Memorandum

MIAMI-DADE COUNTY

Date: September 1, 2011

Agenda Item No. 8(J)(1)(E)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

Subject: Resolution Ratifying the Application and Acceptance of a State Homeland Security Grant in the Amount of $70,000 for Fiscal Year 2010 Funding from the United States Department of Homeland Security through the Division of Emergency Management and the Florida Department of Law Enforcement

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution ratifying the application and acceptance of a State Homeland Security Grant in the amount of $70,000 for Fiscal Year (FY) 2010 funding from the United States Department of Homeland Security (USDHS) through the Division of Emergency Management (DEM) and the Florida Department of Law Enforcement (FDLE). It is further recommended that the Board authorize the receipt and expenditure of funds as specified in the grant agreement.

The funds will be used to implement the Critical Infrastructure Target Hardening project at Metrorail Stations, which involves safety and security improvements to the emergency exit doors at Miami-Dade Transit's (MDT) Brownsville and Earlington Heights Metrorail Stations.

SCOPE

While this project is physically located in Commission District 3, the impact of this project benefits the riding public, and is therefore, countywide.

FISCAL IMPACT/FUNDING SOURCE

There will be no negative fiscal impact to the County. The estimated project cost is $70,000 and is funded 100% by the USDHS. Therefore, no local match is required to receive this funding.

TRACK RECORD/MONITOR

MDT has entered into numerous funding agreements with the USDHS over the course of approximately six (6) years. The Project Manager for this grant is Dr. Suzanne Salichs, Grants Manager, MDT Financial Services.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which includes authority for the Mayor, Mayor's designee or the MDT Director to receive and expend these and any additional funds should they become available.

BACKGROUND

The United States Department of Homeland Security, Office for Domestic Preparedness (ODP), under the Homeland Security Act of 2004, Public Law 108-90 provides for grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities.

The FDLE serves as the pass through and administrator of $5,742,849 in Fiscal Year (FY) 2010 funding available through the Department of Homeland Security (DHS) and the Division of Emergency Management (DEM). On June 13, 2011, the FDLE awarded Miami-Dade County, from the FY 2010 funding, a State Homeland Security grant in the amount of $70,000 to implement a Critical Infrastructure Target Hardening project as part of Florida's Domestic Security Strategic Plan.

The Critical Infrastructure Target Hardening project consists of securing the existing emergency exits at the Brownsville and Earlington Heights Metrorail Stations with new magnetic locking devices to mitigate unauthorized entry into the respective stations. Properly securing these emergency exit doors is imperative in MDT's effort to improve the safety/security of its passengers, employees, and critical infrastructure.

The project includes the purchase and installation of two, American Magnetics (AMAG) locking systems for the emergency exit doors at the two aforementioned Metrorail stations. The locking system consists of magnetic door locks with delayed egress timers, sounder and signage, and zone enunciator panels and sounder at the security desk. The total estimated cost of the project is $70,000. Miami-Dade County will use the Request for Proposal process to procure the items required under this project.

This item is submitted in accordance with Resolution No. R-1170-06 which authorizes the County Manager to apply for, accept and execute grants under $100,000 subject to Board ratification. While the grant was awarded on June 13, 2011, the effective date of this grant is from May 2011 through May 2012.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: September 1, 2011

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(J)(1)(E)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

3

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(J)(1)(E)
9-1-11

RESOLUTION NO. _____

RESOLUTION RATIFYING THE APPLICATION AND ACCEPTANCE OF A STATE HOMELAND SECURITY GRANT IN THE AMOUNT OF $70,000 FOR FISCAL YEAR 2010 FUNDING FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY THROUGH THE DIVISION OF EMERGENCY MANAGEMENT AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT; APPROVING THE AGREEMENT PURSUANT TO THE APPLICATION; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATION AND AGREEMENT; AND AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. That the Board ratifies the application and acceptance of grant funding from the United States Department of Homeland Security (USDHS) through the Division of Emergency Management (DEM) and the Florida Department of Law Enforcement (FDLE) to provide support for the Critical Infrastructure Target Hardening Project at the Brownsville and Earlington Heights Metrorail Stations, which involves the purchase and installation of new emergency exit door locks.

