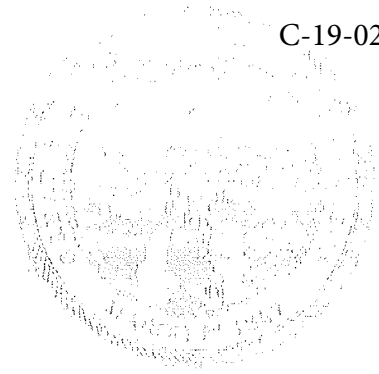


NEBRASKA

Good Life. Great Service.

COMMISSION ON LAW ENFORCEMENT
AND CRIMINAL JUSTICE



State of Nebraska, 1868

GRANT AWARD PACKET – FY 2018 J.A.G

Date: 2/28/2019
To: Sara Hoyle, Project Director
From: Lisa Stamm, Grants Division Chief
Re: FY 2018 JAG Grant Award Packet, Grant # 18-DA-309

Attached are the Grant Award and Special Conditions approved by the Nebraska Crime Commission Funding Panel Review on January 22, 2019. **Submit a PDF version of the signed documents by email to kristy.nguyen@nebraska.gov.** These documents must be returned to the Crime Commission within 30 days of the date of this memo. Signatures of the Authorized Official, Project Point Director, and Fiscal Point of Contact are required on both documents, and the Authorized Official must initial each page of the Special Conditions. Retain the originals and or a copy of these legal documents for your records.

Please review the **Special Conditions thoroughly** as this document outlines subrecipient reporting requirements, due dates and other legal obligations associated with the acceptance and use of federal funds from the Crime Commission. For your assistance various grant forms (i.e., Subgrant Adjustment Request, Cash Reports/Request Form, and Grant Activity Summary), instructions and training videos are available on the Crime Commission website at www.ncc.ne.gov.

All correspondence regarding this grant award including emails must identify the grant number listed above. Also, all project contact information must be on file at the Crime Commission and current at all times. Any updates or changes in the individuals identified as the Project Point of Contact, Project Coordinator, Fiscal Point of Contact or Authorized Official or their contact information (i.e., email address, phone #, etc.) must be submitted through a Subgrant Adjustment Request.

As a subrecipient of federal funds your organization is required to have a completed **EEOP Certification form submitted to the Federal Office of Civil Rights. A copy of this completed form must be provided to the Crime Commission within 30 days of the date of this memo.** The certification form and complete instructions are available on-line and can be found at <http://ojp.gov/about/ocr/pdfs/cert.pdf>. Per the instructions the completed certification should be emailed to EEOPForms@usdoj.gov. Please "cc" Kristy Nguyen (kristy.nguyen@nebraska.gov) on this email.

Questions about this award or the forms required should be directed to Lisa Stamm at Lisa.Stamm@nebraska.gov.

Darrell Fisher, Executive Director

Nebraska Commission on Law Enforcement and Criminal Justice

P.O. Box 94946

OFFICE 402-471-2194 FAX 402-471-2837

301 Centennial Mall South
Lincoln, Nebraska 68509

NCC.Website@Nebraska.gov

ncc.nebraska.gov



Nebraska Commission on Law Enforcement and Criminal Justice

Federal Grant Award

Form with fields: Sub-grantee: Lancaster County, Federal Grant Number: 2018-DJ-BX-0173, Date of Award: 02/28/2019, CFDA #: 16.738, Sub-grant Number: 18-DA-309, Department: U.S. Department of Justice, Federal Program: FY 2018 Edward Byrne Memorial Justice Assistance Grant Program, Project Title: Lancaster County - Diverting the School to Prison Pipeline, Grant Amount: Federal \$ 65,547, Match \$ 15,172, Total \$ 80,719

Approved Budget for Project

Table with 4 columns: CATEGORY, FEDERAL SHARE, MATCH SHARE, TOTAL PROJECT COST. Rows include Personnel, Consultants/Contracts, Travel, Supplies/Operating/Expenses, Equipment, Other, Indirect Cost, Total Amount, and % Contribution.

