# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: Oct	ober 21, 2008	[x]	Consent	[	]	Regular
Department:		[ ]	Ordinance	[	1	Public Hearing
Submitted By: Submitted For:			Sheriff's Office Sheriff's Office			

#### I. **EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to: A) Accept** on behalf of the Palm Beach County Sheriff's Office an agreement with the Port of Palm Beach District for reimbursement of Infrastructure Protection Activities, in the amount of \$675,000, associated with the Port of Palm Beach District's Vessel – Prevention/Detection Project for the period of August 1, 2008 to July 31, 2011; **B) Approve** a budget amendment in the amount of \$675,000 in the Sheriff's Grant Fund.

Summary: On August 18, 2008, the Port of Palm Beach District received an award from the United States Department of Homeland Security FY 2008 Port Security Grant to implement the Port of Palm Beach District's (PORT) Vessels – Prevention/Detection Project. On August 1, 2008 the Palm Beach County Sheriff's Office (PBSO) and the PORT entered into an agreement to expend the Port Security Grant Program funding in providing security service to the PORT. The objective of the project is to create a sustainable, risk-based effort for the protection of critical port infrastructure from terrorism, especially explosives and non-conventional threats that would cause major disruption to commerce and significant loss of life. Under this agreement, the Palm Beach County Sheriff's Office will receive \$675,000 in reimbursable funds for capital expenses associated with the project. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

Background and Justification: The Port Security Grant Program (PSGP) is one of five grant programs that constitute the Department of Homeland Security (DHS) Fiscal Year (FY) 2008 focus on infrastructure protection activities. The PSGP is one tool in the comprehensive set of measures authorized by Congress and implemented by the Administration to strengthen the Nation's critical infrastructure against risks associated with potential terrorist attacks. The vast bulk of US critical infrastructure is owned and/or operated by State, local and private sector partners. PSGP funds support increased port-wide risk management; enhanced domain awareness; training and exercises; and further capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IEDs) and other non-conventional weapons. The Catalog of Federal Domestic Assistance (CFDA) number is 97.056.

#### Attachments:

Budget Amendment     Memorandum of Understanding — PBSO's Use Of Port Section 1. Budget Amendment     So's Use Of Port Section 2. Budget Amendment	curity Grant Program Funds
RECOMMENDED BY:	9/2408
APPROVED BY: MINISTER DIRECTOR	DATE 10/7/08
ASSISTANT COUNTY ADMINISTRATOR	DATE

#### II. FISCAL IMPACT ANALYSIS

#### A. **Five Year Summary of Fiscal Impact: Fiscal Years** 2008 2009 2010 2011 2012 Capital Expenditures \$675,000 Operating Costs 0 External Revenues (\$675,000)Program Income (County) In-Kind Match (County) 0 **Net Fiscal Impact** 0 # Additional FTE **Positions** 0 (Cumulative) Is Item Included in Current Budget: YES NO X Budget Account No.: Fund 1152 Agency 160 Org 2143 Object 3129 Reporting Category \_\_\_ Recommended Sources of Funds / Summary of Fiscal Impact: В. Port of Palm Beach District's Vessel - Prevention/Detection Project is funded through the United States Department of Homeland Security FY 2008 Port Security Grant. There is no match requirement associated with this award. No additional positions are created, and no additional County funds are required. Port of Palm Beach District's Vessel – Prevention/Detection Project \$675,000 Total Program Budget \$675,000 Ш **REVIEW COMMENTS** A. **OFMB Fiscal and/or Contract Administration Comments:** Contract Administratio B. **Legal Sufficiency:** Assistant Couot Attorney C. Other Department Review:

This summary is not to be used as a basis for payment.

Department Director

#### BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY, FLORIDA BUDGET AMENDMENT

Page 1 of 1

FUND 1152 - Sheriff's Grants Fund

Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	
Revenues							
Port of Palm Beach D	Ditrict's Vessels - Prevention/Detection Project						
160-2143-3129	Federal Grant - Other Public Safety	0	0	675,000		675,000	
	TOTAL REVENUES	0	\$6,389,644	\$675,000	\$0	\$7,064,644	
Expenditures							
	Ditrict's Vessels - Prevention/Detection Project						
160-2143-9498	Transfer to Sheriff's Grant Fund		, <b>0</b>	675,000		675,000	
	TOTAL EXPENDITURES	0	\$6,389,644	\$675,000	\$0	\$7,064,644	
Palm Beach County S	Sheriff's Office	Signatures		Date			By Board of County Commissioners At Meeting of October 21, 2008
NITIATING DEPART	[MENT/DIVISION			9/24/1	<u>C</u>		
	get Department Approval			///			Deputy Clerk to the Board of County Commissioners
-diminatiation/bad	got bepartment Approval						
FMB Department -	Posted						