Section 2. That the County staff is authorized to furnish such additional information as the USDHS, DEM and FDLE may require in connection with the grant application for the project.

Section 3. That the Board further authorizes the County Mayor, Mayor's designee, or Miami-Dade Transit Director, to execute such contracts and agreements as are approved by the County Attorney's Office; to receive and expend funds in accordance with such aforementioned contracts and agreements; to receive and expend any additional funds should they become available; and to file and execute any additional agreements, revisions, or amendments as required to carry out the projects for and on behalf of Miami-Dade County, Florida.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

6.17.11 - YSELA: PLS HANDLE AS APPROPRIATE.

FDLE

Florida Department of Law Enforcement

Gerald M. Bailey
Commissioner

Office of Criminal Justice Grants
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 617-1250
www.fdle.state.fl.us

Rick Scott, Governor
Pam Bondi, Attorney General
Jeff Atwater, Chief Financial Officer
Adam Putnam, Commissioner of Agriculture

C: ATH TARA

227119

RECEIVED
2011 JUN 17 A 7:04
COUNTY MANAGER'S OFFICE

JUN 13 2011

Ms. Alina Hudak
County Manager
Miami-Dade County
111 Northwest 1st Street
29th Floor
Miami, FL 33128

Re: Contract No. 2011-SHSP-DADE-1-B9-007

Dear Ms. Hudak:

The Florida Department of Law Enforcement is pleased to award a State Homeland Security grant in the amount of $ 70,000.00 to your unit of government. These funds shall be utilized to implement Florida's Domestic Security Strategic Plan. (*)

A copy of the approved subgrant application with the referenced project number and title is enclosed for your file. All correspondence with the Department should always refer to the project number and title.

Your attention is directed to the Standard Conditions of the subgrant. These conditions should be reviewed carefully by those persons responsible for project administration to avoid delays in project completion and costs reimbursements.

The enclosed Certification of Acceptance should be completed and returned to the Department within 30 calendar days from the date of award. This certificate constitutes official acceptance of the award and must be received by the Department prior to the reimbursement of any project expenditures.

We look forward to working with you on this project. If we can be of further assistance, please contact Martha McWilliams at 850/617-1250.

Sincerely,

Clayton H. Wilder
Administrator

CHW/MKM/as

Enclosures

State of Florida
Office of Criminal Justice Grants
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

CERTIFICATION OF ACCEPTANCE OF SUBGRANT AWARD

The subgrantee, through its authorized representative, acknowledges receipt and acceptance of subgrant award number 2011-SHSP-DADE-1-B9-007, in the amount of $ 70,000.00, for a project entitled, STATE PURPOSE AREA/ISSUE NUMBER 039E-CRITICAL INFRASTRUCTURE/TARGET HARDENING FUNDING REQUEST, for the period of 05/05/2011 through 05/05/2012, in accordance with the statement of work contained in the subgrant application, and subject to the Florida Department of Law Enforcement's Conditions of Agreement and any special conditions governing this subgrant.

_____
Signature of Subgrantee's Authorized Official

_____
Typed Name and Title of Official

_____
Date of Acceptance

State of Florida
Office of Criminal Justice Grants
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

SUBGRANT AWARD CERTIFICATE

Subgrantee: Miami-Dade County

Date of Award: 6-13-11

Grant Period: From: 05/05/2011 TO: 05/05/2012

Project Title: STATE PURPOSE AREA/ISSUE NUMBER 039E-CRITICAL INFRASTRUCTURE/TARGET HARDENING FUNDING REQUEST

Grant Number: 2011-SHSP-DADE-1-B9-007

Federal Funds: $ 70,000.00

Total Project Cost: $ 70,000.00

Program Area: 039E : Critical Infrastructure Protection/Target Hardening

Federal CFDA #: 97.067

Award is hereby made in the amount and for the period shown above of a grant under the Homeland Security Act of 2004, Public Law 108-090, to the above mentioned subgrantee and subject to any attached standards or special conditions.

