

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE transferring \$60,207.00 within and appropriating \$180,620.00 from the fund balance of the 2012 Anti-Drug Sales Tax Fund in acceptance of the U.S. Department of Justice Edward Byrne Justice Assistance Grant (JAG) for use by the Jackson County Drug Task Force.

ORDINANCE #4431, July 23, 2012

INTRODUCED BY James D. Tindall, County Legislator

WHEREAS, the Jackson County Drug Task Force has received an Edward Byrne Justice Assistance Grant (JAG) from the U.S. Department of Justice in the amount of \$180,620.00; and,

WHEREAS, the grant proceeds will be used to fund one full-time criminalist forensic chemist, and three full-time officers' salaries and overtime; and,

WHEREAS, the grant is subject to a local match in the amount of \$60,207.00; and,

WHEREAS, a transfer and appropriation are necessary to place the grant and matching funds in the proper spending accounts; and,

WHEREAS, the County Executive recommends said transfer and appropriation; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following transfer and appropriation within the 2012 Anti-Drug Sales Tax Fund be and hereby are made:

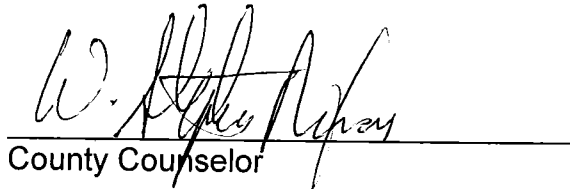
<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Anti-Drug Sales Tax Fund Drug Task Force 008-4151	56844 – Narcotics Purchases	\$60,207	
Anti-Drug Sales Tax Fund Multi-Jurisdictional Drug Task Force 008-4160	45832 - Increase Revenues	\$180,620	
008-2810	Undesignated Fund Balance		\$240,827
008-2810	Undesignated Fund Balance	\$240,827	
008-4160	56790 - Other contractual Services		\$240,827

BE IT FURTHER ORDAINED that the County Executive be and hereby is authorized to any and all documents necessary to give effect to this grant.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

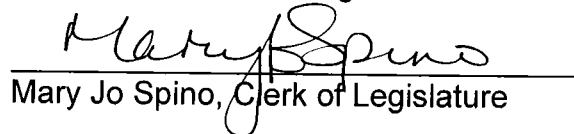
I hereby certify that the attached Ordinance, Ordinance #4431 introduced on July 23, 2012, was duly passed on July 23, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9
Abstaining 0

Nays 0
Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

7.23.12
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4431.

Date

Michael D. Sanders, County Executive

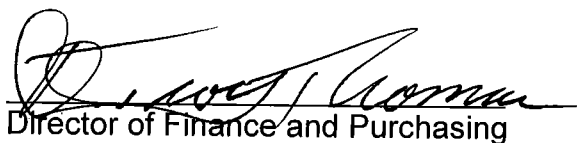
Funds sufficient for this transfer are available from the source indicated below.

ACCOUNT NUMBER: 008 4151 56844
ACCOUNT TITLE: Anti-Drug Sales Tax Fund
Drug Task Force
Narcotics Purchases
NOT TO EXCEED: \$60,207.00

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

ACCOUNT NUMBER: 008 2810
ACCOUNT TITLE: Anti-Drug Sales Tax Fund
Undesignated Fund Balance
NOT TO EXCEED: \$240,827.00

July 18, 2012
Date


Director of Finance and Purchasing

REQUEST FOR LEGISLATIVE ACTION

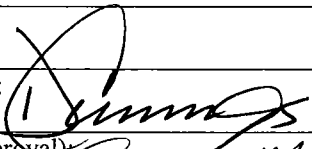
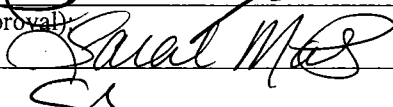
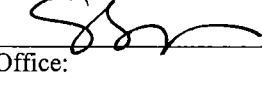
Completed by County Counselor's Office:

Res/Ord No.: 4431

Sponsor(s): James D. Tindall

Date: July 23, 2012

SUBJECT	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: Multi-Jurisdictional Drug Task Force 12-13</p>								
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1"><tr><td>Amount authorized by this legislation this fiscal year:</td><td>\$240,826.76</td></tr><tr><td>Amount previously authorized this fiscal year:</td><td>0</td></tr><tr><td>Total amount authorized after this legislative action:</td><td>\$240,826.76</td></tr><tr><td>Amount budgeted for this item * (including transfers):</td><td>\$</td></tr></table> <p>Source of funding (name of fund) and account code number; From Account: 008-2810 Undesignated fund balance \$180,620.07</p> <p>From Account: 008-4151-56844 Anti-Drug Sales Tax Fund- Multi-Jurisdictional Drug Task Force- Narcotics Purchases \$60,206.69</p> <p>To Account: 008-4160-56790 Anti-Drug Sales Tax Fund - Multi-Jurisdictional Drug Task Force- Contractual Salary \$240,826.76</p> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><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>	Amount authorized by this legislation this fiscal year:	\$240,826.76	Amount previously authorized this fiscal year:	0	Total amount authorized after this legislative action:	\$240,826.76	Amount budgeted for this item * (including transfers):	\$
Amount authorized by this legislation this fiscal year:	\$240,826.76								
Amount previously authorized this fiscal year:	0								
Total amount authorized after this legislative action:	\$240,826.76								
Amount budgeted for this item * (including transfers):	\$								
PRIOR LEGISLATION	<p>Prior ordinances and (date): <u>#4017, 8/18/08; #4019, 8/18/08</u> <u>#4168, 11/2/09; #4127, 8/3/09; #4333, 8/8/11</u></p> <p>Prior resolutions and (date):</p>								

CONTACT INFORMATION	RLA drafted by Danny R. Cummings, O.I.C., 816-503-4725	
REQUEST SUMMARY	<p>The Jackson County Drug Task Force requested from the US Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program \$180,620.07 for the period July 01, 2012 through June 30, 2013. The request required a match from Jackson County in the amount of \$60,206.69 for a total project cost of \$240,826.76.</p> <p>The JCDTF requests that the total grant match of \$60,206.69 be transferred from account 008-4151-56844, Anti-Drug Sales Tax Fund- Narcotics Purchase</p> <p>The funding will provide partial funding of salary and benefits for (1) Criminalist/Forensic Chemist an (1) Detective and the funding of (3) full time Detectives salaries and benefits, which will make the total request \$240,826.76 with a local match of 25% of \$60,206.69.</p>	
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		
REVIEW	Department Director:  Finance (Budget Approval) <i>If applicable</i> :  Division Manager:  County Counselor's Office:	Date: 7-16-12 Date: 7/17/12 Date: 7/17/12 Date:

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 # _____
- X Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:
008-2810	Undesignated fund balance	\$180,620.07
008-4151-56844	Anti-Drug Sales Tax Fund-Multi-Jurisdictional Drug Task Force-Narcotics Purchase	\$60,206.69

- ☐ 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: July 17, 2012

Res/Ord No. 4431

Department / Division	Character/Description	From	To
Anti-Drug Sales Tax Fund - 008			
4151 - Drug Task Force	56844 - Narcotics Purchases	60,207	
4160 - Multi-Jurisdictional Drug Task Force	45832 - Increase Revenues	180,620	
2810	Undesignated Fund Balance		240,827
2810	Undesignated Fund Balance	240,827	
4160 - Multi-Jurisdictional Drug Task Force	56790 - Other Contractual Services		240,827
		Total	240,827
			240,827

JEREMIAH W. (JAY) NIXON
Governor

JERRY LEE
Director



Truman Building, Room 870
Mailing Address: P.O. Box 749
Jefferson City, MO 65102-0749
Telephone: 573-751-4905
FAX: 573-751-5399
Internet Address:
<http://www.dps.mo.gov>

**STATE OF MISSOURI
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR**

July 13, 2012

Captain Dan Cummings
Jackson County, Drug Task Force
P.O. Box 392
Blue Springs, Missouri 64015

Re: **Contract Number: 2011-JAG-009**
Project Title: Jackson County Multi-Jurisdictional Drug Task Force

Dear Captain Cummings:

The status of the above referenced application under the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) funding opportunity has changed from "Approved" to "Awarded".

Enclosed is the Award of Contract and Certified Assurance document pertaining to your award. The Authorized Official and Project Director, as identified on the Contact Information form in your application, must sign each document. The signatures must be original – stamped signatures will not be accepted!

The following documents must be received by our office no later than **Tuesday, July 31, 2012**:

- ☐ Signed Award of Contract document
- ☐ Signed Certified Assurance document
- ☐ Printed copy of your 2012 JAG Application

To print a copy of your JAG application, log into WebGrants at <https://dpsgrants.dps.mo.gov>, click "My Applications", select the appropriate application title, and click the Printer icon in your internet browser. Please do not staple your application – use a paper clip or binder clip to keep the application together.