This award is subject to the General and Fiscal Conditions established by the Nebraska Commission on Law Enforcement and Criminal Justice and to the Special Conditions enclosed with this award as indicated below.

The grant period will be from October 1, 2018 to September 30, 2019 except as authorized by the Commission. To be a valid grant, this Grant Award must be signed and returned to the Commission within 30 days of receipt.

The subgrantee hereby attests and affirms that the required cash match will be designated, appropriated, and expended for the project within the duration of the Grant Period.

X

This award is subject to special conditions (enclosed).

Signature of Executive Director or Representative

Don Arp Jr., Executive Director 3-1-2019

Signature of Authorized Official (Mayor, County Board Chairman, Chair of Non-profit Board etc.) Jennifer Brinkman, Board Chair

Signature of Project Point of Contact Sara Hoyle

Sara Hoyle, Director 3-7-19

Signature of Fiscal Point of Contact (County Treasurer, City Clerk, etc.) Dennis Meyer, Director 3-7-19

Nebraska
Commission on
Law Enforcement
and
Criminal Justice

**Sub-grant-Special
Conditions 18 JAG Justice
Assistance Grant**

Form GA-3
Rev. 2/2019

Distribution:

*Original to Commission
One copy to Subgrantee*

<p>Sub-grantee: Lancaster county</p>	<p>Sub-grant Number: 18-DA-309</p>
<p>CFDA 16.738 Department of Justice FY 2018 Edward Byrne Memorial Justice Assistance Grant 2018-DJ-BX-0173</p>	<p>Sub-grant Title: Lancaster County – Diverting the School to Prison Pipeline</p>

This contract is subject to the standard conditions outlined in the applicable solicitation, grant application and the signed Certified Assurances.

Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2018 award from OJP. The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2018 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2018 award. For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("sub grantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("sub grantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333. In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

1. **Audits:** All audits will comply with the Single Audit Act of 1984, as amended. Audits for private non-profit agencies shall comply with Circular A-133.

Agencies and organizations receiving federal funds from various sources totaling \$750,000 or more during their Fiscal Year are required to have an annual audit. Total cost of the audit must be prorated among funding sources. Agencies and organizations receiving federal funds from various sources totaling less than \$750,000 during their Fiscal Year are not required to have an annual audit. However, a complete agency audit complying with the Single Audit Act of 1984, as amended, is highly recommended once every three years for private non-profit agencies receiving funding from the Crime Commission.

ONE Copy of the audit that includes a **Letter of Findings** is **required** to be submitted to the Crime Commission, if they are not part of the audit.

_____ initials of Authorized Official

Authorized representatives of the Crime Commission and the federal agencies associated with the federal funding source shall have access to and the right to examine all records, books, papers or documents related to this grant for the purpose of audit and examinations. All records shall be retained for five (5) years from the date of the final fiscal report unless an audit is in progress or the findings of a completed audit have not been resolved satisfactorily.

2. Acceptance of Grant Award and Special Conditions:

- a. Grant Award must be accepted; signed by the sub recipient's Authorized Official, the Project Director and the Fiscal Officer; and, returned to the Crime Commission within thirty (30) days from the date the Grant Award is mailed to the sub grantee, unless an exception is made by the Grant Administrator.
- b. Special Conditions must be accepted, signed by the sub recipient's Authorized Official, the Project Director and the Fiscal Officer, and returned to the Crime Commission within thirty (30) days from the date the Grant Award is mailed to the sub grantee, unless an exception is made by the Grant Administrator.
- c. Sub recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The sub recipient must maintain a Data Universal Numbering System (DUNS) number.
- d. Sub recipients receiving payments from the Crime Commission are required to receive payments via the Automated Clearing House (ACH) payment. New sub recipients must complete paperwork to sign up for ACH payment and can find the form at <http://www.hhs.state.ne.us/forms/EFT.pdf>. This must be completed before funds can be received.

