Subaward Number:	
Victims of Crime Act (VOCA)		2016-VOCA-025-NW	
Project Description:			
<p>This program provides support and advocacy on behalf of crime victims for all of Jackson County. Support and advocacy for crime victims will be provided by victim advocates. The responsibilities of victim advocates include communicating with victims of crimes to help keep them informed about the legal process and keeping victims informed about their specific cases. In conjunction with attorneys, advocates help explain the legal process to victims so that victims understand their role in the process, their rights as crime victims, and so that victims can make informed decisions. Advocates provide victims with information and access to other community services and resources that are available. Advocates provide emotional support and assist victims and witnesses of crimes in dealing with recounting and reliving traumatic experiences and advocates will accompany victims to court to make victims feel safer and more comfortable. Advocates also participate in discussions regarding case strengths and weaknesses to ensure that victims' rights are considered. As part of their responsibilities, advocates have the associated clerical duties that come with each task including sending letters, phone calls, pulling cases for courtroom dockets, and updating information into the office's case management computer system.</p>			
Subaward Total:		CFDA Number and Name:	
\$276402.43		16.575 – Crime Victim Assistance	
Research and Development Project:		Indirect Cost Rate for Federal Award:	
No		N/A	
Name of Federal Awarding Agency:		Federal Award Date:	
Department of Justice, Office of Justice Programs, Office for Victims of Crime		8/27/2013; 7/08/2014; 9/21/2015	
Name of State Administering Agency (SAA):		SAA Federal Award Number:	
Missouri Department of Public Safety, Office of the Director P.O. Box 749 Jefferson City, MO 65102		2013-VA-GX-0015 2014-VA-GX-0005 2015-VA-GX-0065	
<p>This Subaward is made in the amount and for the project period referenced above to the Subrecipient identified above. This Subaward is subject to compliance with the general conditions governing grants and subawards and any attached Certified Assurances or Special Conditions. This Subaward is subject to compliance with all federal and state laws and all guidelines identified in the above mentioned DPS Funding Opportunity.</p> <p>The undersigned Subrecipient Authorized Official hereby acknowledges he/she is authorized to legally bind the Subrecipient and certifies acceptance of the above-described Subaward on the terms and conditions specified or incorporated by reference above and those stated in the approved application.</p>			
Subrecipient Authorized Official (AO) Name:		Subrecipient Project Director (PD) Name:	
Frank White, Jr., County Executive		Jean Peters Baker	
Subrecipient AO Signature:	Date:	Subrecipient PD Signature:	Date:
<p>This Subaward shall be in effect for the duration of the project period stated above and funds shall be made available on the subaward date with return of this signed document to the Missouri Department of Public Safety and upon full execution by signature of the Authorized Official of the Missouri Department of Public Safety, Office of the Director</p>			
Authorized Official, Missouri Department of Public Safety			Subaward Date
			04/01/2016



**MISSOURI DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR
Victims of Crime Act Grant (VOCA)**



2016 CERTIFIED ASSURANCES

The Subrecipient hereby assures and certifies compliance with all the following certified assurances:

General:

1. The Subrecipient assures that it shall comply, and all its Subrecipients shall comply, with the applicable provisions of the 2016-2017 VOCA Solicitation, the DPS Financial and Administrative Guide, any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Violence Against Women Reauthorization Act of 2013 (42 U.S.C. 13925(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); 28 C.F.R. pt. 31 (U.S. Department of Justice Regulations – OJJDP Grant Programs); 28 C.F.R. pt. 42 (U.S. Department of Justice Regulations – Nondiscrimination; Equal Employment Opportunity; Policies and Procedures); Ex. Order 13279 (equal protection of the laws for faith-based and community organizations); and 28 C.F.R. pt. 38 (U.S. Department of Justice Regulations – Equal Treatment for Faith-Based Organizations), the Victims of Crime Act (VOCA) of 1984, 42 U.S.C. 10603 (a)(2) and (b)(1) and (2) and the applicable Program Guidelines and Regulations; the Missouri Department of Public Safety VOCA Request for Proposal and Application Packet for the specified subaward period and other applicable federal and state laws, orders, circulars, or regulations.