#### Memorandum of Understanding Agreement Between

### The Palm Beach County Sheriff's Office and the Port of Palm Beach District Regarding

Palm Beach County Sheriff's Office use of Port Security Grant Program Funds

- 1. PARTIES. The parties to this Agreement are the Palm Beach County Sheriff's Office (hereinafter the "PBSO") and the Port of Palm Beach District (hereinafter the "PORT").
- 2. AUTHORITY. This Agreement is authorized under the provisions of [applicable Area Maritime Security Committee authorities and/or other authorities].
- 3. PURPOSE. The purpose of this Agreement is to set forth terms by which PBSO shall expend Port Security Grant Program project funding in providing security service to the PORT. Under requested FY 2008 PSGP grant, PBSO must provide layered security to the PORT consistent with the approach described in an approved grant application.
- 4. RESPONSIBILITIES. The security roles and responsibilities of each party are understood as follows:
- (1). **PORT**:
  - (a) Provide security plans and measures in compliance with Maritime Transportation Security Act.
- (2). **PBSO**:
  - (a) Provide waterside patrol and surveillance within the jurisdiction of the PORT borders.
  - (b) Provide underwater IED prevention and detection
  - (c) Provide underwater search and rescue/recovery missions.
  - (c) Provide heightened waterborne security patrols through high MARSEC levels.
- 5. POINTS OF CONTACT.

#### PORT:

Kenneth L. Hern
Director of SeaPort Security
1 East 11<sup>th</sup> Street, Suite 400
Riviera Beach, Florida 33404
hern@portofpalmbeach.com
(561) 253-4810

#### PBSO:

Lt. Dan McBride Commander, Marine Enforcement 3228 Gun Club Road West Palm Beach, Florida 33406 mcbrided@pbso.org (561) 732-4715

6. OTHER PROVISIONS. Nothing in this Agreement is intended to conflict with current laws or regulations of the State of Florida or Palm Beach County. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

- 7. EFFECTIVE DATE. The terms of this agreement will become effective on the grant period start date.
- 8. MODIFICATION. This agreement may be modified upon the mutual written consent of the parties.
- 9. TERMINATION. The terms of this agreement, as modified with the consent of both parties, will remain effect until the grant end dates for an approved grant. Either party upon 30 days written notice to the other party may terminate this agreement.

APPROVED BY:

Ric L. Bradshaw, Sheriff

Palm Beach County Sheriff's Office

Kathy Andress, Interim Director Port of Palm Beach District



#### Department of Homeland Security, FEMA

Grant Programs Directorate

August 18, 2008

Washington, D.C. 20531

Mrs. Kathy Andress Port of Palm Beach District One East 11st Street, Suite 400 Riviera Beach, FL 33404

Dear Mrs. Andress:

I am pleased to inform you that the Grant Programs Directorate has approved the application for funding under the FY 2008 Port Security Grant Program in the amount of \$675,000 for Port of Palm Beach District. As part of the Department of Homeland Security's (DHS) Infrastructure Protection Activities (IPA), the FY 2008 PSGP is an important component of a coordinated. national effort to strengthen the security of America's critical infrastructure.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Jackie Jackson, Program Manager at (202) 786-9513;
- Financial and Payment Questions, Financial Accountability and Oversight Division (FAO) at (866) 927-5646, or send an email to ask-OGO@dhs.gov.

Congratulations, and we look forward to working with you.