3. Accounting Procedures:

- a. Sub recipients must adhere to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted by the DOJ and supplemented in 2 C.F.R. Part 2800.
- b. Sub recipient shall implement and maintain an accounting system which accurately reflects income received expenditures, and documentation of expenditures. Each source of income must be accounted for separately and a clear audit trail for each source of funding must be maintained.
- c. Any award with matching funds, both cash or in-kind, must document match in the agency's accounting system. Match need not be applied at the exact time or in the required proportion to the obligation of Federal funds. However, the full matching share must be obligated by the end of the project period.
- d. A private non-profit agency awarded funds shall have two (2) members of the Board of Directors review, on a quarterly basis, all expenditures for the agency.
- e. If at any time an impropriety is found in the accounting or use of any funds received by the sub recipient, the Crime Commission must be notified immediately and informed about how the agency will address the problem.
- f. Sub recipients will maintain time records that comply with the Office of Management and Budget (OMB) A-87 Circular to clearly document the hourly activity of each grant funded or match funded position to show the actual percentage of time charged to the funding source. Records will be maintained by the sub recipient to document any differences between budgeted and actual federal and match personnel grant costs. Timesheets for grant funded positions should include the signature of the employee and their supervisor. Volunteer positions used as match are to be documented and, to the extent feasible, supported by the same methods used for employees. Refer to the following website for further details on the guidelines on accounting for personnel and other cost principles:
<https://ojp.gov/financialguide/DOJ/index.htm>
<https://ojp.gov/funding/Explore/SolicitationRequirements/MandatoryTermsConditions.htm>
- g. Office of Justice Program Financial Guidelines and Federal and/or State guidelines must be followed for _____ initials of Authorized Official

the purchase of equipment and or services and for the property management or disposal of equipment purchased with Federal funds. Property records for equipment purchased must be maintained which include a description, serial number, source, title holder, acquisition date, cost, percentage of federal dollars funded, location, and use and condition of the equipment. Sub recipients must adhere to written procurement procedures. If the agency does not have these they should defer to the State's procurement guidelines located at

http://das.nebraska.gov/materiel/purchase_bureau/docs/manuals/2017%20Procurement%20Manual.pdf

- h. Program income earned by the sub recipient must be approved by the Crime Commission. Program income, as defined by 2 C.F.R. 200.80, means gross income earned by a non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance. Without prior approval, program income must be deducted from total allowable costs to determine the net allowable costs. In order to add program income to an award, sub recipient must seek approval from the Crime Commission prior to generating any program income. Any program income added to an award must be used to support activities that were approved in the budget and follow the conditions of the award agreement. Any approved program income must be reported to the Crime Commission so that the income can be reflected on the Crime Commission's Federal Financial Report (SF-425) in accordance with the addition alternative. If the program income amount changes (increases or decreases) during the project period, the sub recipient must receive approval prior to the end of the project period in order to avoid possible audit findings for both the Crime Commission and the sub recipient
- i. Sub recipient agrees that if they receive any funding that is duplicative of funding received under this award, they will notify the Crime Commission immediately to eliminate any duplication. Further, the sub recipient agrees and understands that any duplicative funding that cannot be re-programmed to support non-duplicative activities within the program's statutory scope must be DE obligated and returned to the Crime Commission.

4. Reporting Requirements:

- a. Performance Measure Tool Data is due by the 15th month following the end of each quarter during the grant period.
- b. Cash Report/Cash Requests are required quarterly. Reports are due by the last working day of the month following the end of each quarter. Grant payments are on a reimbursement basis. Reimbursement cannot be made until financial documentation from the sub recipient has been approved by the Crime Commission. The final Cash Report reflecting the total grant expenditures and amount reimbursed is due no later than 45 days from the end of the grant period.
- c. To assure that expenditures are proper and in accordance with the terms and conditions of the award and approved project budget, Cash Reports/Cash Requests under this award must be signed by an official who is authorized to legally bind the entity and to certify to the best of their knowledge and belief that the report is true, complete and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms of conditions of the award. Any false, fictitious, or fraudulent information, or the omission of any material fact, may subject the individual to criminal, civil or administrative penalties for fraud, false statements, false claims or others (U.S. Code, Title 18, Section 1001 and Title 231, Sections 3729-3730 and 3801-3812).
- d. Regardless of the start date of the grant project, quarterly reports are due for normal quarters as listed:
 - Jan. – March (due last working day of April)
 - April – June (due last working day of July)
 - July – Sept. (due last working day of Oct.)
 - Oct. – Dec. (due last working day of Jan.)
- e. Sub recipients that are non-profits must certify their non-profit status.
- f. All non-profit sub recipients are required to make their financial statements available online (either on the sub recipient's website or another publically available website). Sub recipient organizations that have

_____ initials of Authorized Official

federal 501(c)(3) tax status will be considered as in compliance with this requirement, to the extent that such organization files IRS Form 990 or equivalent, as several sources already provide searchable online databases of such financial statements.