The Subrecipient assures that it shall comply, and all its Subrecipients shall comply, with the applicable provisions of the VOCA Solicitation, the DPS Financial and Administrative Guide, the Travel Guidelines, and other applicable state laws or regulations.

2. **Compliance Training:** As a recipient of federal or state funds, the Subrecipient is required to attend the Compliance Training hosted by the Missouri Department of Public Safety. The Compliance Training may be hosted in-person or as a webinar to provide post-award information to include, but not limited to, award acceptance, project implementation, reporting requirements, subaward changes, civil rights compliance, monitoring responsibilities, record retention, internal controls, and accounting responsibilities
3. **Non-Supplanting:** The Subrecipient assures that federal or state funds made available under this subaward will not be used to supplant state and local funds, but will be used to increase the amount of funds that would, in the absence of these funds, be made available for the activities of this project.
4. **Change in Personnel:** The Subrecipient agrees to notify, within a timely manner, the Missouri Department of Public Safety if there is a change in or temporary absence of personnel as it affects the 'My Profile' module, 'Contact Information' form, and/or 'Budget' form within WebGrants. The notification shall be sent through the 'Correspondence' component of WebGrants to the appropriate Internal Contact.
5. **Subaward Adjustments:** The Subrecipient understands that any deviation from the approved subaward must have prior approval from the Missouri Department of Public Safety. No additional funding shall be awarded to a Subrecipient but changes from one budget line to another budget line

may be possible if the request is allowable and within the scope of the guidelines. Prior approval must be requested as via the 'Subaward Adjustment' component of WebGrants.

6. **Monitoring:** The Subrecipient agrees to maintain the records necessary to evaluate the effectiveness of the project. In addition, the Subrecipient assures that all documentation or records relating to this subaward shall be made available to monitoring representatives of the Missouri Department of Public Safety, Office of the Director, immediately upon request. The Subrecipient assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Missouri Department of Public Safety, Office of the Director, shall prescribe, will be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this subaward.
7. **Criminal Activity:** The Subrecipient assures that they will formally report to the Missouri Department of Public Safety within 48 hours of notification that a Department of Public Safety grant-funded individual is arrested for or formally charged with a misdemeanor or felony regardless if the criminal offense is related to the individual's employment. The Department of Public Safety reserves the right to suspend or terminate grant funding pending the adjudication of the criminal offense.

The Subrecipient shall not make false statements or claims in connection with any Office of Justice Programs or DPS state funded grant. The result of such false statements or claims includes fines, imprisonment, and debarment from participating in state and federal grants or subaward, and/or other remedy by law. The Subrecipient must promptly refer to the Department of Justice, Office of Inspector General and Missouri Department of Public Safety any credible evidence that a principal, employee, agent, Subrecipient, or other person has either:

- 1) Submitted a false claim for grant funds under the False Claims Act or
- 2) Committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds

For Subrecipients of federal grant funding, potential fraud, waste, abuse, or misconduct must be reported to the DPS and OIG by mail at following address.

Missouri Department of Public Safety
Office of the Director
Attention: Crime Victim Services Unit (VOCA)
P.O. Box 749
1101 Riverside Drive
Jefferson City, MO 65102-0749

Office of Inspector General
Office of Justice Programs and Investigation Division
950 Pennsylvania Avenue, N.W., Room 4706
Washington D.C. 20530

The Department of Public Safety reserves the right to suspend or terminate grant funding pending the adjudication of the criminal offense.

8. **Non-Disclosure Agreements:** The Subrecipient understands it cannot require any employee or subawardor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the Subrecipient, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414

(which relates to sensitive compartmented information), or any other form issued by a federal department of agency governing the nondisclosure of classified information.

