

THE STATE OF WASHINGTON

CITY SECRETARY
CONTRACT NO.

COUNTY OF KITTITAS

KNOW ALL BY THESE PRESENT

INTERLOCAL AGREEMENT
BETWEEN THE CITY OF ELLENSBURG POLICE DEPT. AND THE COUNTY OF KITTITAS SHERIFF'S
OFFICE.

2009 RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 21 day of May, 2009, by and between The KITTITAS COUNTY, acting by and through its governing body, the Board of County Commissioners, hereinafter referred to as COUNTY, and the CITY of ELLENSBURG, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of KITTITAS COUNTY, State of WASHINGTON, witnesseth:

WHEREAS: This Agreement is made under the authority of the RCW 39.34 Interlocal Cooperation Act; and

WHEREAS: The Parties of this Agreement have submitted a single joint application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

WHEREAS: The CITY shall be the designated applicant and fiscal agent for the JAG application; and

WHEREAS: The Parties to this Agreement, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that Party; and

WHEREAS: Each governing body finds that the performance of this Agreement is in the best interests of both Parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing Party for the services or functions under this agreement; and

WHEREAS: The CITY agrees to provide the COUNTY \$10,643.00 from the JAG award for the Crime Fighter Beast evidence management system; and

NOW, THEREFORE, in consideration of the premises and promises, terms and conditions set forth below, it is hereby agreed as follows:

**ARTICLE I
PURPOSE**

1.01 **PURPOSE.** The purpose of this Agreement is to set forth the terms and conditions under which the Parties shall allocate the monies from the joint single application made for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This Agreement shall also designate what the COUNTY will do with the JAG allocated funds.

**ARTICLE II
ADMINISTRATION**

2.01 ADMINISTRATOR. The following individuals are designated as representatives of the respective parties. The representatives shall be responsible for administration of this Agreement and for coordinating and monitoring performance under this Agreement. In the event such representatives are changed, the Party making the change shall notify the other party.

2.01.01 COUNTY's representative shall be Steve Panatieri
2.01.02 CITY's representative shall be _____

**ARTICLE III
MONIES**

3.01 MONIES. The CITY agrees to pay the COUNTY Ten Thousand, Six Hundred and Forty-Three dollars (\$10,643.00) in one payment from the JAG award monies. The payment date will be based on the JAG award date.

**ARTICLE IV
COUNTY ALLOCATION**

4.01 ALLOCATION. The COUNTY agrees to use the \$10,643.00 for the Crime Fighter Best Evidence system.

**ARTICLE V
PERFORMANCE OF AGREEMENT**

- 5.01 COMPLIANCE WITH ALL LAWS. Each party shall comply with all federal, state, and local laws, rules, regulations and ordinances applicable to the performance of this Agreement.
- 5.02 MAINTENANCE AND AUDIT OF RECORDS. Each Party shall maintain books, records, documents and other materials relevant to its performance under this Agreement. These records shall be subjected to inspection, review and audit by either Party or its designee, and the Washington State Auditor's Office. Each Party shall retain all such books, records, documents and other materials for the applicable retention period under federal and Washington law.
- 5.03 TREATMENT OF ASSETS AND PROPERTY. No fixed assets or personal or real property will be jointly or cooperatively, acquired, held, used, or disposed of pursuant to this Agreement.
- 5.04 OBLIGATIONS. By entering into this Agreement, the Parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.
- 5.05 IMPROPER INFLUENCE. Each Party agrees, warrants and represents that it did not and will not employ, retain or contract with any person or entity on a contingent compensation basis for the purpose of seeking, obtaining, maintaining or extending this Agreement. Each Party agrees, warrants and represents that no gratuity whatsoever has been or will be offered or conferred with a view towards obtaining, maintaining or extending this Agreement.
- 5.06 CONFLICT OF INTEREST. The elected and appointed officials and employees of the Parties shall not have any personal interest, direct or indirect, which gives rise to a conflict of interest.

5.07 ASSIGNMENT AND SUBCONTRACTING:

No portion of this Agreement may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of both Parties. The Parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**ARTICLE VI
INDEMNIFICATION**

6.01 INDEMNIFICATION. To the extent of its comparative liability under this Agreement, each Party shall indemnify, defend and hold the other Party, its departments, elected and appointed officials, employees, and agents, harmless from and against any and all claims, damages, losses and expenses, including attorney's fees, for any bodily injury, sickness, disease, or death, or any damage to or destruction of property, including the loss of use resulting there from, which are alleged or proven to be caused in whole or in part by a negligent act or omission of its officers, directors, and employees. It is further provided that no liability shall attach to either Party by reason of entering into this Agreement except as expressly provided herein.

**ARTICLE VII
DISPUTES**

- 7.01 GOVERNING LAW AND VENUE. This Agreement shall be governed exclusively by federal laws and the laws of the State of Washington. The Kittitas County Superior Court shall be the sole proper venue for any and all suits brought to enforce or interpret the provisions of this Agreement.
- 7.02 ATTORNEY'S FEES. If any legal action or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, each Party shall pay its own attorney's fees incurred in that action, arbitration or proceeding.

**ARTICLE VIII
GENERAL PROVISIONS**

- 8.01 WAIVERS. Any waiver of a term or condition of this Agreement shall apply only to the specific act, occurrence or omission and shall not constitute a waiver as to any other term or condition or future act, occurrence or omission. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.
- 8.02 ASSIGNMENT. The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement. Neither Party may assign its rights or delegate its duties under this Agreement, whether by assignment, further, subcontract or other means. Any such attempted assignment or delegation shall be void and shall constitute a material breach of this Agreement.
- 8.03 SEVERABILITY. In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end the terms and conditions of this Agreement are declared severable.
- 8.04 ENTIRE AGREEMENT. This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated herein by reference are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto.
- 8.05 FILING. Pursuant to RCW 39.34.040, this Agreement shall be posted on Kittitas County's public website.

IN WITNESS WHEREOF, the parties have executed this Agreement this 21 day of May, 2009.

City of Ellensburg

County of Kittitas

[Signature]
City Manager: _____ Date 080709

[Signature]
County Commissioner _____ Date 5/21/09

[Signature]
County Commissioner _____ Date 5/21/09

[Signature]
County Commissioner _____ Date 5-21-09



ATTEST:

[Signature] Date 5-21-09
Clerk of the Board - [Signature]

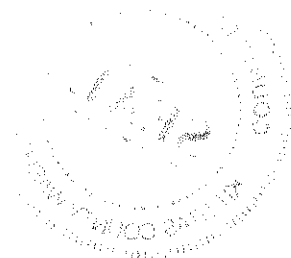
APPROVED AS TO FORM:

APPROVED AS TO FORM:

[Signature] Date _____
City Attorney

[Signature] Date 5/19/09
County Attorney

[Signature] Date 5/21/09
County Fiscal



**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

RESOLUTION NO.: 2009-17

RESOLUTION TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF ELLENSBURG POLICE DEPT. AND THE KITTITAS COUNTY SHERIFF'S OFFICE FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

- WHEREAS:** This Interlocal Agreement was made under the authority of the RCW 39.34 Interlocal Cooperation Act; and
- WHEREAS:** The City of Ellensburg and Kittitas County have submitted a single joint application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and
- WHEREAS:** The City of Ellensburg shall be the designated applicant and fiscal agent for the JAG application; and
- WHEREAS:** As the City of Ellensburg is the designated applicant, it satisfied all the public notice and local governmental body review time requirements of the Grant application; and
- WHEREAS:** As a joint applicant with the City of Ellensburg, Kittitas County must have public notice and local governmental body review of the grant, but not within the JAG application time restraints; and
- WHEREAS:** There must be an Interlocal Agreement or MOU signed between the local government agencies that are submitting a joint application. The Interlocal Agreement between Kittitas County and the City of Ellensburg is attached to this Resolution; and
- WHEREAS:** Each governing body finds that the performance of this Interlocal Agreement under the JAG award is in the best interests of both Parties, that the undertaking will benefit the public and that the division of costs fairly compensates the performing Party for the services or functions under this agreement; and
- WHEREAS:** The City of Ellensburg agrees to provide the Kittitas County \$10,643.00 from the JAG award for the Crime Fighter Best Evidence management system; and

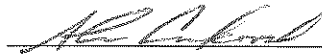
WHEREAS: A public hearing came regularly before the County Commissioners on May 19, 2009, to satisfy the public notice and comment of the grant application.

NOW, THEREFORE BE IT RESOLVED:


The Kittitas County Board of County Commissioners has determined the JAG application and funding is in the best interest of the public and authorizes the entering into of the Interlocal Agreement between City of Ellensburg and Kittitas County for the joint application of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award which is attached to this Resolution.

ADOPTED this 21 day of May 2009.