5. Use of Federal Grant Funds:

- a. The Sub recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor or other person has either 1) submitted a false claim for grant funds under the False Claim Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds; 3) require any employee or contractor to sign an internal confidentiality agreement that prohibits or restricts from reporting fraud, waste or abuse. Potential fraud, waste, abuse or misconduct should be reported. In addition, the sub recipient must notify the Crime Commission. For more information on how to submit a claim go to:
http://www.justice.gov/sites/default/files/civil/legacy/2011/04/22/C-FRAUDS_FCA_Primer.pdf
- b. Federal grant funds will not be used to supplant State, local or any other funds that would otherwise be available. The agency's budget cannot decrease as a result of grant dollars. If an existing employee is assigned to this project and their salary is paid with grant funds, his or her position must be backfilled. The agency's personnel cannot decrease as a result of this grant project.
- c. No State/Federal grant funds shall be used for costs existing prior to or after the grant period, unless a pre-award cost rate has been approved.
- d. Federal and matching funds are to be used for the purpose stated in the approved grant application. Any changes must be approved by the Crime Commission prior to the change taking place.
- e. Federal funds cannot be used for lobbying. If matching funds are used for lobbying, a disclosure report shall be submitted to the Crime Commission.
- f. No other Federal funds shall be used to meet the match requirement.
- g. No Federal funds will be used for land acquisition.
- h. No Federal funds are to be used for entertainment, fines and penalties, Visa fees, Passport charges, bar charges/Alcoholic beverages, or membership fees.
- i. Crime Commission funding cannot be placed in interest bearing accounts by private non-profit agencies.
- j. Sub recipient at any tier agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of no food and/or beverages at such events, and costs of attendance. Information on pertinent laws, regulations, policies and guidance is available at <http://www.ovw.usdoj.gov/grantees.html>
- k. Sub recipient at any tier, must copy with all applicable restrictions on the use of federal funds set out in federal appropriations statues. Pertinent restrictions, including from various "general provisions" in the consolidated appropriations Act, 2016, are set out at <https://oip.gov/funding/Explore/FY17AppropriationsRestrictions.htm>, and are incorporated by reference here.

6. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination-28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

7. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination-28 C.F.R. Part 54

_____ initials of Authorized Official

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

8. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination-28 C.F.R. (Part 38)

- a. The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.
 - b. Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.
 - c. The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current data."
9. Sub recipients, whose projects, personnel or sub awards become involved in any litigation, whether civil or criminal, shall immediately notify the Crime Commission and forward a copy of any demand notices, lawsuits, or indictments to the Commission.
10. Sub recipient acknowledges that failure to submit an acceptable EEOP (if sub recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the sub recipient is in compliance.
11. Sub recipient should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. Sub recipients should consult local counsel in reviewing employment practices and if warranted, an analysis of the use of arrest and conviction records should be incorporated into the sub recipient's Equal Employment Opportunity Plan. More information on Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964 (June 2013), is available at http://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf.
12. The recipient, and any sub recipient ("sub grantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of the recipients, sub recipients ("sub grantees"), or individuals defined (for the purposes of this condition) as "employees" of the recipient or any sub recipient. The details of the sub recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Awarded condition: Prohibited conduct by recipients and sub recipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated and referenced here.
- 13. Restrictions and certifications regarding non-disclosure agreements and related matters.**
- a. No sub recipient or sub award under this award may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. The foregoing is not intended to contravene requirements applicable to any form issued by a federal department or agency governing the nondisclosure of classified information.
 - b. Under this award if the sub recipient does or is authorized to make sub awards or contracts – It represents that --