In accepting this subaward, the Subrecipient:

- a. Represents that it neither requires nor has required internal confidentiality agreements or statements from employees or subawardors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or subawardors from reporting waste, fraud, or abuse as described above; and
 - b. Certifies that, if it learns or is notified that it is or has been requiring its employees or subawardors to exercise agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the Missouri Department of Public Safety, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by the Missouri Department of Public Safety.
9. **Lobbying:** The Subrecipient understands and agrees that it cannot use any federal or state funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government,

Applicants for DPS awards with total costs expected to exceed \$100,000 are required to certify that (1) they have not made, and will not make, such a prohibited payment, (2) they will be responsible for reporting the use of non-appropriated funds for such purposes, and (3) they will include these requirements in consortium agreements and subawards under grants that will exceed \$100,000 and obtain necessary certifications from those consortium participants and Subrecipients.

The signature of the authorized organizational official on the application serves as the required certification of compliance for the applicant organization. DPS appropriated funds may not be used to pay the salary or expenses of an employee of a grantee, consortium participant, or Subrecipient or those of an agent related to any activity designed to influence legislation or appropriations pending before Congress or any State legislature.

10. **Fair Labor Standards Act:** All Subrecipients of federal funds will comply with the minimum wage and maximum hour's provisions of the Federal Fair Labor Standards Act.
11. **Employment of Unauthorized Aliens:** Pursuant to Section 285.530.1 RSMo, the Subrecipient assures that it does not knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri, and shall affirm, by sworn affidavit and provision of documentation, its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the subawarded services. Further, the Subrecipient shall sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the subawarded services.

In accordance with Sections 285.525 to 285.550, RSMo a general Subrecipient or Subrecipient of any tier shall not be liable when such Subrecipient or Subrecipient subawards with its direct Subrecipient who violates subsection 1 of Section 285.530, RSMo if the subaward binding the Subrecipient and Subrecipient affirmatively states that the direct Subrecipient is not knowingly in violation of subsection 1 of Section 285.530, RSMo and shall not henceforth be in such violation and the Subrecipient or Subrecipient receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct Subrecipient's employees are lawfully present in the United States.

12. **Relationship:** The Subrecipient agrees that they will represent themselves to be an independent Subrecipient offering such services to the general public and shall not represent themselves or their employees to be employees of the Missouri Department of Public Safety or the Office of the Director.

This provision is not applicable to the Missouri Department of Public Safety or any of its divisions or programs. The Subrecipient shall assume all legal and financial responsibility for taxes, FICA, employee fringe benefits, workers' compensation, employee insurance, minimum wage requirements, overtime, etc.

13. **Uniform Crime Reporting (UCR)**: If the Subrecipient is a law enforcement agency, the Subrecipient assures that its law enforcement agency is in full compliance with Section 43.505 RSMo relating to uniform crime reporting and will remain in full compliance for the duration of the subaward period.
14. **Racial Profiling**: If the Subrecipient is a law enforcement agency, the Subrecipient assures that its law enforcement agency is in full compliance with Section 590.650 RSMo relating to racial profiling and will remain in full compliance for the duration of the subaward period.
15. **Federal Equitable Sharing Funds**: If the Subrecipient is a law enforcement agency, the Subrecipient assures that its law enforcement agency is in compliance with Section 513.653 RSMo relating to participation in the federal forfeiture system and the reporting of proceeds received therefrom to the Missouri Department of Public Safety and the Missouri State Auditor.
16. **Custodial Interrogations**: If the Subrecipient is a law enforcement agency, the Subrecipient assures that its law enforcement agency is in full compliance with Section 590.700 RSMo relating to custodial interrogations and has adopted a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.
17. **DWI Law**: If the Subrecipient is a law enforcement agency, the Subrecipient assures that its law enforcement agency is in full compliance with Section 577.005 RSMo relating to the "DWI Law" and has adopted a written policy to forward arrest information for all intoxication-related traffic offenses to the central repository as required by Section 43.503 RSMo. In addition, the Subrecipient assures that its county prosecuting attorney or municipal prosecutor is in full compliance with Section 577.005 RSMo relating to the "DWI Law" and has adopted a written policy to forward all charge information for intoxication-related traffic offenses to the central repository as required by Section 43.503 RSMo.
18. **Texting While Driving**: Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Missouri Department of Public Safety encourages the Subrecipient to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
19. **Drug-Free Workplace Act of 1988**: The Subrecipient assures that it will comply, and all its Subrecipients will comply, with the Drug-Free Workplace Act of 1988. The Law further requires that all individual Subrecipients and grant recipients, regardless of dollar amount/value of the subaward or grant, comply with the Law.
20. **ACORN**: Subrecipients understand and agree that it cannot use any federal funds, either directly or indirectly, in support of any subaward or sub-award to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
21. **Computer Networks**: The recipient understands and agrees that - (a) No subaward funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Civil Rights:

1. **Enforcing Civil Rights Laws:** The Subrecipient acknowledges that all recipients of Federal financial assistance, regardless of the particular source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, the Office for Civil Rights (OCR) investigates subrecipients that are the subject of discrimination complaints from both individuals and groups.
2. **Discrimination:** The Subrecipient acknowledges that federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.
3. **Limited English Proficiency (LEP):** The Subrecipient assures that, in accordance with the *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against national Origin Discrimination Affecting Limited English Persons*, 67 Fed. Reg. 41455 (June 18, 2012) as it pertains to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities for persons with limited English proficiency (LEP). "Meaningful access" will generally involve some combination of oral interpretation services and written translation of vital documents. For more information, visit <http://www.lep.gov>.
4. **Equal Employment Opportunity Plan (EEO):** The Subrecipient agrees to comply with the applicable requirements of 28 C.F.R. pt 42, subpt E., DOJ's Equal Employment Opportunity Program (EEO) Guidelines. The Subrecipient will maintain an EEO if the recipient (1) is a state or local government agency or any business; and (2) has 50 or more employees; and (3) receives a single award of \$25,000 or more. The Subrecipient this is required to maintain an EEO must submit an EEO Utilization Report to DOJ's Office for Civil Rights (OCR), Office of Justice Programs, if it receives a single award of \$500,000 or more. The EEO Utilization report can be found at: <http://ojp.gov/about/ocr/eop.htm>.

All Sub Recipients, irrespective of their EEO obligations, must complete the EEO Certification Form, in which the recipient declares its satisfaction of its obligations. The Certification Form can be found at: <http://ojp.gov/about/ocr/pdfs/cert.pdf>.

5. **Using Arrest and Conviction Records for Employment Decisions:** The Subrecipient understands the Office for Civil Rights (OCR) issued an advisory document for recipients of federal financial assistance on the proper use of arrest and conviction records in making hiring decisions. Refer to *Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964* (June 2013), available at http://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf.

Subrecipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, Subrecipients should consult local counsel in reviewing their employment practices. If warranted, Subrecipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs).

6. **Finding of Discrimination:** The Subrecipient assures that, in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the Subrecipient will forward a copy of the court judgment to the Missouri Department of Public Safety

within 30 days of the court judgment date. The Missouri Department of Public Safety will act as the liaison in all civil rights matters with the Office of Civil Rights, Office of Justice Programs.

7. **Unlawful Employment Practices:** The Subrecipient assures compliance with Section 213.055 RSMo in regards to non-discrimination in employment practices as it relates to race, color, religion, national origin, sex, ancestry, age, or disability.
8. **Discrimination in Public Accommodations:** The Subrecipient assures compliance with Section 213.065 RSMo in regards to non-discrimination in public accommodations as it relates to accommodations, advantages, facilities, services, or privileges made available in place of public accommodations.

Financial:

1. **Fund Availability:** The Subrecipient understands all subawards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. It is understood and agreed upon that, in the event funds from state sources are not appropriated and continued at an aggregate level sufficient to cover the subaward costs, or in the event of a change in state law relevant to these costs, the obligations of each party hereunder shall thereupon be terminated immediately upon receipt of written notice.
2. **Release of Funds:** No funds will be disbursed under this subaward until such time as all required documents are signed by the Authorized Official and Project Director and returned to the Missouri Department of Public Safety, Office of the Director for final review and signature by the Director or his/her designee.
3. **Financial Guide:** The Subrecipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide which can be found at <http://ojp.gov/financialguide/DOJ/>.
4. **Allowable Costs:** The Subrecipient understands that only allowable and approved subaward expenditures will be reimbursed under this subaward. These monies may not be utilized to pay debts incurred by other activities. The Subrecipient agrees to obligate funds no later than the last day of the subaward period. Any deviation from the approved subaward must have prior approval from the Missouri Department of Public Safety. The Subrecipient shall fully coordinate all activities in the performance of the project with those of the Missouri Department of Public Safety.
5. **Financial Reporting Requirements:** The Subrecipient agrees to complete and submit any financial reports required for this program as outlined in the VOCA Solicitation. Failure to submit reports by the deadline dates may result in delay for reimbursement requests and/or cancellation of the subaward.
6. **Project Income:** The Subrecipient agrees to account for project income generated by the activities of this subaward, and shall report receipts and expenditures of this income on the monthly Claim report. The Subrecipient understands that all project income generated as a result of this subaward shall be expended during the life of the subaward.
7. **Procurement:** The Subrecipient assures that all procurement transactions whether negotiated or competitively bid and without regard to dollar value shall be conducted in a manner to provide maximum open and free competition. In addition, the Subrecipient assures that all procurement transactions will meet the minimum standards set forth in the *DPS & CVSU Financial and Administrative Guidelines* and identified here:
 - A. All quotations and the rationale behind the selection of a source of supply shall be retained, attached to the purchase order copy, and placed in the accounting files.

- B. Purchases to a single vendor totaling less than \$3,000 may be purchased with prudence on the open market.
 - C. Purchases estimated to total between \$3,000 but less than \$24,999 to a single vendor, must be competitively bid, but need not be solicited by mail or advertisement.
 - D. Purchases with an estimated total of \$25,000 or over to a single vendor shall be advertised for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders at least five days before bids for such purchases are to be opened.
 - E. Where only one bid or positive proposal is received, it is deemed to be sole source procurement.
 - F. Sole source procurement on purchases to a single vendor of \$3,000 and over requires prior approval from the Missouri Department of Public Safety.
8. **Buy American:** The Subrecipient acknowledges Sections 34.350-34.359 RSMo regarding the Domestic Product Procurement Act (or commonly referred to as the Buy American Act) and the requirement to purchase or lease goods manufactured or produced in the United States, unless exceptions to the Buy American mandate in Section 34.353 RSMo are met.
9. **Buy Missouri:** The Subrecipient also acknowledges Sections 34.070 and 34.073 RSMo regarding the preference given to all commodities and tangible personal property manufactured, mined, produced, or grown within the state of Missouri and to all firms, corporations, or individuals doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business, when quality is equal or better and delivered price is the same or less, quality of performance promised is equal or better and the price quoted is the same or less, or when competing bids are comparable.
10. **Debarment:** This certification is required by Executive Order 12549, Debarment and Suspensions, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510.

The Subrecipient certifies that it and its principles:

- 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 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) transaction or subaward 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) with commission of any of the offenses enumerated in paragraph B of this certification; and
 - D. 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
11. **Audit:** An audit is required for the agency fiscal year when state financial assistance (which consists of all monies received from State Government or state funds passed through state agencies), of \$250,000 or more is expended by the applicant agency. An audit is required for the agency fiscal year, when FEDERAL financial assistance, (which consists of funds received directly from the Federal Government or federal funds passed through state agencies), of \$500,000 or more is expended by the applicant agency. If an audit is required, the Subrecipient assures that such audit will be submitted to the Missouri Department of Public Safety, Office of the Director.

12. **Termination of Award:** The Missouri Department of Public Safety, Office of the Director, reserves the right to terminate any subaward entered into as a result of this application at its sole discretion and without penalty or recourse by giving written notice to the Subrecipient of the effective date of termination. In the event of termination pursuant to this paragraph, all documents, data, and reports prepared by the Subrecipient under the subaward shall, at the option of the Missouri Department of Public Safety, become property of the State of Missouri.

In the event that the Missouri Department of Public Safety determines that a Subrecipient is operating in a manner inconsistent with the provisions of the application or is failing to comply with the applicable state requirements governing these funds, the Missouri Department of Public Safety may permanently or temporarily terminate the subaward. In the event a subaward is permanently terminated, the Missouri Department of Public Safety may take action as deemed appropriate to recover any portion of the subaward funds remaining or an amount equal to the portion of the subaward funds wrongfully used.