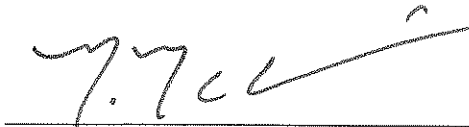
**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**



Alan Crankovich, Chairman



Paul Jewell, Vice-Chairman



Mark McClain, Commissioner



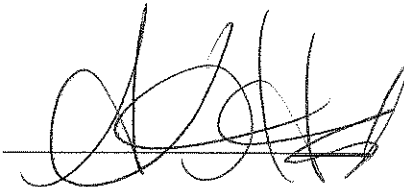
ATTEST:
CLERK OF THE BOARD

Deputy



Julie A. Kjorsvik

APPROVED AS TO FORM:



Stephanie U. Happold,
Deputy Prosecuting Attorney
WSBA#38112



Barcoded Evidence Analysis, Statistics, and Tracking Police Evidence Tracking



	Item Type	Description	Qty	Unit Cost	Cost
A	Crime Fighter BEAST Evidence Tracking	Software License fee. Remote stations for viewing / printing case reports only are free.	1	\$3,000.00	\$3,000.00
	Crime Fighter BEAST Evidence Tracking additional license	Additional BEAST License (MOBILE)	1	\$1,000.00	\$1,000.00
	Bar code printer	Zebra Model TLP2844 Thermal Transfer Printer.	2	\$650.00	\$1,300.00
	Bar code scanner	LS4278 1D Cordless bar code scanner	1	\$695.10	\$695.10
	Joint bar code printer/scanner cable	Cable which allows for bar code printer and scanner to be on the same computer serial port	1	\$100.00	\$100.00
	Serial Cable	Serial DB9 Printer Cable	1	\$15.00	\$15.00
	Ribbons	4" Resin ribbons for Zebra printer.	3	\$12.50	\$37.50
	Labels	Bar code label stock for Zebra printer. 4 X 5 500 per roll	4	\$43.00	\$172.00
	Labels	Bar code label stock for Zebra printer. Standard 1,500 labels per roll	1	\$43.00	\$43.00
	C	Annual Software Support	Support includes the help Desk, program updates and news letter	1	\$800.00
Travel Expenses		Flat fee for travel expenses		\$600.00	\$600.00
Installation & Training		Onsite installation and training to be provided to Property custodian. Additional trainees may require additional time	2	\$1,200.00	\$2,400.00
				Total	\$10,162.60

(Section C – All services are billed in increments of “Man Days”)

tax 813.00
10975.68

Options

Bar code scanner	LS2208 1D Corded bar code scanner	1	\$364.00	\$364.00
Bar code scanner	DS3478 Cordless 2D bar code scanner	1	\$1,204.80	\$1,204.80
Network ready Bar code printer	Zebra Model TLP2844 Thermal Transfer Printer, with built in print server.	1	\$924.00	\$924.00
Signature Capture Pad	Signature Gem 1x5 Capture Pad	1	\$395.00	\$395.00
Palm Pilot with Remote transfer/inventory software Kit	Software for remote inventory, which provides the downloading and printing of inventory reports.	1	\$1,000.00	\$1,000.00
	Palm Pilot XP20 portable computer with laser unit, which allows for remote inventory.	1	\$1,195.00	\$1,195.00
	Palm Pilot dock which holds the unit, Includes Interface Cable & Power Supply	1	\$195.00	\$195.00

Agency Name and State: **Kittitas County Sheriff's Office**
 Contact Name: **Steve Panattoni**
 Phone: **(509) 933-8218**
 Date Quoted: **4/13/2009**
 Quoted By: **Lee Cuttill**

Valid For: **90 Days**

Porter Lee Corporation
 1901 S. Wright Blvd
 Schaumburg, IL 60193
 (847) 985-2060

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
WA	BENTON COUNTY	County	\$39,175	
WA	KENNEWICK CITY	Municipal	\$169,156	
WA	RICHLAND CITY	Municipal	\$73,595	\$281,926
WA	CHELAN COUNTY	County	\$26,947	
WA	WENATCHEE CITY	Municipal	\$66,123	\$93,070
WA	CLARK COUNTY	County	\$188,404	
WA	VANCOUVER CITY	Municipal	\$423,457	
WA	BATTLE GROUND CITY	Municipal	\$19,701	
WA	CAMAS CITY	Municipal	\$12,228	
WA	WASHOUGAL CITY	Municipal	\$12,908	\$656,698
WA	COWLITZ COUNTY	County	\$33,514	
WA	LONGVIEW CITY	Municipal	\$96,693	
WA	KELSO CITY	Municipal	\$49,139	
WA	WOODLAND CITY	Municipal	\$13,813	\$193,159
WA	FRANKLIN COUNTY	County	\$10,417	
WA	PASCO CITY	Municipal	\$92,164	\$102,581
WA	KING COUNTY	County	\$454,027	
WA	SEATTLE CITY	Municipal	\$2,701,067	
WA	AUBURN CITY	Municipal	\$185,913	
WA	BELLEVUE CITY	Municipal	\$111,865	
WA	BOTHELL CITY	Municipal	\$24,456	
WA	KENT CITY	Municipal	\$354,843	
WA	KIRKLAND CITY	Municipal	\$52,536	
WA	REDMOND CITY	Municipal	\$51,630	
WA	RENTON CITY	Municipal	\$165,307	
WA	TUKWILA CITY	Municipal	\$121,149	
WA	SEATAC CITY	Municipal	\$96,240	
WA	FEDERAL WAY CITY	Municipal	\$211,276	
WA	BURIEN CITY	Municipal	\$120,017	
WA	WOODINVILLE CITY	Municipal	\$14,719	
WA	SHORELINE CITY	Municipal	\$86,050	
WA	COVINGTON CITY	Municipal	\$24,003	
WA	MAPLE VALLEY CITY	Municipal	\$12,908	
WA	KENMORE CITY	Municipal	\$19,474	
WA	DES MOINES CITY	Municipal	\$74,728	\$4,882,208
WA	KITTITAS COUNTY	County	\$10,643	
WA	ELLENSBURG CITY	Municipal	\$25,362	\$36,005
WA	PIERCE COUNTY	County	\$773,319	
WA	TACOMA CITY	Municipal	\$1,394,464	\$2,167,783
WA	SPOKANE COUNTY	County	\$194,292	
WA	SPOKANE CITY	Municipal	\$824,043	
WA	AIRWAY HEIGHTS CITY	Municipal	\$12,908	
WA	CHENEY CITY	Municipal	\$10,869	
WA	SPOKANE VALLEY CITY	Municipal	\$207,652	\$1,249,764
WA	WALLA WALLA COUNTY	County	\$18,116	
WA	WALLA WALLA CITY	Municipal	\$94,882	\$112,998
WA	WHITMAN COUNTY	County	*	
WA	PULLMAN CITY	Municipal	\$21,060	\$21,060

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
WA	YAKIMA COUNTY	County	\$82,880	
WA	YAKIMA CITY	Municipal	\$331,066	
WA	GRANDVIEW CITY	Municipal	\$10,417	
WA	SUNNYSIDE CITY	Municipal	\$26,721	
WA	TOPPENISH CITY	Municipal	\$38,949	
WA	UNION GAP CITY	Municipal	\$18,569	
WA	WAPATO CITY	Municipal	\$25,589	\$534,191
WA	ABERDEEN CITY	Municipal	\$29,212	
WA	ADAMS COUNTY	County	\$15,172	
WA	ANACORTES CITY	Municipal	\$15,625	
WA	ARLINGTON CITY	Municipal	\$15,851	
WA	ASOTIN COUNTY	County	\$10,643	
WA	BAINBRIDGE ISLAND CITY	Municipal	\$17,663	
WA	BELLINGHAM CITY	Municipal	\$126,131	
WA	BONNEY LAKE CITY	Municipal	\$26,268	
WA	BREMERTON CITY	Municipal	\$245,469	
WA	BREWSTER CITY	Municipal	\$11,775	
WA	BURLINGTON CITY	Municipal	\$22,645	
WA	CENTRALIA CITY	Municipal	\$56,385	
WA	CHEHALIS CITY	Municipal	\$23,777	
WA	CLALLAM COUNTY	County	\$48,686	
WA	CLARKSTON CITY	Municipal	\$12,002	
WA	DOUGLAS COUNTY	County	\$27,853	
WA	EAST WENATCHEE CITY	Municipal	\$24,003	
WA	EDGEWOOD CITY	Municipal	\$12,228	
WA	EDMONDS CITY	Municipal	\$39,175	
WA	EVERETT CITY	Municipal	\$385,640	
WA	FERNDALE CITY	Municipal	\$16,757	
WA	FIFE CITY	Municipal	\$27,853	
WA	FIRCREST CITY	Municipal	\$10,643	
WA	GIG HARBOR CITY	Municipal	\$11,322	
WA	GRANT COUNTY	County	\$54,347	
WA	GRAYS HARBOR COUNTY	County	\$27,853	
WA	HOQUIAM CITY	Municipal	\$12,681	
WA	ISLAND COUNTY	County	\$25,362	
WA	JEFFERSON COUNTY	County	\$35,099	
WA	KITSAP COUNTY	County	\$367,751	
WA	LACEY CITY	Municipal	\$61,141	
WA	LAKE STEVENS CITY	Municipal	\$13,134	
WA	LAKEWOOD CITY	Municipal	\$340,124	
WA	LEWIS COUNTY	County	\$38,043	
WA	LUMMI TRIBAL POLICE DEPT TRIBAL	Tribal	\$35,326	
WA	LYNNWOOD CITY	Municipal	\$73,143	
WA	MARYSVILLE CITY	Municipal	\$53,668	
WA	MASON COUNTY	County	\$77,445	
WA	MILL CREEK CITY	Municipal	\$15,625	
WA	MILTON CITY	Municipal	\$16,757	
WA	MONROE CITY	Municipal	\$23,551	
WA	MOSES LAKE CITY	Municipal	\$51,630	
WA	MOUNT VERNON CITY	Municipal	\$51,857	
WA	MOUNTLAKE TERRACE CITY	Municipal	\$22,192	
WA	MUKILTEO CITY	Municipal	\$14,946	
WA	OAK HARBOR CITY	Municipal	\$24,230	
WA	OKANOGAN COUNTY	County	\$36,911	
WA	OLYMPIA CITY	Municipal	\$86,503	
WA	OMAK CITY	Municipal	\$12,228	