This award is subject to all applicable rules, regulations, and conditions as contained in the Financial and Administrative Guide for Grants, Office of Justice Programs, Common Rule for State and Local Governments or OMB Circulars A-87, A-110 and A-133, in their entirety. It is also subject to such further rules, regulations and policies as may be reasonably prescribed by the State or Federal Government consistent with the purposes and authorization of Public Law 108-090, as amended.

SUBGRANT AWARD CERTIFICATE (CONTINUED)

This grant shall become effective on the beginning date of the grant period provided that within 30 days from the date of award, a properly executed Certification of Acceptance/ Request for Payment is returned to the department.

Clayton H. Wilder

Authorized Official
Clayton H. Wilder
Administrator

6-13-11

Date

( ) This award is subject to special conditions (attached).

State of Florida
Office of Criminal Justice Grants
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

SPECIAL CONDITION(S)/GENERAL COMMENT(S)

Grantee: Office of Criminal Justice Grants

Grant Number: 2011-SHSP-DADE-1-B9-007

Grant Title: STATE PURPOSE AREA/ISSUE NUMBER 039E-CRITICAL INFRASTRUCTURE/TARGET HARDENING FUNDING REQUEST

In addition to the general conditions applicable to fiscal administration, the grant is subject to the following Special Condition(s)/General Comment(s):

Ref# S19256: Prior to the drawdown of federal funds two original signature pages must be submitted to the Office of Criminal Justice Grants.

Application for Funding Assistance

Florida Department of Law Enforcement
State Homeland Security Program

Section 1: Administration

Subgrant Recipient

Organization Name: Miami-Dade County
County: Dade

Chief Official

Name: Alina Hudak
Title: County Manager
Address: 111 Northwest 1st Street
29th Floor
City: Miami
State: FL **Zip:** 33128
Phone: 305-375-2531 **Ext:**
Fax:
Email: ATH2@miamidade.gov

Chief Financial Officer

Name: Carter Hammer
Title: Finance Director
Address: 111 Northwest 1st Street
City: Miami
State: FL **Zip:** 33128
Phone: 305-375-5245 **Ext:**
Fax:
Email: chammer@miamidade.gov

Application for Funding Assistance

Florida Department of Law Enforcement
State Homeland Security Program

Section 1: Administration

Implementing Agency

Organization Name: Miami-Dade Transit
County: Dade

Chief Official

Name: Ysela Llort
Title: Assistant County Manager
Address: 111 North 1st Street
Suite #2900
City: Miami
State: FL **Zip:** 33128
Phone: 305-375-1584 **Ext:**
Fax: 786-469-5580
Email: yllort@miamidade.gov

Project Director

Name: Juan Rincon
Title: Field Test Engineer
Address: 701 Northwest 1st Court
City: Miami
State: FL **Zip:** 33136
Phone: 786-469-5169 **Ext:**
Fax: 786-469-5575
Email: JRincon@miamidade.gov

Application for Funding Assistance

Florida Department of Law Enforcement
State Homeland Security Program

Section 2: Project Overview

General Project Information

Project Title:	STATE PURPOSE AREA/ISSUE NUMBER 039E-CRITICAL INFRASTRUCTURE/TARGET HARDENING FUNDING REQUEST
Subgrant Recipient:	Miami-Dade County
Implementing Agency:	Miami-Dade Transit
Project Start Date:	5/5/2011 **End Date:** 5/5/2012

Problem Identification

Due to several breaches into Miami-Dade Transit Metrorail stations, where suspicious packages have been found, Threat and Vulnerability Surveys have been conducted to identify the issues. In addition to lighting and additional CCTV coverage, the emergency exit doors were found to be particularly vulnerable. The compromise of these doors would lead to a breach of the station, making it possible to plant an improvised explosive device or secret other devices or individuals that could do harm to passengers, employees and equipment, causing a shut down of the Metrorail system. By properly securing these doors with magnetic, electric door locks, this breach of security could be eliminated. If these stations continued to be compromised, it will have a far reaching effect on all of Miami-Dade County.