The above referenced documents should be mailed or hand-delivered to:

Missouri Department of Public Safety
Attn: CJ/LE Section
PO Box 749
301 W. High Street, Room 870
Jefferson City, MO 65102

A signed copy of the Award of Contract form and a copy of the Certified Assurances document will be returned to you for your records. If you have questions or are unable to meet the above referenced deadline due to absence of the signing persons or a lengthy approval process, please contact me at (573) 751-5997.

Sincerely,

Eric Shepherd
CJ/LE Program Manager

cc: File

Enclosures



MISSOURI DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR
AWARD OF CONTRACT

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

Program Area: 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program		Catalog of Federal Domestic Assistance (CFDA) #: 16.738
Contractor Name: Jackson County, Drug Task Force		
Project Title: Jackson County Multi-Jurisdictional Drug Task Force		
Contract Period: 7/1/2012 to 6/30/2013	State/Federal Funds Awarded: \$180620.07	Contract Number: 2011-JAG-009

Award is hereby made in the amount and for the period shown above to the above-mentioned Contractor. This award is subject to compliance with the general conditions governing grants and contracts, as well as, any attached Certified Assurances. This award is also subject to compliance with all current applicable federal and state laws, regulations and guidelines.

The undersigned hereby certify acceptance of the above-described contract on the terms and conditions specified or incorporated by reference above and herein, including those stated in the contract application.

Mr. Michael Sanders

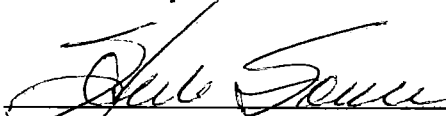
Contractor Authorized Official Name

Contractor Authorized Official Signature

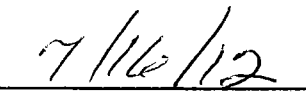
Date

Chief Herb Soule

Contractor Project Director Name



Contractor Project Director Signature



Date

This contract shall be in effect for the duration of the contract period stated herein, and funds shall become available on the award date with the signed return of this form to the Missouri Department of Public Safety and the signature of the Authorized Official of the Missouri Department of Public Safety.

07/01/2012

Authorized Official, MO Department of Public Safety

Date



**MISSOURI DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)**



2012 CERTIFIED ASSURANCES

Contractor Name:	Jackson County, Drug Task Force	Contract Number:	2011-JAG-009
Project Title:	Jackson County Multi-Jurisdictional Drug Task Force		

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

1. The Applicant assures that it shall comply, and all its subcontractors shall comply, with the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C.), the 2012 JAG Solicitation, and other applicable federal and state laws, orders, circulars, or regulations.
2. **Availability of Funds:** The Applicant understands all awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.
3. **Allowable Costs:** The Applicant understands that only allowable and approved contract expenditures will be reimbursed from their JAG award. These monies may not be utilized to pay debts incurred by other activities. The Applicant agrees to obligate funds no later than the last day of the contract period. Any deviation from the approved contract must have prior approval from the Missouri Department of Public Safety. The Applicant shall fully coordinate all activities in the performance of the project with those of the Missouri Department of Public Safety. The Applicant certifies that all expendable and non-expendable property purchased with JAG funded shall be used for criminal justice purposes only.
4. **Reporting Requirements:** The Applicant agrees to complete and submit any reports required for this program as outlined in the JAG Solicitation. The reports requested may require reporting on fiscal, operational, and statistical matters. Failure to submit reports by the deadline dates may result in delay for reimbursement requests and/or cancellation of the contract.
5. **Project Income:** The Applicant agrees to account for project income/federal forfeitures generated by the activities of this contract, and shall report receipts and expenditures of this income on the monthly expenditure/claim form. The Applicant understands that all project income generated as a result of this contract shall be expended during the life of the contract.
6. **Monitoring:** The Applicant agrees to maintain the records necessary to evaluate the effectiveness of the project. In addition, the Applicant assures that all documentation or records relating to this contract shall be made available to monitoring representatives of the Missouri Department of Public Safety, Office of the Director, immediately upon request. The Applicant 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 contract.
7. **Non-Supplanting:** The Applicant assures that federal JAG grant funds made available under this contract 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.
8. **Duplication of Networks:** The Applicant assures that all equipment/software requested and purchased under this contract application must be compatible with the statewide system.