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
WA	OTHELLO CITY	Municipal	\$13,587	
WA	PACIFIC COUNTY	County	\$16,531	
WA	PORT ANGELES CITY	Municipal	\$49,592	
WA	PORT ORCHARD CITY	Municipal	\$47,554	
WA	PORT TOWNSEND CITY	Municipal	\$14,493	
WA	POULSBO CITY	Municipal	\$19,474	
WA	PUYALLUP CITY	Municipal	\$83,106	
WA	QUINCY CITY	Municipal	\$15,625	
WA	SEDRO WOOLLEY CITY	Municipal	\$15,398	
WA	SHELTON CITY	Municipal	\$43,251	
WA	SKAGIT COUNTY	County	\$56,385	
WA	SKAMANIA COUNTY	County	\$11,775	
WA	SNOHOMISH CITY	Municipal	\$14,040	
WA	SNOHOMISH COUNTY	County	\$323,367	
WA	STEVENS COUNTY	County	\$26,721	
WA	SUMNER CITY	Municipal	\$32,835	
WA	THURSTON COUNTY	County	\$193,386	
WA	TUMWATER CITY	Municipal	\$25,589	
WA	UNIVERSITY PLACE CITY	Municipal	\$63,179	
WA	WHATCOM COUNTY	County	\$92,844	
WA	YELM CITY	Municipal	\$10,190	
	Local total		\$14,304,690	
	State of Washington		\$22,401,901	
	Grand total for Washington		\$36,706,591	

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



RECOVERY ACT



The U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) is pleased to announce that it is seeking applications for funding under the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

On February 17, 2009, President Obama signed into law the landmark American Recovery and Reinvestment Act of 2009 (the "Recovery Act"). As one of its many elements, the Recovery Act provides the U.S. Department of Justice (DOJ) with funding for grants to assist state, local, and tribal law enforcement (including support for hiring), to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system, to assist victims of crime, and to support youth mentoring. DOJ is committed to working with our national, state, local and tribal partners to ensure this funding invests in the American workforce.

Specifically, under this solicitation, BJA will be making awards to assist local and tribal efforts to prevent or reduce crime and violence.

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation

Eligibility

Applicants are limited to units of local government listed in the Recovery Act JAG allocation list for JAG funds.
(See "Eligibility," page 2)

Deadline

Registration with OJP's Grants Management System is required prior to application submission.
Applicants must obtain a DUNS number from Dun and Bradstreet prior to application submission. Applicants, including those applying through GMS, must register with the Central Contractor Registration (CCR) database.
(See "Deadline: Registration," page 1)

All applications are due by 8:00 p.m. Eastern Time. on May 18, 2009.
(See "Deadline: Applications," page 2)

Important Note to Prospective Applicants

This solicitation is issued pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), which was signed into law by President Obama on February 17, 2009. As of the date this solicitation is issued, government-wide guidance is still forthcoming on various aspects of the Act.

Applicants are strongly advised to check the appropriate web site and www.ojp.usdoj.gov/recovery/solicitationrequirements.htm periodically (including before submitting an application) for updates to this solicitation and its associated requirements. Additional information may become available that could affect project proposal narratives, timelines, budget requests, certifications, and other matters related to applications.

Award recipients will be required to follow any applicable provisions of government-wide guidance that may be issued pursuant to the Recovery Act.

Contact Information

For assistance with the requirements of this solicitation, contact: BJA toll-free at 1-866-268-0079 or e-mail JAGRecovery@usdoj.gov. This e-mail account will be checked hourly. A response will be provided within one business day. You may also contact your BJA State Policy Advisor at www.ojp.usdoj.gov/BJA/resource/stcont.htm, or Eileen M. Garry, Deputy Director for Programs, at 202-307-6226 or eileen.garry@usdoj.gov.

This application must be submitted through OJP's Grants Management System (GMS). For technical assistance with submitting the application, call the GMS Support Hotline at 1-888-549-9901, option 3. The GMS Support Hotline hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. e.t. For step-by-step GMS guidance, please utilize OJP's online Grants Management System training tool: www.ojp.usdoj.gov/gmscbt/.

Release date: March 6, 2009

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**Recovery Act: Edward Byrne Memorial Justice Assistance Grant
(JAG) Formula Program: Local Solicitation
CDFA #16.804**

Overview of the Edward Byrne Memorial Justice Assistance Grant Program

This grant program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act") and by 42 U.S.C. 3751(a).

The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases.

The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars. Among other things, it creates a new Recovery Accountability and Transparency Board and a new website – Recovery.gov – to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds.

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

Deadline: Registration

Registering with OJP's Grants Management System (GMS)

Applications must be submitted through OJP's online Grants Management System (GMS). To access the system, go to <https://grants.ojp.usdoj.gov>. Applicants should begin the process immediately to meet the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. The registration process for organizations includes: (1) Obtaining a Data Universal Numbering System (DUNS) number; (2) Registering your organization with the Central Contractor Registration (CCR) database; and (3) Registering with GMS prior to applying.

The deadline to register is 8:00 p.m. Eastern Time on May 18, 2009.

A DUNS number is required. All applicants under this solicitation must include a DUNS (Data Universal Numbering System) number in their application. Applications without a DUNS number are incomplete.

A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving Federal funds. The identifier is used for

tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling 1-866-705-5711 or by applying online at <http://fedgov.dnb.com/webform/displayHomePage.do>.

Central Contractor Registration (CCR) is required. In addition to the DUNS number requirement, OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about registration procedures can be accessed at www.ccr.gov.

Deadline: Applications

The due date for applying for funding under this announcement is 8:00 p.m. Eastern Time on May 18, 2009.

Eligibility

Applicants are limited to units of local government appearing on the Recovery Act JAG allocation list. For JAG Program purposes, a unit of local government is: a town, township, village, parish, city, county, or other general purpose political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state entities, establish a budget and impose taxes; or, it may also be a federally recognized Indian tribe or Alaskan Native organization that performs law enforcement functions as determined by the Secretary of the Interior. In Louisiana, a unit of local government means the office of a district attorney or a parish sheriff.

Additional Requirements Related to the Recovery Act (including certification requirements):

Reporting on the Use of Funds. In order to be eligible to receive funds under this solicitation, applicants must certify that they will satisfy the reporting requirements of section 1512(c) of the Recovery Act, which requires detailed reporting (including reporting on subawards) not later than **ten calendar days after the end of each calendar quarter**. Detailed information on section 1512(c) appears below, under "Accountability and Transparency under the Recovery Act." A template for the certification is included in the appendix. Applicants may expect that a standard form and/or standard reporting mechanism will be made available at a future date.

Certification regarding Infrastructure Investments. Pursuant to section 1511 of the Recovery Act, a State or local government (including a federally-recognized Indian tribal government) may not receive funds for an infrastructure investment (for example, construction or major renovation of a correctional facility) unless the Governor, mayor, or other chief executive, as appropriate, certifies that the infrastructure investment has received the full vetting required by law and that the chief executive accepts responsibility that the infrastructure is an appropriate use of taxpayer dollars. The certification must include a description of the infrastructure investment, the estimated total cost, and the amount of Recovery Act funds to be used, and must be posted on

a web site that is linked to Recovery.gov. (Refer to the OJP Recovery Act Additional Requirements web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm for the text of section 1511.)