Project Summary (Scope of Work)

The project focuses on securing the emergency exits with locks that cannot be compromised as the exisiting locks can be. This is imperative for the safety of our passengers and the critical infrastructure of the Metrorail and Metro Bus passengers, as any improvised explosive device that would detonate would affect our bus travel and traffic as well.

Application for Funding Assistance

Florida Department of Law Enforcement
State Homeland Security Program

Section 3: Performance

General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 0001 - State Homeland Security Program Grants

State Purpose Area: 039E - Critical Infrastructure Protection/Target Hardening

Objectives and Measures

Objective: 039E.01 - Provide an explanation/description of progress made on this project during the reporting period. Also provide the anticipated completion date for the project.

Measure: Part 1

During the grant period will you complete the purchase of all items or services budgeted to complete the project?

Goal: Yes, Miami-Dade Transit will install "Locking Systems equipment for two (2) main rail stations: 14SW-01-PACS. MDT will also provide a performance report summarizing the status of each project and its progress on a quarterly basis.

Objective: 039E.02 - Provide detail of any encountered or anticipated obstacles that would hinder the completion of the project within the grant period.

Measure: Part 1

During the grant period will you report any encountered or anticipated obstacles that would hinder the completion of the project within the grant period?

Goal: Yes, Miami-Dade Transit will report any problem/concerns.

Application for Funding Assistance

Florida Department of Law Enforcement
State Homeland Security Program

Section 4: Financial

General Financial Info:

Note: All financial remittances will be sent to the Chief Financial Officer of the Subgrantee Organization.

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

FLAIR / Vendor Number: 596000573

Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	$0.00	$0.00	$0.00
Contractual Services	$42,000.00	$0.00	$42,000.00
Expenses	$28,000.00	$0.00	$28,000.00
Operating Capital Outlay	$0.00	$0.00	$0.00
Indirect Costs	$0.00	$0.00	$0.00
-- Totals --	**$70,000.00**	**$0.00**	**$70,000.00**
Percentage	**100.0**	**0.0**	**100.0**

Project Generated Income:

Will the project earn project generated income (PGI) ? No

Application for Funding Assistance

Florida Department of Law Enforcement
State Homeland Security Program

Section 4: Financial (cont.)

Budget Narrative:

Budget Narrative: 14SW-01-PACS

Target Hardening of Miami-Dade Transit Rail Stations. The following is a recommendation to improve on the safety and security at the rail stations.

Install:
Magnetic Door Lock
Plunger Bolt for Magnetic Door Lock
Delayed Egress Timer with Enclosure, Sounder and Signage
Stainless Steel Keyswitch Single Gang Plate with ILCO 5-Pin Mortise Cylinder Lock
Zone Annuciator Panel and Sounder at Security Desk
Conduit.

Budget Category:
Expenses:

-Equipment/Materials (2)-AMAG Locking Systems
$14,000-unit cost per item
$14,000
Total: $28,000

Contractual Services:
-Labor $42,000

Total Costs: $70,000

Application for Funding Assistance

Florida Department of Law Enforcement
State Homeland Security Program

Section 4: Financial

Section Questions:

Question: Indicate your agency's Operating Capital Outlay threshold.

Answer: 1000

Question: Provide a statement of your Procurement Process for the items included in the budget of the grant. (GSA or State Contract, formal bid process, etc.)

Answer: The Department of Procurement uses a varity of competitive methods to acquire goods and services for the County. They work closely with departments to obtain what is needed at the best price. The County uses some key methods to acquire goods and services for our customers:-The standard method Miami-Dade County uses to acquire goods or services is the Invitation to Bid (ITB) process. They look at the lowest price on specified goods and service. Price is the primary basis for award. -Some acquistions call for the Request for Proposals (RFP) and Request for Qualification (RFQ) process. Contract award for RFPs and RFQs is not based on solely upon process. Other factors, such as qualifications and experience of principles and staff; methodology and management approach; understanding of the project and the County's objective; technical superiority; financial stability; experience; and history of the firm, among others are taken into consideration.

Although the County prefers a competitive process to acquire goods and services, in unusual circumstances, where the claim can be adequately justified, a Bid Waiver or a Sole Source process may be used.