_____ initials of Authorized Official

- 1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a sub award, contract, or subcontract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - 2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
14. The recipient (and any sub recipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant. The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712. Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.
 15. The Subgrantee at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients, or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient. The details of the recipients obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm>.
 16. Compliance with 28 C.F. R. Part 23 - With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.
 17. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, the recipient (and any sub recipient at any tier) must comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular award. The recipient shall conform to the Global Standards package (GSP) and all constituent elements, where applicable, as described at https://it.ojp.gov/gsp_grantcondition. The recipient shall document planned approaches to information sharing and describe compliance to the USP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
 18. The recipient's monitoring responsibilities include monitoring of sub recipient compliance with applicable federal civil rights laws and nondiscrimination provisions. Within 90 days of the date of award acceptance, the recipient must for sub recipient monitoring with respect to civil rights requirements. In addition, upon request by OJP (or by another authorized federal agency), the recipient must make associated documentation available for review. The details of the recipient's obligations related to Methods of Administration are posted on the OJP website at <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm> (Award condition: "Methods of Administration" – Requirements applicable to States (FY2017 Update)), and are incorporated by reference here.
 19. Sub recipient agrees to attend Grant Management Training sponsored by the Crime Commission, as indicated by the grant program.

_____ initials of Authorized Official

20. Sub recipient agrees to comply with any additional requirements that may be imposed as a result of grant performance and that the misuse of award funds may result in a range of penalties, including suspension of current and future funds, recoupment of money provided under an award, and civil and/or criminal penalties.
21. Sub recipient agrees that any publication (written, visual, or audio) funded in whole or in part with federal or state funds shall contain the following statement: "This project was supported by sub grant No. _____ awarded by the Nebraska Crime Commission and points of view or opinions contained in this document are those of the author and do not necessarily represent the official position or policies of the Commission or the . . . (identify source of federal funds)." When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal or state money, all sub recipients receiving funds shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal or State money, and (2) the dollar amount of Federal or State funds for the project or program.
22. Sub recipient understand and agrees that – (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal or local law enforcement agency or any other entity carrying out criminal investigations, prosecution or adjudication activities.
23. If at any time during the grant period the sub recipient is barred from doing business with the Federal Government, the Crime Commission shall be notified by the subgrantee in writing.
24. Sub recipient agrees to obtain advance written approval from the Crime Commission before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyright work, or portion thereof, into a new work developed under this award.
25. All agencies who are participants in the awarded project shall establish and maintain a drug free workplace policy.
26. Sub recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or agreement to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of the Nebraska Crime Commission.
27. Sub recipients funded for \$25,000 or more and, in certain circumstances, agree to comply with applicable requirements to report the names and total compensation of the five most highly compensated executives of the sub recipient. Such data will be submitted to the Federal Funding Accountability and Transparency Act of 2006 (FFATA), Sub award Reporting System (FSRS). The details of the Crime Commission obligations, which derive from the FFATA, are posted on the Office of Justice Programs web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award Condition: Reporting Sub awards and Executive Compensation), and are incorporated by reference here.
28. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the sub recipient is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
29. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000.
30. The sub recipient, and any sub recipient ("sub grantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (\$150,000). This condition applies to agreements that—for the purposes of federal grant administrative requirements—OJP considers a procurement "contract" (and therefore does not consider a sub award).

_____ initials of Authorized Official

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP website at <http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated in reference here.

31. Sub recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. Potential fraud, waste, abuse or misconduct should be reported. In addition, the sub recipient must notify the Crime Commission. For more information on how to submit a claim go to www.usdoj.gov/oig.
32. Sub recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R. Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110).
33. All contracts that are written must go through a procurement process.
 - i. State agencies must follow the procurement process that is governed by DAS: <http://das.nebraska.gov/material/purchasing/infogovt.html>.
 - ii. Counties must follow the Nebraska state statute: <http://www.nebraskalegislature.gov/laws/statutes.php?statute=23-3108&print=true>.
 - iii. For all other agencies (non-profit, cities, etc.) must follow their written procurement process and if a procurement process is not in place, then the entity must use the State's Procurement Process.
34. A recipient that is eligible under the Part 200 Uniform Requirements to use the de Minimis indirect cost rate, must advise the Crime Commission in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The de Minimis" rate may be applied only to modified total direct costs and must be approved by Program Administration.
35. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees) The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.
36. Protection of human research subjects- The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
37. Confidentiality of data- The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.
38. Submission of eligible records relevant to the National Instant Background Check System Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other

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records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS relevant "eligible records". In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this conditions.