Consistent with section 1511, all applicants under this solicitation must complete a "General Certification as to Requirements for Receipt of Funds for Infrastructure Investments," a template for which is included in the appendix. Recipients that are awarded funds for one or more infrastructure investment projects must also submit and post a certification that satisfies section 1511 as to each such specific project prior to obligating, expending, or drawing down funds for such a project. Applicants or recipients that intend to prepare a section 1511 certification should consult the OJP Recovery Act Additional Requirements web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm. If a standard form becomes available, OJP will include a notice in the appropriate section of the web page.

American Indian Tribes and Alaska Native Tribes and/or Tribal Organizations: If a grant application is being submitted on behalf of a tribe or tribal organization, a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable government entity authorizing the inclusion of the tribe or tribal organization named in the application must be included with the application.

JAG Program-Specific Information

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. Applicants also should anticipate that awards under the Recovery Act will be one-time awards and accordingly should propose project activities and deliverables that can be accomplished without additional DOJ funding.

Established to streamline justice funding and grant administration, the JAG Program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most.

Formula

The Bureau of Justice Statistics (BJS) calculates, for each *state and territory*, a minimum base allocation which, based on the statutory JAG formula, can be enhanced by (1) the state's share of the national population and (2) the state's share of the country's Part 1 violent crime statistics. Once the state funding is calculated, 60 percent of the allocation is awarded to the state and 40 percent to eligible units of local government. States also have a variable percentage of the allocation that is required to "pass through" to units of local government. This amount, also calculated by BJS, is based on each state's crime expenditures. Additionally, the formula calculates direct allocations for local governments within each state, based on their share of the total violent crime reported within the state. Local governments that are entitled to at least \$10,000 awards may apply directly to BJA for Local JAG grants.

NOTE: Beginning in 2009, the formula calculation for the local portion of the JAG statute has changed significantly as a result of final implementation of the JAG statute. The statute, 42 U.S.C. 3755(d)(2)(B), specifies that for Fiscal Years 2005 through 2008, allocations to units of local government would follow the Local Law Enforcement Block Grant (LLEBG) formula. Pursuant to the statute, however, calculations for FY 2009 (and subsequent JAG calculations)

require that units of local government must have submitted to the FBI at least three years of Uniform Crime Report (UCR) data during the most-recent ten-year period for which UCR data are available (here, 1998-2007) in order to be eligible. As a result of this statutory requirement, several local governments that were eligible in prior years for JAG formula funding are ineligible this year due to a lack of compliant UCR data reporting.

Award Amount

The JAG allocation list established by the Bureau of Justice Statistics (BJS), and indicates the amount for which each unit of local government is eligible to apply. For a listing of eligible units of local government and eligible amounts, go to www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

Purpose Areas

JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities that will improve or enhance:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

Responsibilities

The Chief Executive Officer (CEO) of an eligible unit of local government or a local agency designated by the CEO must submit the application for JAG funds. A unit of local government receiving a JAG award will be responsible for the administration of the funds including: distributing the funds; monitoring the award; submitting reports including performance measures and program assessment data; and providing ongoing oversight and assistance to any subrecipients of the funds.

Administrative Funds

A unit of local government may use up to 10 percent of the award for costs associated with administering JAG funds.

Disparate Certification

A disparate allocation occurs when a city or municipality is scheduled to receive one and one-half times (150 percent) more than a county with concurrent jurisdiction, while that county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crime. Multiple disparate allocations occur when multiple cities or municipalities are collectively eligible to receive four times (400 percent) more than the county.

JAG disparate jurisdictions are certified by the Director of the Bureau of Justice Assistance (BJA), based in part on input from the state's Attorney General. For a listing of disparate jurisdictions, go to www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

- ★ Jurisdictions certified as disparate must identify a fiscal agent that will submit a **joint application** for the total eligible allocation. The joint application must specify the award distribution to each unit of local government and the purposes for which the funds will be

used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds, must be completed, and signed by the Authorized Representative for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to www.ojp.usdoj.gov/BJA/recoveryJAG/JAGrecoveryMOU.pdf.

Governing Body Review

The applicant agency (fiscal agent) must make the grant application available for review by its governing body (or to the organization designated by that governing body) not fewer than 30 days before the application is submitted to BJA.

Public Comment

The Local JAG application must include a statement that the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and neighborhood or community organizations.

Length of Awards

Awards are made in the first fiscal year of the appropriation and may be expended during the following 3 years, for a total of 4 grant period years.

Trust Fund

Each unit of local government may draw down any or all JAG funds after acceptance of the award. To do so, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds.

Recipients of funds, however, should be aware that the authority to retain such advance funding may be withdrawn should the recipient persistently remain delinquent in applicable reporting required by the Recovery Act. Specific information relating to this will be detailed in grant award documents.

Prohibited Uses

No JAG funds may be expended outside of the JAG purpose areas. Even within the purpose areas, however, JAG funds may not be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Nor may JAG funds be used directly or indirectly to provide for any of the following matters unless BJA certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

- Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters).
- Luxury items.
- Real estate.
- Construction projects (other than penal or correctional institutions).
- Any similar matters.

Non-Supplanting

Federal funds must be used to supplement existing state and local funds for program activities and must not replace those funds that have been appropriated for the same purpose. See the OJP Financial Guide ([Part II, Chapter 3](#)). Additional information appears on the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Buy American

All applicants that propose to use grant funds to construct, alter, maintain, or repair a public building or public work should be aware that the Recovery Act (in section 1605) contains a "Buy American" provision that applies to iron, steel, and manufactured goods, subject to certain exceptions. The provision is to be applied in a manner consistent with United States obligations under international agreements. Government-wide guidance on this provision is not yet available, but is expected. For the text of section 1605, please refer to the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Wage Rate Requirements

All applicants should be aware that the Recovery Act contains a provision on wage rate requirements that concerns projects funded or assisted by Recovery Act funds that employ laborers and mechanics. See section 1606 of the Recovery Act, the text of which appears on the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm. Government-wide guidance on this provision is not yet available, but is expected.

Recovery Act: Preference for Quick-Start Activities

Pursuant to section 1602 of the Recovery Act, recipient of funds under this solicitation for infrastructure investment are to give preference to activities that can be started and completed expeditiously, and also are expected to use grant funds in a manner that maximizes job creation and economic benefit. For the details of this requirement, please refer to the text of section 1602, which appears on the "OJP's Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Contracts

Generally speaking, the Recovery Act places special emphasis on the use of fixed-price contracts awarded through competitive procedures. As information becomes available, OJP will provide guidance to applicants as to what, if any, particular procurement requirements or procedures may apply to contracts awarded with Recovery Act grant funds, apart from those that appear in 28 C.F.R. Part 66 and 28 C.F.R. Part 70.

Recovery Act: Limit on Funds

The Recovery Act specifically provides that funds may not be used by any state or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

Recovery Act: Use of Funds in Conjunction with Funds from Other Sources.

Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate, to meet the reporting and other requirements of the Recovery Act and other applicable law. There can be no commingling of funds. (See "Accountability and Transparency under the Recovery Act," below.)

Accountability and Transparency under the Recovery Act**Separate Tracking and Reporting of Recovery Act Funds and Outcomes**

Consistent with the special purposes and goals of the Recovery Act, and its strong emphasis on accountability and transparency, it is essential that all funds from a Recovery Act grant be tracked, accounted for, and reported on separately from all other funds (including DOJ grant

funds from non-Recovery Act grants awarded for the same or similar purposes or programs). Recipients must also be prepared to track and report on the specific outcomes and benefits attributable to use of Recovery Act funds.

The accounting systems of all recipients and subrecipients must ensure that funds from any award under this Recovery Act solicitation are not commingled with funds from any other source.

Misuse of grant funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under a grant, and civil and/or criminal penalties.

Quarterly Financial and Programmatic Reporting

Consistent with the Recovery Act emphasis on accountability and transparency, reporting requirements under Recovery Act grant programs will differ from and expand upon OJP's standard reporting requirements for grants. In particular, section 1512(c) of the Recovery Act sets out detailed requirements for quarterly reports that must be submitted within 10 days of the end of each calendar quarter. Receipt of funds will be contingent on meeting the Recovery Act reporting requirements.

Under this Recovery Act program, quarterly financial and programmatic reporting will be required, and will be **due within 10 calendar days after the end of each calendar quarter**, starting July 10, 2009.

Programmatic and Financial Reporting Periods	Due Dates
October- December	January 10
January- March	April 10
April-June	July 10
July-September	October 10

The information from grantee reports will be posted on a public website. To the extent that grant funds are available to pay a grantee's administrative expenses, those funds may be used to assist the grantee in meeting the accelerated time-frame and extensive reporting requirements of the Recovery Act.