Sincerely,

W. Ross Ashley, III

Assistant Administrator, Grant Programs Directorate

Énclosures

Department of Homeland Security FEMA	1
Grant Programs Directorate	
	PAGE 1 OF 4
	Grant
WWO SECONOMICS TO THE PROPERTY OF THE PROPERTY	
1. RECIPIENT NAME AND ADDRESS (Including Zip Code)	4. AWARD NUMBER: 2008-GB-T8-0032
Port of Paim Beach District One East 11st Street, Suite 400	
Riviera Beach, FL 33404	5. PROJECT PERIOD: FROM 08/01/2008 TO 07/31/2011
	BUDGET PERIOD: FROM 08/01/2008 TO 07/31/2011
	6. AWARD DATE 08/18/2008 7, ACTION
1A. GRANTEE IRS/VENDOR NO.	8. SUPPLEMENT NUMBER Initial
596001686	00
	9. PREVIOUS AWARD AMOUNT \$0
3. PROJECT TITLE	10. AMOUNT OF THIS AWARD \$ 675,000
FY 2008 Port Security Grant Program	
	11. TOTAL AWARD \$ 675,000
12. SPECIAL CONDITIONS	
THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH ( ON THE ATTACHED PAGE(S).	ONDITIONS OR LIMITATIONS AS ARE SET FORTH
13. STATUTORY AUTHORITY FOR GRANT	
This project is supported under Consolidated Appropriations Act, 2008, P.J.	No. 110-163
15. METHOD OF PAYMENT	
PAPRS	
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Department of Homeland Security FEMA Grant Programs Directorate

#### AWARD CONTINUATION SHEET Grant

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PROJECT NUMBER

2008-GB-T8-0032

AWARD DATE

08/18/2008

#### SPECIAL CONDITIONS

- The grantee and any subgrantee shall comply with all applicable laws, regulations and program guidance. A non-exclusive list of regulations commonly applicable to DHS grants are listed below, including the guidance:
  - A. Administrative Requirements
  - 1) OMB Circular A-102, State and Local Governments (10/07/94, amended 08/29/07) (44CFR Part 13)
  - OMB Circular A-110, Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (11/19/93, amended 09/30/99) (2 CFR Part 215)
  - B. Cost Principle:
  - 1) OMB Circular A-87, State and Local Governments (05/10/04)
  - 2) OMB Circular A-21, Educational Institutions (5/10/04)
  - 3) OMB Circular A-122, Non-Profit Organizations (5/10/04)
  - C. Audit Requirements
  - 1) OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations (6/24/97, includes revisions published in the Federal Register 6/27/03)
- Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the
  enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the
  express prior written approval of GPD.
- 3. The grantee is prohibited from obligating, expending or drawing down funds provided through this award until the required Budget Detail Worksheet and Budget Narrative are reviewed and approved by the Financial Accountability and Oversight Division (FAO) and a Grant Adjustment Notice (GAN) is issued removing this special condition.
- 4. The grantee is prohibited from obligating, expending or drawing down funds provided through this award until all applicable programmatic documents are provided to and approved by the program office and a Grant Adjustment Notice (GAN) is issued removing this special condition
- 5. The recipient agrees that all allocations and uses of the funds under this grant will be in accordance with the Fiscal Year 2008 Port Security Grant Program Guidance and Application Kit. Additionally, the recipient agrees that it will meet all applicable cost matching requirements provided in the FY 2008 Guidance.

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Department of Homeland Security Grant Programs Directorate

#### **AWARD CONTINUATION** SHEET Grant

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PROJECT NUMBER 2008-GB-T8-0032

AWARD DATE

08/18/2008

#### SPECIAL CONDITIONS

- 6. The following projects and costs are ineligible for funding and such costs are unallowable under the Port Security Grant

a. Projects that are awarded to Ferry systems participating in the FY 2008 Transit Security Grant Program (TSGP); b. The development of risk/vulnerability assessment models and methodologies; c. Projects in which Federal agencies are the primary beneficiary or that enhance Federal property; d. Projects that study technology development for security of national or international cargo supply chains (e.g., e-seals, smart containers, container tracking, container intrusion detection devices);

- e. Proof-of-concept projects;

  f. Projects involving training and exercises that do not meet MTSA standards and/or requirements set by MTSA or DHS;
- p. Projects that do not provide a compelling security benefit (e.g., primarily economic or safety vs. security);
  h. Projects that duplicate capabilities being provided by the Federal government (e.g., vessel traffic systems, etc.);
  i. Projects in which there are unresolved real or apparent conflicts of interest;
  j. Personnel costs (except for direct management and administration of the grant award, (i.e., preparation of manda

- post-award reports);
  k. Business operating expenses (certain security-related operational and maintenance costs are allowable. See "Specific Guidance on Security Operational and Maintenance Costs" in Sec. B.5 of the FY 2008 Port Security Grant Program Guidance and Application Kit for further guidance on exceptions);
  l. Transportation Worker Identification Credential card fees

