

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: December 15, 2009 Consent Regular
 Ordinance Public Hearing

Department:
Submitted By: Palm Beach County Sheriff's Office
Submitted For: Palm Beach County 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 a National Institute of Justice FY 2009 Forensic DNA Unit Efficiency Improvement Program Grant in the amount of \$519,544 for the period October 1, 2009 through March 31, 2011; and (B) Approve a budget amendment of \$519,544 in the Sheriff's Grants Fund.

Summary: On September 23, 2009, the Palm Beach County Sheriff's Office (PBSO) received an award for the Forensic DNA Unit Efficiency Improvement Program. These funds will be used to for an evidence screening laboratory to improve the capacity and efficiency of the Forensic Biology Unit (FBU) of PBSO. The screening laboratory will be developed through renovation of existing space in the Boca Raton Police Services Department in which trained Laboratory Analyst will screen and process crime scene items before submission to the FBU. The Boca Raton Police Services Department will provide the required 25% match requirement associated with this award. No additional positions are needed and no additional County funds are required Countywide. (DW)

Background and Justification: The U.S. Department of Justice, Office of Justice Programs (OJP), National Institute of Justice (NIJ) FY 2009 Forensic DNA Unit Efficiency Improvement Program furthers the U.S. Department of Justice's mission by improving the efficiency and capacity of public forensic DNA laboratories through the development and adoption of an improved laboratory process, which may involve the purchase of LIMS systems, additional equipment or robotics, an expert system, or hiring additional personnel and/or contractors to help implement the innovative process. NIJ's objective is to publish successful and carefully evaluated novel efficiency improvement methodologies as models to be considered by other forensic science laboratories. The Catalog of Federal Domestic Assistance (CFDA) number is 16.741 and the grant number is 2009-DN-BX-K261.

Attachments:

- 1. Budget Amendment
- 2. Award Letter
- 3. Cooperative Agreement

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RECOMMENDED BY: [Signature] DEPARTMENT DIRECTOR 12/11/09 DATE

APPROVED BY: [Signature] ASSISTANT COUNTY ADMINISTRATOR _____ DATE

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2010 | 2011 | 2012 | 2013 | 2014 |
|---|-------------|-------------|-------------|-------------|-------------|
| Capital Expenditures | | | | | |
| Operating Costs | \$350,000 | \$169,544 | | | |
| External Revenues | (\$350,000) | (\$169,544) | | | |
| Program Income (County) | | | | | |
| In-Kind Match (County) | 0 | | | | |
| <hr/> | | | | | |
| Net Fiscal Impact | 0 | | | | |
| # Additional FTE Positions (Cumulative) | 0 | | | | |

Is Item Included in Current Budget: YES _____ NO X

Budget Account No.: Fund 1152 Agency 160 Org 2172 Object 3129

Reporting Category _____



B. Recommended Sources of Funds / Summary of Fiscal Impact:

The FY 2009 Forensic DNA Unit Efficiency Improvement Program grant is funded through the National Institute of Justice (NIJ). The Boca Raton Police Services Department will provide the required 25% match requirement associated with this award. No additional positions are needed and no additional County funds are required.


| | |
|--|------------------|
| FY 2009 Forensic DNA Unit Efficiency Improvement Program | <u>\$519,544</u> |
| Total | <u>\$519,544</u> |

III REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

| | |
|---|--|
|  OFMB <u>12/9/09</u> <i>12/16/09</i> <i>12/18/09</i> <i>12/17/09</i> |  Contract Administration <u>12/10/09</u> <i>E. Y. ... 12/10/09</i> |
|---|--|

B. Legal Sufficiency:


 Assistant County Attorney 12/14/09

C. Other Department Review:

 Department Director

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

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET AMENDMENT

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 | EXPENDED/ ENCUMBERED | REMAINING BALANCE |
|--|-------------------------------------|-----------------|--------------------|------------------|------------|--------------------|----------------------|-------------------|
| Revenues | | | | | | | | |
| FY2009 Forensic DNA Unit Efficiency Improvement Program 160-2172-3129 | Federal Grant - Other Public Safety | 0 | 0 | 519,544 | | 519,544 | | |
| | TOTAL REVENUES | 0 | \$1,825,176 | \$519,544 | \$0 | \$2,344,720 | | |
| Expenditures | | | | | | | | |
| FY2009 Forensic DNA Unit Efficiency Improvement Program 160-2172-9498 | Transfer to Sheriff's Grant Fund | 0 | 0 | 519,544 | | 519,544 | | |
| | TOTAL EXPENDITURES | 0 | \$1,825,176 | \$519,544 | \$0 | \$2,344,720 | | |