13. **Enforceability:** If a Subrecipient fails to comply with all applicable federal and state requirements governing these funds, the State of Missouri may withhold or suspend, in whole or in part, funds awarded under the program, or recover misspent funds following an audit. This provision is in addition to all other remedies provided to the State of Missouri for recovery of misspent funds available under all applicable state and federal laws.
14. **Compensation:** The Subrecipient understands that funds may not be used to pay cash compensation (salary plus bonuses) to any employee of this grant at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System. The Subrecipient understands it may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.

Programmatic:

1. **Services to Victims of Domestic and/or Sexual Violence and their children:** The Subrecipient, if providing services to victims of domestic and/or sexual violence and their children through this subaward, shall comply with the service standards and guidelines set forth by the Missouri Coalition Against Domestic and Sexual Violence Service Standards and Guidelines for Domestic Violence Programs and/or Sexual Violence Programs, as they relate to the provision of services required herein.
2. **Services to All Other Victims of Crime:** The Subrecipient, if not primarily providing services to victims of domestic and/or sexual violence through this subaward, shall comply with the program standards and guidelines set forth by the Missouri Department of Public Safety Crime Victim Services Unit Program Standards and Guidelines, as they relate to the provision of services required herein.
3. **Coordination of activities:** The Subrecipient shall fully coordinate all activities in the performance of the project with those of the Missouri Department of Public Safety, Office of the Director.
4. **Data Collection:** The Subrecipient assures that it shall maintain such data and information and submit such reports, in such form, at such times, and containing such information as the Missouri Department of Public Safety, Office of the Director, may require. This includes any additional information that may be necessary in follow-up to monitoring and/or audit issues and in response to requests from the Department of Justice, Office of Victims of Crime. In addition to information that

may be necessary in follow up to monitoring and/or audit issues, and in response to requests from the Missouri Department of Public Safety.

5. **Access to Records:** The Subrecipient authorizes the Missouri Department of Public Safety and/or the Office for Victims of Crime and/or the Office of the Comptroller, and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant.
6. **Confidentiality of Research Information:** The Subrecipient assures that except as otherwise provided by federal law, they shall not use or reveal any research or statistical information furnished under this program by any person identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with VOCA. Such information, and any copy of such information shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding.
7. **Printed Materials:** All materials and publications (written, visual, or sound) resulting from award activities shall contain the following statements: **"This project was supported by funding made available through the Victims of Crime Act Fund administered by the Missouri Department of Public Safety, Office of the Director."** The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Missouri Department of Public Safety, Office of the Director or the Department of Justice Programs.
8. **Client-Counselor Confidentiality:** The Subrecipient assures that they will maintain confidentiality of client-counselor information as required by state and federal law.
9. **Code of Professional Ethics:** The Subrecipient shall comply with and assures that the program adheres to the Missouri Department of Public Safety Code of Professional Ethics for Victim Service Provider Subrecipients.
10. **Victims' Rights Compliance:** The Subrecipient assures that it will provide the eligible direct victim services, as may be required, set forth in Missouri's Constitutional Amendment for **Victims' Rights and Section 595.209, RSMo.** (These eligible direct victim services do not include general witness assistance)
11. **Criminal or Civil Filings:** The Subrecipient assures that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order or a petition for a protection order, to protect a victim of domestic violence, stalking or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order or witness subpoena, whether issued inside or outside this state.
12. **Forensic Medical Exams:** To the extent funds are not available from other sources, the state, must incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault. No State, territory, Indian tribal government, unit of local government, or another governmental entity shall require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.
13. **Polygraph/Voice Stress Analysis:** No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim

of sexual assault under section 566.040 or forcible rape under section 566.030 to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime.