Question: Have you included the Authorized Equipment List (AEL) # for each item in the budget narrative? (please see the Responder Knowledge Base at https://www.rkb.us/)

Answer: Yes, AMAG Locking Systems for 2 main rail stations: 14SW-01-PACS

Application for Funding Assistance

Florida Department of Law Enforcement

Law Enforcement Terrorism Prevention/State Homeland Security and Buffer Zone Protection Program

Standard Conditions

Standard Conditions of agreement set forth herein require compliance by subgrantees/subrecipients (individuals and/or organizations receiving Federal financial or property assistance through the direct recipient of Federal funds), implementing agencies and state agencies upon signed acceptance of the subgrant award. Units of government and other organizations receiving Federal financial assistance from the State shall adhere to applicable State laws and procedures except where inconsistent with Federal statutes and guidelines. The circulars and government-wide common rules specific to that organization-type also apply. Upon approval of this subgrant, the approved application and the following Standard Conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project.

Recipients are urged to carefully review and understand all terms and conditions of the award prior to award acceptance. Failure to comply with these terms and conditions may result in disallowance of costs and recovery of funds and/or suspension or termination of funds and/or award.

The subrecipient agrees to comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Homeland Security Financial Management Guide and the U. S. Department of Homeland Security, Office for Domestic Preparedness Homeland Security Grant Program Guidelines and must support the goals and objectives included in the State Homeland Security Strategy for Florida. The Financial Guide incorporates by reference the provisions of the Office of Management and Budget (OMB) circulars and government-wide common rules applicable to grants and cooperative agreements. The subgrant recipient agrees to comply with all federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars, as applicable:

Administrative Guidelines:

OMB Circular A-102, **Grants and Cooperative Agreements with State and Local Governments.** This Circular establishes consistency and uniformity among Federal agencies in the management of grants and cooperative agreements with State, local, and Federally recognized Indian tribal governments.

OMB Circular A-110, **Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations.** This Circular establishes administrative requirements for Federal grants and agreements awarded to commercial organizations, institutions of higher education, hospitals, and other non-profit organizations.

Cost Guidelines:

OMB Circular A-21, **Cost Principles for Educational Institutions.** This Circular establishes principles for determining costs applicable to grants, contracts, and other agreements with educational institutions.

OMB Circular A-87, **Cost Principles for State, Local and Indian Tribal Governments.** This Circular establishes principles and standards for determining costs for Federal awards carried out through grants, cost reimbursement contracts, and other agreements with State, local and Federally recognized Indian tribal governments.

OMB Circular A-122, **Cost Principles for Non-Profit Organizations.** This Circular establishes principles for determining costs of grants, contracts and other agreements with non-profit organizations. It does not apply to colleges and universities, which are covered by Office of Management and Budget (OMB) Circular A-21, "Cost Principles for Educational Institutions"; State, local, and Federally recognized Indian tribal governments, which are covered by OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments"; or hospitals.

Code of Federal Regulations,Title 48 Federal Acquisition Regulations Systems, Chapter 1, Part 31, **Contract Cost Principles and Procedures.** This part is to be used by commercial organizations and

contains cost principles and procedures for cost analysis and the determination, negotiation and allowance of costs.

Audit Guidelines:

OMB Circular A-133, **Audits of States, Local Governments, and Non-Profit Organizations**. This Circular provides requirements regarding audits of ***State, local and tribal governments and non-profit organizations*** (the Single Audit Act), in addition to the circulars for cost principles. This Circular requires that non-Federal entities that expend $500,000 (effective January 1, 2004) or more of total Federal funds in their fiscal year shall have a single or program-specific audit conducted for that year. Guidance on determining Federal awards expended is provided in **Section 205** of this Circular.

Unless prohibited by law, the costs of audits made in accordance with the provisions of this requirement are allowable charges to Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with the provisions of applicable OMB cost principles circulars, the Federal Acquisition Regulation (FAR) (48CFR parts 30 and 31), or other applicable cost principles or regulations.