All software, if applicable, must be compatible with the statewide criminal records system.

All communication devices, if applicable, must be capable of operating in accordance with the guidelines established by the Missouri Homeland Security Advisory Council

9. **Drug Task Forces:** The Applicant agrees to complete, where applicable, the online task force training provided free of charge through BJA's Center for Task Force Integrity and Leadership and submit a copy of each curriculum certificate upon completion and within the stated timeframe as outlined in the JAG Solicitation. The training is intended for the task force commander, agency executive, task force officers, and other task force members of equivalent rank.
10. **Change to Contact Information form:** The Applicant agrees to notify the MO Department of Public Safety if there is a change in or temporary absence of the Authorized Official, Project Director, Fiscal Officer, or Officer in Charge as listed on the Contact Information form. The notification will be sent through the Correspondence component of WebGrants in a timely manner to the appropriate Internal Contact.
11. **Change to Budget form:** The Applicant agrees to notify the MO Department of Public Safety if there is a change in grant-funded personnel as listed on the Budget form. The notification will be sent through the Correspondence component of WebGrants in a timely manner to the appropriate Internal Contact.
12. **Financial Guide:** The Applicant agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
13. **Procurement:** The Applicant 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 Applicant assures that all procurement transactions will meet the minimum standards set forth in the *Financial and Administrative Guidelines* section of the JAG solicitation 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. Items costing less than \$3,000 may be purchased with prudence on the open market.
 - C. All purchases estimated to cost between \$3,000 but less than \$24,999, shall be competitively bid, but need not be solicited by mail or advertisement.
 - D. All purchases with an estimated expenditure of \$25,000 or over 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.
 - i. Sole source procurement of a unit cost of budget items greater than \$3,000 requires prior approval from the Missouri Department of Public Safety.
 - ii. Sole source procurement of a unit cost of budget items costing \$100,000 or more requires prior U.S. Department of Justice approval, which must be obtained by the Missouri Department of Public Safety.
14. **Audit:** The Applicant agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. This guidance states that non-federal entities that expend \$500,000 or more in federal funds (from all sources including pass-through sub-awards) in the agency's fiscal year (12-month turnaround reporting period) shall have a single organization wide audit conducted in accordance with the provisions of as further described in the OJP Financial Guide, Chapter 24, Audit Requirements. The Applicant assures it shall submit a copy of the financial audit report to the Missouri Department of Public Safety if they have met or exceeded this federal threshold.
15. **Civil Rights/EEOP:** The Applicant acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if Applicant is required to submit one pursuant to 28 CFR Section 42.302), that is

approved by the Office of Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the Applicant is in compliance. Compliance of this condition will be reviewed during the monitoring site visit.

16. **Discrimination:** The Applicant 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.

The Applicant assures that it will comply, and all of its sub-contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3789d(c)(1)), Section 504 of the Rehabilitation Act (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12132), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681), and the Age Discrimination Act of 1975 (42 U.S.C. 6102).

17. **Enforcing Civil Rights Laws:** The Applicant 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 recipients that are the subject of discrimination complaints from both individuals and groups.
18. **Finding of Discrimination:** The Applicant 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 recipient will forward a copy of the finding to the Missouri Department of Public Safety and the Office of Civil Rights Compliance (OCRC) of the Office of Justice Programs, U.S. Department of Justice.
19. **Limited English Proficiency (LEP):** The Applicant acknowledges that recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs or activities for persons with LEP, in accordance with the U.S. Department of Justice guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. For more information, visit <http://www.lep.gov>.
20. **Employment of Unauthorized Aliens:** Pursuant to Section 285.530.1 RSMo, the Applicant 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 contracted services. Further, the Applicant shall sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.
- In accordance with Sections 285.525 to 285.550, RSMo a general contractor or subcontractor of any tier shall not be liable when such contractor or subcontractor contracts with its direct subcontractor who violates subsection 1 of Section 285.530, RSMo if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of subsection 1 of Section 285.530, RSMo and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.
21. **Lobbying:** The Applicant understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express written approval of OJP. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if

currently allowed within the parameters of the existing OMB circulars. Refer to the OJP Financial Guide, Chapter 18, Unallowable Costs for more information.