39. The sub grantee understands and agrees that it cannot use federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.
40. The sub grantee agrees to compile with the National Environmental Policy and Act (NEPA) and other related federal environmental impact analysis requirements in the sue of grant funds. The activities covered under these conditions would be new construction; renovations or remodeling, implementation of a new program that involves use of chemicals that are not traditionally used.
41. The sub grantee must compile with the provisions of the NEPA relating to clandestine methamphetamine laboratory operations. No funds from this award or match funds may be obligated to support meth lab operations.
42. The sub grantee agrees to comply with all reporting, data collection and evaluation requirements as prescribed by the Nebraska Crime Commission. Please be advised due to changes in federal programs, different performance measures or reporting methods, not limited to submission procedures, may be required at any time during the project period. All sub grantees must take the required steps to address all reporting changes.
43. All sub grantees agree that any information technology system funded or supported by funds will comply with C.F.R., Part 23, and Criminal Intelligence Systems Operating Policies
 - a. The sub grantee agrees that federal and match funds cannot be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Funds cannot be used for: vehicles; vessels; aircraft; luxury items; real estate; construction projects or any similar matters.
 - b. All sub grantees agree within the first 60 days of award any law enforcement task force funded with these funds or match funded positions (ex: taskforce commander, agency executive, task force officers and other task force members of equivalent rank) will complete the required online (internet-based) taskforce training provided through BJA's Center for Task Force Integrity and Leadership. To log onto the training, you will need to go www.ctfi.org. A copy of the certifications of completion will need to be provided to the Nebraska Crime Commission and the original will need to be kept with grant records.
 - c. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
 - d. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.
 - e. Certification of body armor "mandatory wear" policies
The recipient agrees to submit a signed certification that all law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any sub recipients planning to utilize funds from this award for ballistic-resistant and stab resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor.

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There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

- f. Body armor - compliance with NIJ standards
Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.
- g. Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

44. Compliance with 8 U.S.C. 1373 is required.

1. With respect to the "program or activity" funded in whole or part under this award (including any such "program or activity" of any sub recipient at any tier), throughout the period of performance for the award, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in 8 U.S.C. 1373(b). For purposes of this award, any prohibition (or restriction) that violates this condition is an "information-communication restriction."
2. Certifications from sub recipients. The recipient may not make a sub award to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the sub award, using the appropriate form available at:

https://ojp.gov/funding/Explore/pdf/18JAGSt_1373Sub_local.pdf
3. Similarly, the recipient must require that no sub recipient (at any tier) may make a further sub award to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the further sub award, using the appropriate OJP form.
https://ojp.gov/funding/Explore/pdf/18JAGSt_1373Sub_IHE.pdf
4. The recipient's monitoring responsibilities include monitoring of sub recipient compliance with the requirements of this condition.
5. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) that the recipient, or any sub recipient at any tier that is a State or local government or a "public" institution of higher education, incurs to implement this condition.
6. Rules of Construction
 - A. For purposes of this condition:
 - (1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe.

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- (2) A "public" institution of higher education is one that is owned, controlled, or directly funded by a State or local government.
- (3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).
- (4) "Immigration status" means what it means for purposes of 8 U.S.C. 1373 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and terms that are defined in 8 U.S.C. 1101 (Immigration and Nationality Act) mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 42U.S.C. 901(a)(2)).
- (5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 are to be read as references to particular components of the Department of Homeland Security (DHS).