For those organizations not subject to the A-133 requirements, records must still be available and complete for review or audit by appropriate officials or representatives of the Federal agency, pass-through entity, and Government Accountability Office (GAO). These organizations shall have financial and compliance audits conducted by qualified individuals who are organizationally, personally, and externally independent from those who authorize the expenditure of Federal funds to ensure that there is no conflict of interest or appearance of conflict of interest.

The cost of auditing a non-Federal entity that has Federal awards expended of less than $500,000 per year and is thereby exempted under the A-133 requirement may not charge such costs to their Federal award (http://www.whitehouse.gov/omb/circulars/index.html.)

Statutory Authority – Public Law 110-412: To amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes. <<NOTE: Oct. 14, 2008 - [H.R. 6098]>>(http://www.gpoaccess.gov/plaws/index.html.)

1. **Reports**

   a. Project Performance Report:

   Project Performance Reports are to be submitted on a quarterly basis as follows:

Reporting period:	January – March	April-June	July-September	October-December
Deadline:	April 10	July 10	October 10	January 10

   b. Project Expenditure Report (PER):

   Subgrantees may submit PERs monthly or quarterly. All reports are due 31 days after the end of the reporting period. The final PER is to be submitted upon close out of the grant. All reporting and special conditions must be satisfied prior to reimbursement. Failure to comply with the above provisions shall result in forfeiture of reimbursement.

2. **Project Closeout**

   Project funds that have been properly obligated by the end of the subgrant funding period will have *45 days* in which to be liquidated. Unspent funding after the *45-day* period will revert to the Department. A subgrant funded project will not be closed out until the subgrant recipient has satisfied all closeout requirements.

   All refunds or repayments made to the Department under this agreement are made payable to the order of Florida Department of Law Enforcement and mailed to the following address:

Office of Criminal Justice Grants
Attention: Criminal Justice Initiatives Unit
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, FL 32308

3. **Fiscal Control and Fund Accounting Procedures**

The subrecipient must establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project must be disbursed according to provisions of the project budget as approved by the Department. All funds not spent according to this agreement will be subject to repayment by the subgrant recipient.

4. **Allowable Costs**

a. Allowance for costs incurred under the subgrant shall be determined according to the general principles of allowability and standards for selected cost items set forth in the *Financial Management Guide*, U.S. Department of Homeland Security Common Rule for State And Local Governments and federal OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments", or OMB Circular A-21, Cost Principles for Educational Institutions, FY 2008 Homeland Security Grant Program Guidelines and Application Kit. Allowable costs are those costs identified in the circulars, as noted herein, and in the grant program's authorizing legislation. In addition, costs must be reasonable, allocable, necessary to the project, and comply with the funding statute requirements. It is important to note that costs that are allowable under one program may be specifically prohibited under another. Additionally, allowable items may change from one fiscal year to another, so it is important to verify allowable costs with Standard Conditions specific to the fiscal year funding.

b. All procedures employed in the use of federal funds for any procurement shall be according to the *OMB Circular A-110* and Florida law to be eligible for reimbursement.

c. Programs that include the purchase of equipment, recipients are encouraged to review the Interagency Board's (IAB) Standardized Equipment List (SEL) and the Authorized Equipment List (AEL) (http://www.rkb.mipt.org.) If State agencies and/or local governments have questions concerning the eligibility of equipment not specifically addressed in the AEL, they should contact their Program Manager or Preparedness Officer for clarification.

5. **Travel and Training**

a. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.

b. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

6. **Written Approval of Changes in this Approved Agreement**

Subgrant recipients shall obtain approval from the Department for major substantive changes. These include, but are not limited to:

a. Changes in project activities set forth in the approved agreement;

b. Budget deviations that do not meet the following criterion. That is, a subgrant recipient may transfer funds between budget categories as long as the total amount of transfer does not exceed ten (10) percent of the total approved budget and the transfer is made to an approved budget item; or,

c. Transfers of funds above the ten (10) percent maximum shall be made only if a revised budget is

approved by the Department. Transfers do not allow for increasing the quantitative number of items documented in any approved budget item, i.e., increasing the quantity of equipment items in Operating Capital Outlay or Expense categories, or staff positions in the Salaries and Benefits category.) Under no circumstances can transfers of funds increase the total budgeted award

7. **Reimbursement Subject to Available Funds**

   The obligation of the State of Florida to reimburse subrecipients for incurred costs is subject to available federal funding.