22. **Peace Officer Certification:** If the Applicant provides funding under this contract to any law enforcement agency, the Applicant assures that the law enforcement agency is in full compliance with Sections 590.100 to 590.180, RSMo relating to peace officer certification. Section 590.180, RSMo, subsection 2 requires that, *"Any law enforcement agency which employs a peace officer who is not certified as required by sections 590.100 to 590.180 or who is otherwise in violation of any provision of section 590.100 to 590.180 shall not be eligible to receive state or federal funds which would otherwise be paid to it for purposes of training and certifying peace officers or for other law enforcement, safety, or criminal justice purposes."*
23. **UCR/Racial Profiling Reports:** If the Applicant provides funding under this contract to any law enforcement agency, the Applicant assures that the law enforcement agency is in full compliance with the provisions of Section 43.505 RSMo relating to uniform crime reporting and Section 590.650 RSMo relating to racial profiling.
24. **Federal Seizure Audit:** If the Applicant provides funding under this contract to any law enforcement agency, the Applicant assures that the law enforcement agency is in compliance with the provisions of Section 513.653 RSMo relating to need to acquire an independent audit of federal seizures and the proceeds received therefrom. The Applicant also agrees to forward a copy of such to the Missouri Department of Public Safety and the Missouri State Auditor's Office.
25. **Custodial Interrogations:** If the Applicant provides funding under this contract to any law enforcement agency, the Applicant assures that the law enforcement agency is in full compliance with the provisions of Section 590.700 RSMo relating to the adoption of 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.
26. **DWI Law:** If the Applicant provides funding under this contract to any law enforcement agency, the Applicant assures that the law enforcement agency is in full compliance with the provisions of Section 577.005 RSMo relating to the adoption of a written policy to forward arrest information for all intoxication-related traffic offenses to the central repository as required by Section 43.503 RSMo.
27. **Mitigation Plan:** The Applicant agrees to fully comply with the Missouri Department of Public Safety's Mitigation Plan for Clandestine Methamphetamine Laboratory Enforcement Operations. No monies from this award may be obligated to support methamphetamine lab operations unless the Applicant agrees to this special condition and fully participates in implementation of the Mitigation Plan.
28. **NEPA:** The Applicant agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds. Accordingly, prior to obligating grant funds, the Applicant agrees to first determine if any of the following activities will be related to the use of the grant funds.

The Applicant understands this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity being conducted by the Applicant or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- A. New construction;
- B. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- C. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and,

- D. Implementation of a new program involving the use of chemicals other than chemicals that are a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.
- E. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

29. **Criminal Intelligence Systems:** The Applicant agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation.

30. **Drug-Free Workplace Act of 1988:** The Applicant assures that it will comply, and all its subcontractors will comply, with the Drug-Free Workplace Act of 1988. The Law further requires that all individual contractors and grant recipients, regardless of dollar amount/value of the contract or grant, comply with the Law.

31. **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 Applicant 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 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) with commission of any of the offenses enumerated in paragraph (1)(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

32. **Release of Funds:** No funds will be disbursed under this contract 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.

33. **Enforceability:** If a Applicant 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.

34. **Fund Availability:** It is understood and agreed upon that, in the event funds from state and/or federal sources are not appropriated and continued at an aggregate level sufficient to cover the contract costs, or in the event of a change in federal or state laws relevant to these costs, the obligations of each party hereunder shall thereupon be terminated immediately upon receipt of written notice.

35. **Renewal:** An award of contract, entered into as a result of this application, shall not bind or purport to bind the Department of Public Safety for any contractual commitment in excess of the original contract period contained in such an award of contract. However, the Department of Public Safety shall have the

right, at its sole discretion, to renew any such award of contract on a year-to-year basis. Should the Department of Public Safety exercise its right to renew the contract, 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.

36. **Termination of Award:** The Missouri Department of Public Safety, Office of the Director, reserves the right to terminate any contract entered into as a result of this application at its sole discretion and without penalty or recourse by giving written notice to the contractor of the effective date of termination. In the event of termination pursuant to this paragraph, all documents, data, and reports prepared by the contractor under the contract shall, at the option of the Missouri Department of Public Safety, become property of the State of Missouri. The contractor shall be entitled to receive just and equitable compensation for that work completed prior to the effective date of termination.

The Applicant Authorized Official and Applicant Project Director hereby certifies, by signature, the terms and conditions specified or incorporated by reference herein, including those stated in the funding opportunity solicitation.

Mr. Michael Sanders


Applicant Authorized Official Name

Applicant Authorized Official Signature

Date

Chief Herb Soule

Applicant Project Director Name



Applicant Project Director Signature

7/16/12

Date