B. Nothing in this condition shall be understood to authorize or require any recipient, any sub recipient at any tier, any State or local government, any "public" institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

45. Authority to obligate award funds contingent on compliance with 8 U.S.C. 1373; unallowable costs; obligation to notify if the recipient is a State or local government--

1. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any sub recipient at any tier that is either a State or unit of local government or a "public" institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."
2. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the "program or activity" of the recipient (or of any sub recipient at any tier that is either a State or unit of local government or a "public" institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any "information-communication restriction."
3. Any drawdowns of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance."
4. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded "program or activity" of the recipient, or of any sub recipient at any tier that is either a State or a local government or a "public" institution of higher education, may be subject to any "information-communication restriction." In addition, any sub award (at any tier) to a sub recipient that is either a State or a local government or a "public" institution of higher education must require prompt notification to the entity that made the sub award, should the sub recipient such credible evidence regarding an "information-communication restriction."
5. Any sub award (at any tier) to a sub recipient that is either a State or a local government or a "public" institution of higher education must provide that the sub recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the sub recipient (or of any further such sub recipient at any tier) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

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6. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a sub recipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of sub recipient compliance with the requirements set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required."

7. Rules of Construction

- A. For purposes of this condition "information-communication restriction" has the meaning set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required."
- B. Both the "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.
- C. NOTE: Current DHS practice is to use one form (DHS Form I-247A (3/17)) for two distinct purposes -- to request advance notice of scheduled release, and to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition imposes NO requirements as to such DHS requests for detention.
- D. Both the "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

46. Required local-government-level rules or practices related to aliens; allowable costs

The following provisions apply to the recipient of this award, if the recipient is a unit of local government, and also apply to any local-government sub recipient of this award at any tier (whether or not the recipient itself is a unit of local government).

1. Requirements

With respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award—

- a. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, -policy, or -practice) must be in place that is designed to ensure that agents of the United States acting under color of federal law in fact are given access a local-government (or local-government-contracted) correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States.
- b. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, -policy, or -practice) must be in place that is designed to ensure that, when a local-government (or local-government-contracted) correctional facility receives from DHS a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and -- as early as practicable (see "Rules of Construction" incorporated by para. 4.B. of this condition) -- provide the requested notice to DHS.

2. Allowable costs

Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) of-- (1) developing and putting into place statutes, ordinances, rules, regulations, policies, and

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practices to satisfy this condition, (2) permitting access as described in para. 1.A. above, and (3) honoring any request from DHS that is encompassed by para. 1.B. above.

4. Rules of construction

A. The "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

B. The "Rules of Construction" set out in the award condition entitled "Required State-level rules or practices related to aliens; allowable costs" are incorporated by reference as though set forth here in full.

47. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

48. On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code. Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

49. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS"). The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

50. Withholding of funds: Research and evaluation independence and integrity

The recipient may not obligate, expend, or draw down any award funds until: (1) it has provided to the grant manager for this OJP award information regarding research and evaluation independence and integrity in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made (or agreed to) any adjustments to the award (including as to amount) that OJP may require to prevent, eliminate, mitigate, or otherwise adequately address any actual or apparent personal or financial conflict of interest on the part of the investigators or other staff/consultants engaged in the research/evaluation or organizational conflict of interest on the part of the recipient entity, and (4) a Grant Adjustment Notice has been issued to remove this condition. If this award is a "discretionary" award (i.e., not an award under a statutory "formula" program), the recipient understands and agrees that if it does not provide an adequate research and evaluation independence and integrity submission (as determined by OJP), or if it fails to implement (as determined by OJP) any safeguard included in its submission or required by OJP, this award may be terminated (without right of appeal), upon thirty (30) 'calendar days' advance written notice by OJP.

64. OJP FORM 4000/2 (REV. 4-88)

_____ initials of Authorized Official

I have read the above Special Conditions and understand they are part of the binding Grant Award.

Signature of Authorized Official _____ Date _____
(Mayor, Chair of County Board or City Council, Board Chair of Private Non-profit Agency).

NOTE: The Director of the Agency is NOT considered the authorized official for the signing of these Special Conditions.

Signature of Project Director Sara Hayle Date 3-7-19

Signature of Fiscal Officer [Signature] Date 3-7-19

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