Recovery Act grant recipients may expect that the information posted by OJP will identify grantees that are delinquent in their reporting. In addition, in keeping with standard OJP practice, grant recipients who do not submit required reports by the due date will not be permitted to draw down funds thereafter, during the pendency of the delinquency, and may be subject to other appropriate actions by OJP, including, but not limited to, restrictions on eligibility for future OJP awards, restrictions on draw-down on other OJP awards, and suspension or termination of the Recovery Act award.

Funding recipients may expect that a standard form and/or reporting mechanism may be available. Additional instructions and guidance regarding the required reporting will be provided as they become available. For planning purposes, however, all applicants should be aware that the Recovery Act section 1512(c) provides as follows:

Recipient Reports: Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains—

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--
 - (A) the name of the project or activity;
 - (B) a description of the project or activity;
 - (C) an evaluation of the completion status of the project or activity;
 - (D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - (E) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

Subawards under Recovery Act Grants

Reporting: DUNS and CCR. As indicated above, quarterly reporting requirements for Recovery Act awards include reporting with respect to subawards. In order to facilitate that reporting, award recipients must work with their first-tier subawardees (if any) to ensure that, no later than the due date of the award recipient's first quarterly report after a subaward is made, the subawardee has a DUNS numbers and is registered with the Central Contractor Registration (CCR) database. See "Deadline: Registration," above, for more information on CCR and DUNS numbers.

Monitoring of subawards. All applicants should bear in mind that any recipient of an award under this solicitation will be responsible for monitoring of subawards under the grant in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide. Primary recipients will be responsible for oversight of subawardee spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds.

Reporting Fraud, Waste, Error, and Abuse

Each grantee or subgrantee awarded funds made available under the Recovery Act is to promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has submitted false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds.

You may report potential fraud, waste, abuse, or misconduct to the U.S. Department of Justice, Office of the Inspector General (OIG) by—

mail: Office of the Inspector General
 U.S. Department of Justice
 Investigations Division
 950 Pennsylvania Avenue, N.W.
 Room 4706
 Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG web site at www.usdoj.gov/oig/.

The Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act.

Performance Measures

To assist in fulfilling the accountability objectives of the Recovery Act, as well as the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. In addition, applicants must discuss their data collection methods in the application. The following are **required** measures for awards made under the Recovery Act:

Objective	Performance Measures	Data the grantee provides for 3-month reporting period	Description (Plain language explanation of what exactly is being provided)
Recovery Act: Preserving jobs	Number of jobs saved (by type) due to Recovery Act funding.	a) How many jobs were prevented from being eliminated with the Recovery Act funding during this reporting period? b) How many jobs that were eliminated within the last 12 months were reinstated with Recovery Act funding?	An unduplicated number of jobs that would have been eliminated if not for the Recovery Act funding during the three-month quarter. Report this data for each position only once during the grant. A job can include full time, part time, contractual, or other employment relationship.
Recovery Act: Creating jobs	Number of jobs created (by type) due to Recovery Act funding.	How many jobs were created with Recovery Act funding this reporting period?	An unduplicated number of jobs created due to Recovery Act funding during the three month quarter. Report this data for each position only once during the grant. A job can include full time, part time, contractual, or other employment relationship.

In addition, new performance measures specific to the JAG Program have been developed by BJA with input from criminal justice members in the field (including SAAs). The performance measures can be found at: www.ojp.usdoj.gov/BJA/grant/JAG_Measures.pdf.

How to Apply

Grants Management System Instructions. Applications must be submitted through OJP's online Grants Management System (GMS). To access the system, go to <https://grants.ojp.usdoj.gov>. Applicants should begin the process a few weeks prior to the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. For a step-by-step guide, visit <http://www.ojp.gov/gmscbt/> and refer to the section entitled "External Overview: Locating & Applying for Funding Opportunities." For additional assistance, call the GMS Support Hotline at 1-888-549-9901 from 7:00 a.m. to 9:00 p.m. Eastern Time.

Note: OJP will not review any application whose attachments are in Microsoft Vista or Microsoft 2007 format. Applications submitted via GMS must be in the following formats: Microsoft Word (*.doc), Word Perfect (*.wpd), Microsoft Excel (*.xls), PDF files (*.pdf), or Text Documents (*.txt). GMS is not yet compatible with Vista and cannot yet process Microsoft Word 2007 documents saved in the new default format with the extension ".docx." Please ensure that any Word documents you are submitting are saved using "Word 97-2003 Document (*.doc)" format. Additionally, GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

Recovery Act CFDA Number: The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.804, titled "Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program/Grants to Units of Local Territories."

What an Application Must Include

Standard Form 424

Program Narrative (Attachment 1)

Applicants must submit a program narrative that describes the proposed program activities for the 4-year grant period. The narrative must outline the type of programs to be funded by the JAG award and provide a brief analysis of the need for the programs. Narratives must also identify anticipated coordination efforts involving JAG and related justice funds. Certified disparate jurisdictions submitting a **joint application** must specify the funding distribution to each disparate unit of local government and the purposes for which the funds will be used.

The program narrative must include:

- Project objectives that are linked to meaningful and measurable outcomes consistent with the goals of the Recovery Act, and the likelihood of achieving such outcomes, such as job creation and preservation.
- Organization capabilities and competencies, including a description of how the organization will track all drawdowns and grant expenditures separately from other federal funding.
- Activities that can be started and completed expeditiously, and in a manner that maximizes job creation and economic benefits.
- Timeline or project plan identifying when the goals and objectives will be completed.

- Performance measures established by the organization to assess whether grant objectives are being met.

Budget and Budget Narrative (Attachment 2)

Applicants must submit a budget and budget narrative outlining how JAG funds, including administrative funds if applicable, will be used to support and implement the program. A sample budget form may be found at www.ojp.usdoj.gov/funding/forms/budget_detail.pdf.

Review Narrative (Attachment 3)

Applicants must include in this attachment documentation regarding the following requirements:

- Include the date that the JAG application was made available for review by the applicant's governing body. This governing body notification must occur no less than 30 days before submission to BJA.
- Include a statement that the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and neighborhood or community organizations.
- If the applicant is part of a disparate jurisdiction, include the Memorandum of Understanding (MOU), which has been executed and signed by each jurisdiction's Authorized Representative, outlining each jurisdiction's allocation and indicating which jurisdiction is serving as the applicant/fiscal agent for the joint funds.

Abstract (Attachment 4)

Applicants must provide an abstract which includes the applicant's name, title of the project, the goals of the project, a description of the strategies to be used, major deliverables, and coordination plans. The abstract must not exceed one-half page, or 400-500 words.

Certifications (Attachment 5)

See the Appendix.

Review Process

OJP is committed to ensuring a standardized process for awarding grants. The Bureau of Justice Assistance reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with program or legislative requirements as stated in the solicitation.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the OJP Assistant Attorney General (AAG).

Additional Requirements

Successful applicants selected for awards under this Recovery Act solicitation must agree to comply with additional applicable requirements prior to receiving grant funding. We strongly encourage you to review the list below pertaining to these additional requirements prior to submitting your application. Additional information for each can be found at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

- Civil Rights Compliance

- Funding to Faith-Based Organizations
- Confidentiality and Human Subjects Protection
- Anti-Lobbying Act
- Financial and Government Audit Requirements, includes Single Audit Act Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards
- Single Point of Contact Review
- Non-Supplanting of State and Local Funds
- Criminal Penalty for False Statements
- Compliance with Office of Justice Programs *Financial Guide*
- Suspension or Termination of Funding
- Non-Profit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Recovery Act Reporting Requirements; Section 1512(c) of the Recovery Act
- Section 1511 of the Recovery Act: Certifications
- Section 1602 of the Recovery Act: Preference for Quick-Start Activities
- Section 1604 of the Recovery Act: Limit on Funds
- Section 1605 of the Recovery Act: Buy American
- Section 1606 of the Recovery Act: Wage Rate Requirements
- Section 1607 of the Recovery Act: Additional Funding Distribution and Assurance of Appropriate Use of Funds
- Section 1609 of the Recovery Act: Relating to National Environmental Policy Act

Appendix. Templates for Required Certifications

Instructions: Scan signed certifications and submit image files electronically as part of your application package.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

Certification as to Recovery Act Reporting Requirements

On behalf of the applicant entity named below, I certify the following to the Office of Justice Programs, U.S. Department of Justice:

I have personally read and reviewed the section entitled "Accountability and Transparency under the Recovery Act" in the program announcement for the Recovery Act grant program identified above. I have also read and reviewed section 1512(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), concerning reporting requirements for grants. I agree that the applicant will comply with the reporting requirements set forth therein with respect to any grant the applicant may receive under the Recovery Act grant program identified above.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant entity (that is, the entity applying directly to the Office of Justice Programs).

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Full Name of Applicant Entity

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

On behalf of the applicant State or unit of local government (including tribal government) named below, I certify the following to the Office of Justice Programs (“OJP”), U.S. Department of Justice:

I have personally read and reviewed the section entitled “Eligibility” in the program announcement for the Recovery Act grant program named above. I also have personally read and reviewed section 1511 of the American Recovery and Reinvestment Act of 2009 (the “Recovery Act”), which requires a specific certification prior to receipt of Recovery Act funds for infrastructure investments.