8. **Advance Funding**

   Recipient organizations generally request funds based upon immediate disbursement requirements. Funds will not be paid in a lump sum, but rather disbursed over time as project costs are incurred or anticipated. Recipients should time their drawdown requests to ensure that Federal cash on hand is the minimum needed for disbursements to be made immediately or within a few days. Beginning with fiscal year 2005 funds, recipients may elect to drawdown funds up to 120 days prior to expenditure/disbursement. The Department strongly encourages subrecipients to draw down funds as close to expenditure as possible to avoid accruing interest.

   Advance funding may be authorized for each project according to Section 16.181(16)(b), Florida Statutes, the **OJP Financial Guide**, the **Homeland Security Grant Program Guidelines and Application Kit**. Advance funding shall be provided to a subgrant recipient upon a written request to the OCJG justifying the need for such funds and verification that equipment has been orders and is in route to the subrecipient.

   Fund requests from subrecipients create a continuing cash demand on award balances of the State. Idle funds in the hands of subrecipients will impair the goals of sound cash management. All recipients must develop procedures for the disbursement of funds to ensure that Federal cash on hand is kept at a minimal balance.

9. **Excusable Delays**

   Except with respect to defaults of consultants, the subgrant recipient will not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include but are not limited to acts of God or of the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the subgrant recipient.

   If failure to perform is caused by failure of a consultant or third party to perform or make progress, and if such failure arises out of causes beyond the control of the subgrant recipient and the consultant, and without fault or negligence of either of them, the subgrant recipient will not be deemed in default, *unless*:

   a. Supplies or services to be furnished by the consultant were obtainable from other sources;

   b. The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources; and

   c. The subgrant recipient failed to reasonably comply with such order.

   Upon request of the subgrant recipient, the Department will ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule will be revised accordingly.

10. Obligation of Subgrant Funds

Subgrant funds must not be obligated prior to the effective date or subsequent to the termination date of the grant period. An obligation occurs when funds are encumbered, such as in a valid purchase order or requisition to cover the cost of purchasing an authorized item on or after the begin date and up to the last day of the subgrant period in the award. Any funds not properly obligated by the recipient within the grant award period will lapse and revert to the Department. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for funding under this subgrant. A cost is incurred when the subgrant recipient's employee or consultant performs required services, or when the subgrant recipient receives goods, notwithstanding the date of order.

11. Review of Consultant Contracts

Compensation for individual consultant services is to be reasonable and consistent with the amount paid for similar services in the market place. Consideration can be given to compensation, including fringe benefits, for those individuals whose employers do not provide the same. Time and effort reports are required for consultants. Competitive bidding for consultant services is encouraged. The contract period must be within the subgrant period.

12. Performance of Agreement Provisions

In the event of default, non-compliance or violation of any provision of this agreement by the subgrant recipient, the subgrant recipient's consultants and suppliers, or both, the Department will impose sanctions it deems appropriate including withholding payments and cancellation, termination or suspension of the agreement in whole or in part. In such an event, the Department will notify the subgrant recipient of its decision thirty (30) days in advance of the effective date of such sanction. The subgrant recipient will be paid only for those services satisfactorily performed prior to the effective date of such sanction.

All refunds or repayments to be made to the Department under this Agreement are to be made payable to the order of Florida Department of Law Enforcement and mailed directly to the Department at the following address:

Office of Criminal Justice Grants
Attention: Criminal Justice Initiatives Unit
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

13. Access to Records

The Florida Department of Law Enforcement; the U.S. Department of Homeland Security, Office of Domestic Preparedness; and the Auditor General of the State of Florida; the U.S. Comptroller General or any of their duly authorized representatives, will have access to books, documents, papers and records of the subgrant recipient, implementing agency and contractors for the purpose of audit and examination according to the U.S. Department of Homeland Security *Financial Management Guide*.

The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of Chapter 119, Florida Statutes, and made or received by the subgrant or its contractor in conjunction with this agreement.