14. **Court Records:** After August 28, 2007, any information contained in any court record, whether written or published on the Internet, that could be used to identify or locate any victim of sexual assault, domestic assault, stalking, or forcible rape shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, social security number or physical characteristics.
15. **Consultation with Victim Services:** Prosecution, law enforcement and court based applicants must consult with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that the proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality and economic independence of victims of domestic violence, sexual assault, stalking and dating violence.
16. **Nondisclosure of confidential or Private Information:** Subrecipients may not disclose personally identifying information about victims served with VOCA funds without a written release unless the disclosure of the information is required by a statute or court order. This applies whether the information is being requested for any VOCA grant program or another Federal agency, state, tribal, or a territorial grant program. This provision also limits disclosures by VOCA Subrecipients to other federal grantees, including disclosures to statewide or regional databases.
17. **Historic Preservation Act:** Subrecipients must be in compliance with the National Historic Preservation Act (16 USC 470) stating that you must consult the State Historic Preservation Officer to identify protected properties and agree to avoid or mitigate adverse effects to such properties.
18. **Time Records Requirement:** The applicant assures that, all project personnel funded through the VOCA grant (federal or local funds) will maintain timesheets that detail 100% of their time along with the activities/services provided. These timesheets must be provided to DPS upon request.
19. **Claims that are Late:** Subrecipients assure the Claim for Reimbursement, Detail of Expenditures, and supporting documentation will be submitted by the 5th of each month. If specified due date falls on a weekend or holiday, the Claim must be received by the first working day after the weekend or holiday. Claims submitted after deadline will not be processed until the following month. Claims are due each month whether or not the subrecipient expended any grant or local match funds.

Failure to submit the required forms on time shall be taken as failure to adhere to the terms of the Subaward and may result in the delay of reimbursement and/or termination of the subaward.
20. **Timely Reporting:** Subrecipients assure that expenses will be submitted within 60 days from the time the expense was incurred. The Missouri Department of Public Safety reserves the right to deny reimbursement of any expense that falls outside the 60 day requirement.
21. **Claims with Errors:** Subrecipients assure that accurate claims will be submitted. If a Claim is submitted with errors, the Claim may be negotiated for corrections. If the errors are not corrected after two (2) negotiations, the Claim may be withdrawn and not paid. If a Claim is withdrawn due to errors, a correspondence will be sent to the Executive Director and Board President.
22. **Quarterly Performance Reports:** The Subrecipient agrees to provide information on the activities supported and an assessment of the effects that the VOCA victim assistance funds have had on services to crime victims for the specified time period. This information will be

submitted on the DPS "VOCA Quarterly Performance Report" no later than 15 days following the end date of the reporting period.

23. **Match:** State and local units of government are required to provide 20% of the total project cost as match. Match may be provided in the form of cash or in-kind match. All funds designated as match are restricted to the same uses as the VOCA program funds and must be expended within the grant period. Match must be provided on a project-by-project basis. A match waiver may be submitted at the time of the application for consideration.
24. **Renewal:** An Subaward, entered into as a result of this application, shall not bind or purport to bind the Department of Public Safety for any subaward commitment in excess of the original subaward period contained in such a subaward. However, the Department of Public Safety shall have the right, at its sole discretion, to renew any such subaward on a year-to-year basis. Should the Department of Public Safety exercise its right to renew the subaward, the renewal shall be subject to the terms set forth by the Department of Public Safety in the documents developed for such renewal. Failure to comply with such terms set forth by the Department of Public Safety will result in the forfeiture of such a renewal option.
25. **Financial Statements:** All non-profit subrecipients of VOCA Assistance funding under this award are required to make their financial statements available online (either on the Missouri Department of Public Safety's, the subrecipient's, or another publicly available website). DPS and OVC will consider subrecipient organizations that have Federal 501(c)(3) tax status as in compliance with this requirement, with no further action needed, to the extent that such organization files IRS Form 990 or similar tax document (e.g., 990-EZ), as several sources already provide searchable online databases of such financial statements.
26. **Faith-based Organizations:** The Subrecipient agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.

The Subrecipient hereby certifies, by signature, acceptance of the terms and conditions specified or incorporated by reference herein, including those stated in the subaward application.

Authorized Official _____ Date _____

Project Director _____ Date _____