- 1. Iransportation Worker Identification Credential card fees
  m. Signage, projects for placarding and billboards, or hard fixed structure signage
  n. Reimbursement of pre-award security expenses;
  o. Weapons and associated equipment (i.e. holsters, optical sights and scopes), including, but not limited to: non-lethal or less than lethal weaponry including long range acoustic and hailing devices, firearms, ammunition, and weapons affixed to facilities, vessels or other structures.;
  p. Outfitting facilities, vessels, or other structures with equipment or items providing a hospitality benefit rather than a direct security benefit. Examples of such equipment or items include, but are not limited to: office furniture, CD players, DVD players, AM/FM radios, etc.;
  q. Projects involving bridge infrastructure, roads, and nuclear power plants;
- Recipient agrees that commingling or adjustments of funds or projects from previous rounds of port security grant programs is not acceptable or allowed.
- 8. Neither repairs to existing equipment nor replacement equipment costs are funded. Equipment includes, but is not limited to, fencing, lighting, CCTV, access controls, etc.
- 9. All lighting must meet Occupational Safety and Health Administration (OSHA) requirements.
- Radiological detection equipment must be compliant with applicable national guidelines adopted by the U.S. Department of Homeland Security, including ANSI N323B-2003, ANSI N42.32-2003, ANSI N42.33-2003, and ANSI N42.35-2004.
- 11. The recipient agrees to submit a Categorical Assistance Progress Report (CAPR), per the PSGP 2008 Program Guidance and Application Kit and biannually and as a final report. CAPRs submitted for a biannual report should use Block 12 to describe the status of the project, and comparison of actual accomplishments to the objectives. Biannual CAPRs and the final CAPR should use Block 12 to address performance data identified in the PSGP 2008 Program. Guidance and Application Kit.

CAPRs must be filed online through the internet at http://grants.ojp.usdoj.gov. Guidance and instructions can be found https://grants.ojp.usdoj.gov/gmsHelp/index.html.

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Department of Homeland Security FEMA Grant Programs Directorate

#### AWARD CONTINUATION SHEET Grant

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PROJECT NUMBER 2008-GB-T8-0032

AWARD DATE

08/18/2008

#### SPECIAL CONDITIONS

- 12. As required by 2 CFR 215.25, the recipient shall notify the FEMA/GPD program office of developments that have a significant impact on award-supported activities, including changes in key project staff. If key project staff has not been designated in the recipient's approved application, recipient must request approval prior to hiring.
- The grantee and subgrantce must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements.
- The grantee and subgrantee must comply with FEMA's codified regulation 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- 15. The grantee is prohibited from obligating, expending or drawing down funds provided through this award until all applicable programmatic documents are provided for and approved by a DHS FEMA Environment and Historic Preservation (EHP) review and a Grant Adjustment Notice (GAN) is issued removing this special condition.

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## Department of Homeland Security FEMA Grant Programs Directorate

### GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY

Grant

PROJECT NUMBER PAGE 1 OF 1 2008-GB-T8-0032 This project is supported under Consolidated Appropriations Act. 2008, P.L. No. 110-161 1. STAFF CONTACT (Name & telephone number) 2. PROJECT DIRECTOR (Name, address & telephone number) Kenneth L. Hem Director of Scaport Security One East 11st Street, Suite 400 Riviera Beach, FL 33404 (561) 253-4810 3a. TITLE OF THE PROGRAM 3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE) FY 2008 Port Security Grant Program 4. TITLE OF PROJECT FY 2008 Port Security Grant Program 5. NAME & ADDRESS OF GRANTEE 6. NAME & ADRESS OF SUBGRANTEE Port of Palm Beach District One East 11st Street, Suite 400 Riviera Beach, FL 33404 7. PROGRAM PERIOD 8 BUDGET PERIOD FROM: 08/01/2008 TO: 07/31/2011 FROM: 08/01/2008 TO: 07/31/2011 9. AMOUNT OF AWARD 10. DATE OF AWARD \$ 675,000 08/18/2008 11. SECOND YEAR'S BUDGET 12. SECOND YEAR'S BUDGET AMOUNT 13. THIRD YEAR'S BUDGET PERIOD 14. THIRD YEAR'S BUDGET AMOUNT

#### 15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

Through this accord, the Port of Palm Beach District will use grant funding in the amount of \$675,000 from the FY 2008 Port Security Grant Program for costs related to the implementation of the Port of Palm Beach District's Vessels - Prevention/Detection project. These funds are intended to create a sustainable, risk-based effort for the protection of critical port infrastructure from terrorism, especially explosives and non-conventional threats that would cause major disruption to commerce and significant loss of life.

Project 1: Vessels - Prevention/Detection will be funded in the amount of \$675,000