Initial the statement that applies:

_____ The applicant identified below **does not intend to use** any portion of any funds received under this Recovery Act grant program for any infrastructure investment. Should this intention change, the applicant will promptly notify OJP, and (except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law) will not draw down, obligate, or expend any funds received under this Recovery Act program for any infrastructure investment project until section 1511 of the Recovery Act has been satisfied, and an adequate project-specific certification has been executed, posted, and submitted to OJP.

_____ The applicant identified below **does intend to use** some or all of any funds received under this Recovery Act grant program for one or more infrastructure investment projects. Except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law, I agree that the applicant entity will execute, post, and submit to OJP, prior to obligating, expending, or drawing down funds for such project, a project-specific certification that satisfies all of the requirements of section 1511 (including execution by the Governor, mayor, or other chief executive, as appropriate) for each such infrastructure investment project.

Page 2 of 2

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant (that is, the governmental entity applying directly to the Office of Justice Programs).

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Full Name of Applicant Government Entity

Date

**Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Frequently Asked Questions**

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What is the authorizing legislation for the American Recovery and Reinvestment Act of 2009 JAG Awards?

The awards are authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (the "Recovery Act"), which was signed into law by President Obama on February 17, 2009. It is an unprecedented effort to jumpstart our economy, create or save millions of jobs, and put a down payment on addressing long-neglected challenges so our country can thrive in the 21st century. The Act is an extraordinary response to a crisis unlike any since the Great Depression, and includes almost \$2 billion in critical resources for state and local law enforcement and other criminal justice activities through the Recovery JAG program. The awards are also authorized by the JAG program, 42 U.S.C. §§ 3750-3758, which is found in subpart 1 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

What is the Catalog of Federal Domestic Assistance (CFDA) number for the Recovery Act JAG Program?

The CFDA number for the Recovery JAG Program (State) is 16.803, and for the Recovery JAG Program (Local), it is 16.804.

Award Eligibility/Formula Information:

What is the Transition Rule?

The Recovery JAG statute requires that local governments that have not reported at least 3 years of data (within the last 10 years for which UCR data are available) on Part I violent crimes of the UCR to the FBI are ineligible for direct Recovery JAG local formula funding. As a transition to implementing the grant program, the law permitted Recovery JAG units of local government during 2006, 2007, and 2008 to qualify for Recovery JAG formula funds based on the last three years of UCR data which they had submitted, in any prior years. That Transition Rule, by statute, has expired.

Who is eligible?

Applicants for Recovery JAG State awards are limited to all states, the District of Columbia, Guam, America Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, and the Northern Mariana Islands.

In addition, in order for states to be eligible to receive these funds, the Recovery Act requires that certain advance certifications must be made by governors or mayors, as appropriate. See section 1607 of the Recovery Act, which requires a Governor's certification regarding use of funds (or a concurrent resolution by a state legislature), and section 1511, which requires a detailed certification from a governor or mayor in connection with infrastructure projects.

Applicants for Recovery JAG local awards are limited to units of local government listed under the appropriate state or territory name at www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

For Recovery JAG Program purposes, a unit of local government is: a town, township, village, parish, city, county, or other general purpose political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state entities, establish a budget and impose taxes; or, a federally recognized Indian tribe or Alaskan Native organization that performs law enforcement functions as determined by the Secretary of the Interior. In Louisiana, a unit of local government means the office of a district attorney or a parish sheriff.

How is the formula calculated?

The Bureau of Justice Statistics (BJS) calculates for each *state and territory* a minimum base allocation which (based on the statutory JAG formula) may be enhanced by (1) the state's share of the national population and (2) the state's share of the country's Part 1 violent crime statistics. Once the state funding is calculated, 60 percent of the allocation is awarded to the state and 40 percent to eligible units of local government.

States also have a variable percentage of the allocation that is required to "pass through" to units of local government. This amount, also calculated by BJS, is based on each state's crime expenditures. Additionally, the formula calculates direct allocations for local governments within each state, based on their share of the total violent crime reported within the state. Local governments that are entitled to at least \$10,000 awards may apply directly to BJA for Local Recovery JAG grants. For those local governments whose direct allocation under the formula would be less than \$10,000, the funding is provided directly to the state.

How do I know if I am eligible for a direct Recovery JAG award from BJA?

A list of eligible jurisdictions, as determined by the JAG formula and corresponding allocation amounts, is provided on the BJA Recovery JAG web site at www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

My city/county/parish/township/tribe is not listed as qualifying for a direct award. Is there other Recovery JAG funding available?

Yes. Your state government also receives a Recovery JAG award from BJA, and you may qualify for funding from the state. States are required to "pass-through" a percentage of their award to support local projects that support approved Recovery JAG purpose areas. To identify the state agency that administers the award in your area, visit the [Office of Justice Programs SAA web page](#). State agencies that administer the Recovery JAG "pass-through" funds will be listed under the Bureau of Justice Assistance heading.

Can a State Administering Agency (SAA) give out JAG Recovery subgrants to a private non-profit (PNP) for

- a. Criminal justice projects that would benefit the entire state?
- b. A criminal justice project that will benefit a local jurisdiction?
- c. A PNP that is in partnership with a local LE agency to provide criminal justice services to designated "units of local government"?

As permitted by the JAG program statute, an SAA can award Recovery JAG subgrants to private non-profit neighborhood or community-based organizations (PNPs) in any of the above scenarios. If the funding being provided to the PNP represents the state's portion of its Recovery JAG award, then the intended use must fulfill the statutory purpose areas for the JAG

Program. However, if the funding provided to the PNP represents the variable pass-through portion of the state's award, then additional requirements must be met. The PNP subgrant must benefit a "unit of local government" (as that term is defined by the Omnibus Act), and each unit of local government benefiting from the PNP subgrant must voluntarily sign a waiver as required by the solicitation. This waiver must certify that the local jurisdiction recognizes that the funds in question are set aside for local government use; believes that the proposed project will provide a direct local benefit; and agrees that funding the project at the state level is in the best interests of the unit of local government.

Where can I find Uniform Crime Report (UCR) Part I violent crime data and crime expenditure data for my city or county?

Data is available on the FBI's UCR web site.

Will the 10 percent penalty for failure to comply with the Sex Offender Registration and Notification Act (SORNA) apply to the Recovery JAG funding?

No. Any reduction required for failure to comply with SORNA (or to request an extension of time in which to do so) will be applied in the fiscal year following SORNA's deadline for compliance. Because the deadline for compliance is not until July 27, 2009—with the possibility for two one-year extensions—no Recovery JAG funding will be affected.

I don't see my jurisdiction on the allocation list? Why?

If your city/county is not on the list, it does not qualify for a direct JAG award from Bureau of Justice Assistance. The JAG legislation specifies that allocations to local governments are based on their share of the total violent crime reported by the state's units of government to the FBI over 3 of the last 10 years. Either your jurisdiction did not submit 3 years of UCR data to the FBI since 1999, or the level of crime did not meet the threshold to be eligible for a JAG award. The 2005 Bureau of Justice Statistics Technical Report explains the entire formula that is statutorily-based.

Application Requirements:

How do I obtain a Data Universal Number System (DUNS) number?

Ask the grant administrator, chief financial officer, or authorizing official of your organization to identify your DUNS number. If your organization does not know its DUNS number or needs to register for one, visit Dun & Bradstreet at <http://fedgov.dnb.com/webform/displayHomePage.do>. The federal government has adopted the use of DUNS numbers to track how federal grant money is allocated. DUNS numbers identify your organization. The time it takes to request and obtain a DUNS number is approximately one day.

How do I register my jurisdiction with the Central Contractor Registration (CCR)?

Ask the grant administrator, chief financial officer, or authorizing official of your organization if your organization has registered with the CCR. If your organization is not registered, you can register and then renew your registration once a year.

If your organization already has an Employment Identification Number (EIN) or Taxpayer Identification Number (TIN), then you should allow one to three business days to complete the entire registration process with the CCR. Your EIN and TIN should be provided by the Internal Revenue Service (IRS). If your organization does not have an EIN or TIN, then you should allow two weeks for obtaining the information from the IRS when requesting the EIN or TIN via phone or Internet. The additional number of days needed is a result of security information that needs to be mailed to the organization.

You may apply by phone (1-888-227-2423) or register online at www.ccr.gov. CCR has developed a handbook (www.ccr.gov/handbook.asp) to help you with the process. When your organization registers with CCR, you must designate an E-Business Point of Contact (E-Biz POC). This person will identify a special password called an "M-PIN". This M-PIN gives the E-Biz POC authority to designate which staff member(s) from your organization are allowed to submit applications electronically. Staff members from your organization designated to submit applications are called Authorized Organization Representatives (AORs).