14. Audit

a. Subgrant recipients and Implementing Agencies that expend $500,000 or more in a year in federal awards must have a single or program-specific audit conducted for that year. The audit must be performed in accordance with the federal OMB Circular A-133 and other applicable federal law. The

contract for this agreement must be identified with the subject audit in The Schedule of Federal Financial Assistance. The contract must be identified as federal funds passed-through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the subgrant recipient must submit an annual financial audit which meets the requirements of Chapters 11.45 and 215.97, Florida Statutes; and, Rules 10.550 and 10.600, Florida Administrative Code.

b. A complete audit report which covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report must include any management letters issued separately and management's written response to *all* findings; both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department and will be returned.

c. The subgrant recipient must have all audits completed by an independent public accountant (IPA). The IPA must be either a Certified Public Accountant or a Licensed Public Accountant.

d. The subgrant recipient and/or Implementing agency must take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.

e. The subgrant recipient and/or Implementing Agency must ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.

f. Subgrant recipients and/or Implementing Agencies that expend less than $500,000 in federal awards during a fiscal year are exempt from the audit requirements of OMB *Circular A-133* for that fiscal year. In this case, written notification must be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice must be provided to the Department no later than March 1 following the end of the fiscal year.

g. If this agreement is closed out without an audit, the Department reserves the right to recover any *disallowed costs* identified in an audit completed after such closeout.

h. The completed audit reports should be sent to the following address:

Office of Criminal Justice Grants
Attention: Criminal Justice Initiatives Unit
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

15. Retention of Records

The subgrant recipient must maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.

16. Ownership of Data and Creative Material

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the OMB Circulars A-110 or A-102, as applicable.

17. Property Accountability

The subrecipient agrees to use all non-expendable property for domestic security purposes during its useful life or request Department disposition.

The subrecipient must establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the U.S. Department of Homeland Security Financial Management Guide or the federal OMB Circulars A-110 or A-102, as applicable. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

18. Disputes and Appeals

The Department will make its decision in writing when responding to any disputes, disagreements or questions of fact arising under this agreement and will distribute its response to all concerned parties. The subgrant recipient must proceed diligently with the performance of this agreement according to the Department's decision.

If the subgrant recipient appeals the Department's decision, it must be submitted in writing to the Department's agency clerk within twenty-one (21) calendar days of receipt of notification. The sub-recipient's right to appeal the Department's decision is contained in Chapter 120, Florida Statutes, and in procedures set forth in Chapters 28-5 and 9-5, Florida Administrative Code. Failure to appeal within this time frame constitutes a waiver of proceedings under Chapter 120, Florida Statutes.

19. Conferences and Inspection of Work

Conferences may be held at the request of any party to this agreement. At any time, representatives of the Department and/or the U.S. Department of Homeland Security have the privilege of visiting the project site to monitor, inspect and assess work performed under this agreement. A recipient has full responsibility for the conduct of the project or activity supported and for the results achieved. The recipient must monitor the performance of the project to assure adherence to performance goals, time schedules or other requirements as appropriate to the project or the terms of the agreement. The recipient is responsible for monitoring the activities of and pass-through requirements to any subrecipients.

20. Publication or Printing of Reports

The subgrant recipient must submit one copy of all reports and proposed publications resulting from the agreement twenty (20) days prior to public release. Any publications (written, visual, or sound), whether published at the subgrant recipient's or government's expense, must contain the following statement: (NOTE: This excludes press releases, newsletters, and issue analysis.)

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21. Equal Employment Opportunity (EEO)

When implementing Grant Programs Directorate, U.S. Department of Homeland Security-funded activities, the subrecipient must comply with all federal civil rights laws, to include Title VI of the Civil Rights Act, as amended.

22. Americans with Disabilities Act 1990

Subgrantees must comply with the requirements of the Americans with Disabilities Act (ADA), Public Law (P.L.) 101-336, which prohibits discrimination by public and private entities on the basis of disability and requires certain accommodations be made with regard to employment (Title I), state and local government services and transportation (Title II), public accommodations (Title III), and telecommunications (Title IV). (Reference Title II of the Americans with Disabilities Act and Department