How is my Recovery Act JAG award different from FY 2008 or FY 2009 JAG funds?

Significant differences between the Recovery JAG awards and regular JAG funds include, but are not limited to: 1) an emphasis on job creation and job retention; 2) submission of particular Recovery certifications specified in the solicitation (e.g., an infrastructure certificate); 3) time-specific quarterly progress reports due 10 days after the end of a quarter; 4) specific Recovery Act performance measures; and 5) increased federal grant oversight. The American Recovery and Reinvestment Act of 2009 JAG solicitation includes specific information on these differences and additional requirements.

How should I notify BJA if my jurisdiction, although eligible for funding, will not apply for funding?

Send a letter of declination (on letterhead) via e-mail, or fax it to the [BJA State Policy Advisor](#) assigned to your state. The letter should indicate that your jurisdiction is declining the Recovery JAG funds, the reason(s) why, and should be signed by the jurisdiction's Chief Executive Officer or authorized representative.

Our local jurisdiction (e.g., city, county, parish, township, or tribe) is eligible to apply for a direct award from BJA. Who must apply, and where do I find more information on how to apply?

Only a unit of local government (e.g., city, county, parish, township, or tribe) may apply to BJA for Recovery Local JAG funding. The Chief Executive Officer (CEO) of a unit of local government is responsible for determining which government official will apply for funding, and may designate an agency head, such as a police chief or sheriff, to be the signing authority on the application. For example, if the applicant is a city and the project will be implemented by the police department, the chief of police can be designated, and the chief would then have signing authority for that application. In this instance, the city will be listed under the "Legal Name" section of the application, and the police department will be listed as the "Organizational Unit" on the application.

The American Recovery and Reinvestment Act of 2009 Recovery JAG Awards solicitation will be posted on the [BJA Recovery JAG web page](#). Applications for funding must be submitted via the online [Grants Management System \(GMS\)](#) within the prescribed application period. Detailed

instructions on submitting an application, as well as guidance on managing your grant award, are available in the [GMS computer-based training tool](#).

Will our city/county receive the amount listed one time or for every year of the project period?

The amount listed on the eligible jurisdiction list is a one-time award amount. The project start period is March 1, 2009, and there is a statutory 4 year period within which to spend funds.

What is the period of expenditure? If we plan to obligate funds within the next several months, is a pre-agreement cost letter necessary or possible?

The budget/project period for Recovery JAG awards is March 1, 2009 through February 28, 2013. Because states and units of local government may obligate funds dating back to March 1, 2009, no pre-agreement cost letters will be required.

What is a "Governing Body," and what does the "Governing Body Review" entail?

Examples of governing bodies are a state commission, city council, tribal council, county commission, county board of supervisors, or other legislative body at the local level. Follow your local laws and procedures for providing the application to the governing body. For example, based on your internal procedures, you may need to provide a copy of your grant application to the administrative assistant for the city to distribute to the city council. The manner in which you notified your governing body, and the date this was completed should then be included in the Review Narrative portion of your application (along with information regarding public comment).

Applicants for a Recovery JAG award must make the grant application available for review by the governing body of the state or unit of local government, or an organization designated by that governing body, not fewer than 30 days before the application is submitted to BJA.

Our city council meets only once a month. How can I meet the 30-day governing body review requirement and still submit my application before the application deadline?

The application must be *submitted* for review by a governing body at least 30 days prior to submission to BJA. Governing body *approval* is not required in order to submit the application to BJA. Submit your application via [GMS](#) no later than the application deadline, regardless of whether the local review process is complete. If the application is not complete, or you do not meet the 30-day governing body review requirement, BJA will add a special condition to the award that will withhold grant funds until you submit documentation confirming the requirement has been met.

If we have received an official document indicating "Governing Body Approval" of the application, do we still need to track the 30 days since the Governing Body received notice?

If Governing Body approval has been granted, please provide the date of approval rather than the date of notification in the review narrative. The 30 day notification requirement will have been satisfied at the time of approval.

What is the "Public Comment" requirement?

Applicants must provide an opportunity for the public to comment on their Recovery JAG application. The manner in which the public is notified and given an opportunity to comment, as

well as the pertinent dates, should be included in the Review Narrative portion of the application (along with information regarding the governing body review). If the requirement is not met at the time of submission, BJA will process the application, but funds will be withheld until the grant recipient provides documentation that the public comment requirement is complete. Common forms of public notification include web site and newspaper postings, city council, tribal council, and county board hearings that are open to the public.

Does the public comment requirement have to be completed 30 days prior to submitting the application?

No, the governing body notification must occur 30 days prior to application submission. This requirement should not be confused with the public comment requirement, which requires that the application be made public, with an opportunity for comment, anytime prior to application submission.

Am I required to hold a public hearing, or can I post a notice in our local newspaper or on our department's web site in order to satisfy the public comment requirement?

The JAG statute does not specify how you notify the public. BJA recommends that you follow your local public notification process.

Is there a requirement to have an advisory board review the application?

No. There is no statutory requirement under JAG to have an advisory board review the application.

Is match required?

Match is not required.

Is the governor of a state required to sign the two certifications attached to the Recovery JAG solicitations?

No. For the two certifications attached to the Recovery JAG solicitations (entitled "Certification as to Recovery Act Reporting Requirements" and "General Certification as to Requirements for Receipt of Funds for Infrastructure Investments") as indicated in the text of these certifications, the certifying official must be a person with legal authority to make the particular certification on behalf of the entity applying directly to OJP. Therefore, while the certifying official does not have to be the governor of a state, he or she must be a person with the ability to legally bind the applicant entity (i.e., the state or unit of local government that is applying directly to OJP for Recovery JAG funding).

Use of Funds:

What can Recovery JAG funds be used for?

Grantees may utilize Recovery JAG funds for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities

that will improve or enhance law enforcement programs related to criminal justice. Some examples include: prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation).

In addition to fulfilling program-specific purposes, projects funded under the Recovery Act should be designed to further one or more of the general purposes of the Recovery Act, which are to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits; and to stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. For additional information on Office of Justice Programs' Recovery Act Grant Programs, please visit the OJP web site at www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryjag.html.

Is there anything that the Recovery JAG funds cannot be used for?

Yes. Recovery JAG funds may not be expended outside of the JAG purpose areas. Even within the purpose areas, however, Recovery JAG funds may not be used directly or indirectly for security enhancements or equipment to nongovernmental entities not engaged in criminal justice or public safety. In addition, no Recovery JAG funds may be used directly or indirectly to provide for any of the following matters unless the Attorney General certifies, in advance, that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order: vehicles (excluding police cruisers); vessels (excluding police boats); aircraft (excluding police helicopters); luxury items; real estate; construction projects (other than penal or correctional institutions); and any similar matters.

The current JAG statute prohibits the use of grant funds for vehicles, vessels, and aircraft (excluding police cruisers, police boats, and police helicopters) unless extraordinary and exigent circumstances exist. It also states that BJA must certify in writing that you may use the funds for these purposes. How do I obtain this certification?

Submit a written request (email is acceptable) with your Recovery JAG application number or post-award grant number to your [BJA State Policy Advisor](#). The written request must clearly identify the circumstances that require the use of Recovery JAG funds to purchase a non-police vehicle, vessel, and/or aircraft, describe the purpose of the non-police vehicle, vessel, and/or aircraft, and how it relates to criminal justice. BJA will expeditiously review your request and notify you in writing. Funds should not be obligated or expended for these purposes until you have received this approval. Requests that are not linked to improvements in criminal justice will not be approved.

Can we use Recovery-JAG funds to purchase vehicles?

You can use Recovery-JAG funds to purchase police cruisers (whether marked or unmarked), as well as police motorcycles. The purchase of any other vehicle may be permitted if the Director of BJA determines that extraordinary and exigent circumstances exist that make the

use of funds to purchase the vehicle essential to the maintenance of public safety and good order. For information on how to request such a determination, please see the FAQ below regarding obtaining BJA certification.

Other modes of transportation, such as bicycles or segways, may be purchased with Recovery-JAG funds without a showing of extraordinary and exigent circumstances, so long as that mode of transportation is not of a kind that requires licensing or registration with your state's department of motor vehicles.

Can we use Recovery Act – JAG funds for construction or renovation?

Recovery Act – JAG funds may be used for projects involving construction or major renovation of penal or correctional institutions, as well as minor renovations of other facilities, so long as the project fits within one of the JAG Purpose Areas.

In addition, use of Recovery Act – JAG funds for projects involving construction or major renovations of facilities other than penal or correctional institutions may be permitted, if the Director of BJA determines that “extraordinary and exigent circumstances exist that make the use of such funds [for construction or major renovation of a facility other than a penal or correctional institution] essential to the maintenance of public safety and good order.” For information on how to request such a determination, see the FAQ below regarding obtaining BJA certification.

It is important to note that ANY project for the construction, alteration, maintenance, or repair of a public building or public work, using Recovery Act funds, is subject to the Buy American provision. Please see [link to Buy American FAQ] for more information.

In addition, any project that involves construction or major renovation will be subject to environmental analysis requirements pursuant to the National Environmental Policy Act (NEPA).

Our agency intends to apply for a type of vehicle or construction project that requires BJA certification. What is the process?

Include, with your application, a letter requesting certification by the BJA Director of the proposed purchase and/or project. The letter must indicate the extraordinary and exigent circumstances existing that make the proposed purchase and/or project essential to the maintenance of public safety and good order. The letter must be signed by your agency's authorized representative.

Alternatively, you may send the letter via e-mail, or fax it to the BJA State Policy Advisor assigned to your state.

Is there any cap on the amount of overtime pay for state and local law enforcement officers?

Although the Recovery Act- JAG program includes no specific cap on overtime pay for law enforcement officers, federal regulations do require that personnel compensation always be reasonable in light of the services rendered.

Can JAG funds be used to purchase Buprenorphine, an FDA approved opiate drug therapy for heroin addiction (similar to methadone)?

BJA is not aware of any specific restrictions regarding the purchase of Buprenorphine with JAG funding. However, as always, any JAG Program expenditure must fulfill at least one of the purpose areas specified by the JAG statute.

Where can I find more information on supplanting?

For additional guidance regarding supplanting, refer to the information provided at <http://www.ojp.usdoj.gov/recovery/supplantingguidance.htm>.

Disparate Information:

My city is listed along with my county under the column "Joint Application (Disparate) Award Amount." What does this mean?

If your jurisdiction is listed with another city or county government, you are in a funding disparity. The JAG statute requires that if a city qualifies for one-and one-half times (150 percent) more funding or if multiple cities receive four times (400 percent) more funding than a county with concurrent jurisdiction, there is a funding disparity. In this situation, the units of local government must apply for an award with a single, joint application. Crime expenditure data for the units of local government is included in the disparity calculation. For more information about the disparate allocation process, see the [Bureau of Justice Statistics Technical Report](#).

How do we determine which single unit of local government will be the fiscal agent responsible for applying for the funds?

This is a decision to be made by the units of local government. Consider which local government is most capable of adhering to the financial and programmatic requirements according to federal guidelines governing expenditure, monitoring, and reporting for Recovery Act funding.

Who is responsible for EEOP requirements in a disparate funding situation? Is it only the fiscal agent or are the other funded partners also responsible?

Pursuant to 28 C.F.R. Section 42.302, all recipients of federal funding must be in compliance with federal EEOP requirements. In addition, the grant recipient must acknowledge that all programs funded through sub awards, whether at the state or local levels, conform to the grant program requirements.

Our jurisdiction will be submitting an application as the fiscal agent for our group of disparate jurisdictions. Do the Governing Body and Public Notice requirements apply to each disparate jurisdiction, or just the fiscal agent?

The governing body and public comment requirements apply to the applicant. Each unit of local government must abide by state/local policies and procedures, but the requirements under Recovery JAG apply to the applicant.

Are the city and the county required to work on the same project or purpose area?

No. All units of local government within the disparate jurisdiction may fund individual projects. For example, the city may choose to purchase equipment, and the county may wish to fund a drug task force. On the other hand, funds may also be combined to fund one joint project.

Are disparate jurisdictions required to submit a Memorandum of Understanding (MOU) even if they agree to use the entire award amount for the same purpose?

Yes. A Recovery Act MOU, signed by each jurisdiction's authorized representative, is required from all disparate applicants, regardless of the manner in which funds will be used or distributed. As an example, the county would like to administer a drug court that would benefit all cities listed as disparate. The cities agree with this strategy, and the total allocation is awarded to the county. In this scenario, each city must be included in the Recovery Act MOU, and indicate agreement that the county will receive the total allocation. The Recovery Act MOU must certify that the city or county that does not receive funds: 1) recognizes the funds in question will be provided for a single project; 2) believes the proposed project will provide a direct local benefit to their city or county; and 3) agrees providing funding for a single project is in the best interest of their city/county.

How do we determine how to split the award in a disparate situation?

The units of local government within the disparate jurisdiction must agree upon an allocation process. BJA is not involved in that decision.

What happens if the disparate jurisdictions cannot reach an agreement on how the Recovery JAG funds will be distributed?

Recovery JAG funds are withheld until a Recovery Act MOU signed by the CEO, or the designee, of each unit of local government is submitted.

How do I find out what my jurisdiction's potential allocation is within the disparate allocation process?

Each disparate jurisdiction's eligible amount (based on the formula) is available at www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

How do I provide the Recovery Act MOU to BJA?

When completing your application in GMS, upload the signed Recovery Act MOU as an attachment to that application. If your Recovery JAG grant has already been awarded, fax or email the signed Recovery Act MOU to your State Policy Advisor. Your Recovery JAG award will be withheld until the Recovery Act MOU is received and approved by BJA.

Reporting:

Are there specific reporting requirements under the Recovery JAG Program?

Yes. Consistent with the special purposes and goals of the Recovery Act, and its strong emphasis on accountability and transparency, all funds under the Recovery JAG Program must

be tracked, accounted for, and reported on separately from all other funds (including funds from non-Recovery-Act grants awarded for the same or similar purposes or programs). Recipients must also be prepared to track and report on the specific outcomes and benefits attributable to use of Recovery JAG funds. These Recovery Act measures will be collected quarterly 10 DAYS after the end of the quarter in our new online Performance Measurement Tool (PMT). The accounting systems of all recipients and sub-recipients must ensure that funds from any award under the Recovery JAG solicitation are not commingled with funds from any other source.

In addition, there are JAG Programmatic Measures required. They are customized dependent on activity type within each purpose area. Grantees and sub-grantees will report on performance measures for only those activities funded by Recovery dollars. Grantees are not required to report on all programmatic performance measures; only those applicable to your grant. Please note these are draft measures and may change slightly based on feedback from the field and the Office of the Inspector General (OIG). These programmatic measures will be collected quarterly 30 DAYS after the end of the quarter in our new online Performance Measurement Tool (PMT). All JAG grantees must also submit quarterly financial status reports and an annual programmatic report through the OJP Grants Management System (GMS). BJA intends to publish additional detailed guidance related to Recovery JAG reporting requirements and procedures in the near future.

What will be the reporting requirements once the Recovery JAG grant is awarded?

Consistent with the Recovery Act emphasis on accountability and transparency, reporting requirements under Recovery Act grant programs will differ from and expand upon OJP's standard reporting requirements for grants. In particular, section 1512(c) of the Recovery Act sets out detailed requirements for quarterly reports that must be submitted within 10 days of the end of each calendar quarter. The information from grantee reports will be posted on a public web site, and receipt of funds will be contingent on meeting the Recovery Act reporting requirements. Accordingly, grant recipients under this program are required to file a "Certification as to Recovery Act Reporting Requirements."

In addition, funds from a Recovery Act grant must be tracked, accounted for, and reported separately from all other funds (including DOJ grant funds from non-Recovery Act grants awarded for the same or similar purposes or programs). To the extent that grant funds are available to pay a grantee's administrative expenses, those funds may be used to assist the grantee in meeting the accelerated time-frame and extensive reporting requirements of the Recovery Act.

In addition, all Recovery JAG recipients will be required to follow any applicable provisions of government-wide guidance that may be issued in the future, pursuant to the Recovery Act.

For additional information regarding Recovery JAG Program reporting requirements, please refer to the [Recovery JAG Program solicitations](#) or the [Recovery JAG web page](#).

Administration:

How do I receive my Recovery JAG award payments?

Payment requests are made through the Phone-Activated Paperless Request System (PAPRS). Once you request a payment, funds are electronically deposited to your bank account. You

must have an up-to-date Automated Clearing House (ACH) banking form on file with the Office of the Chief Financial Officer prior to attempting to access funds. Please see Step 5 Accessing Payment in the Office of Justice Programs [Post Award Instructions](#) for step-by-step guidance.

Where can I find instructions for submitting financial status reports, Recovery JAG progress reports, grant adjustment notices (GAN) and/or closeouts in GMS?

Detailed training guides are available on the [GMS Computer-Based Training web page](#).

How will I be notified when my award is made?

Grantees are automatically notified by email after BJA awards your grant. Because of this, it is critical that contact information entered into your grant application is accurate.

Now that I received my Recovery JAG award, are there any written post-award instructions?

Yes. The online Office of Justice Programs (OJP) [Post-Award Instructions](#) includes detailed guidance.

Can I speak to a live person at BJA regarding my Recovery JAG award?

Please refer to the [BJA State Policy Advisor \(SPA\)](#) list for the appropriate contact. Each state and territory has a designated BJA SPA.