Attachment 1

Palm Beach County Sheriff's Office

Signatures

Date

By Board of County Commissioners
At Meeting of December 15, 2009

INITIATING DEPARTMENT/DIVISION

Administration/Budget Department Approval

OFMB Department - Posted

Deputy Clerk to the
Board of County Commissioners



Department of Justice
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 23, 2009

Sheriff Ric Bradshaw
Palm Beach County Sheriffs Office
3228 Gun Club Road
West Palm Beach, FL 33406-3001

Dear Sheriff Bradshaw:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the Solicitation for Forensic DNA Unit Efficiency Improvement in the amount of \$519,544 for Palm Beach County Sheriffs Office. This funding is for the project titled, "NIJ's FY 09 Forensic DNA Unit Efficiency Improvement Program."

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, Mark Nelson, Program Manager at (202) 616-1960; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Mary Lou Leary".

Mary Lou Leary
Acting Assistant Attorney General

Enclosures

Attachment 2



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

September 23, 2009

Sheriff Ric Bradshaw
Palm Beach County Sheriffs Office
3228 Gun Club Road
West Palm Beach, FL 33406-3001

Dear Sheriff Bradshaw:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEO Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEO reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEO and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEO, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEO specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEO, but it does not have to submit the EEO to OCR for review. Instead, your organization has to maintain the EEO on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEO requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEO, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice
Office of Justice Programs
Office of the Chief Financial Officer

Washington, D.C. 20531

September 23, 2009

Sheriff Ric Bradshaw
Palm Beach County Sheriffs Office
228 Gun Club Road
West Palm Beach, FL 33406 - 3001

Reference Grant Number: 2009-DN-BX-K261

Dear Sheriff Bradshaw:

I am pleased to inform you that my office has approved the following budget categories for the aforementioned grant award in the cost categories identified below:

| Category | Budget |
|-------------------------|-----------|
| Personnel | \$94,508 |
| Fringe Benefits | \$29,016 |
| Travel | \$0 |
| Equipment | \$72,568 |
| Supplies | \$10,554 |
| Construction | \$0 |
| Contractual | \$450,000 |
| Other | \$36,080 |
| Total Direct Cost | \$692,726 |
| Indirect Cost | \$0 |
| Total Project Cost | \$692,726 |
| Federal Funds Approved: | \$519,544 |
| Non-Federal Share: | \$173,182 |
| Program Income: | \$0 |

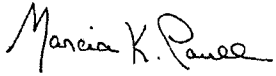
Match is required at 25% for this grant program. The required match has been met. The non-federal share that has been incorporated in the approved budget is mandatory and subject to audit.

If you have questions regarding this award, please contact:

- Program Questions, Mark Nelson, Program Manager at (202) 616-1960
- Financial Questions, the Office of Chief Financial Officer, Customer Service Center(CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Marcia K. Paull".

Marcia K. Paull
Chief Financial Officer



Department of Justice
Office of Justice Programs
National Institute of Justice

Cooperative Agreement

PAGE 1 OF 8

| | | | |
|---|--|--|----------------------|
| 1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Palm Beach County Sheriff's Office 3228 Gun Club Road West Palm Beach, FL 33406-3001 | | 4. AWARD NUMBER: 2009-DN-BX-K261 | |
| | | 5. PROJECT PERIOD: FROM 10/01/2009 TO 03/31/2011 BUDGET PERIOD: FROM 10/01/2009 TO 03/31/2011 | |
| 1A. GRANTEE IRS/VENDOR NO. 596000786 | | 6. AWARD DATE 09/23/2009 | 7. ACTION Initial |
| | | 8. SUPPLEMENT NUMBER 00 | |
| | | 9. PREVIOUS AWARD AMOUNT | \$ 0 |
| 3. PROJECT TITLE NJ FY 09 Forensic DNA Unit Efficiency Improvement Palm Beach County Sheriff's Office | | 10. AMOUNT OF THIS AWARD | \$ 519,544 |
| | | 11. TOTAL AWARD | \$ 519,544 |
| 12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S). | | | |
| 13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY09(NJ - COPS DNA/Forensics) Pub. L. No. 111-8, 123 Stat. 569, 583; 28 USC 530C | | | |
| 15. METHOD OF PAYMENT PAPRS | | | |
| AGENCY APPROVAL | | GRANTEE ACCEPTANCE | |
| 16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Mary Lou Leary Acting Assistant Attorney General | | 18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Ric Bradshaw Sheriff | |
| 17. SIGNATURE OF APPROVING OFFICIAL | | 19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL | 19A. DATE 9/25/09 |
| AGENCY USE ONLY | | | |
| 20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DN 60 00 00 519544 | | 21. IDNSGT0531 | |

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

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

Attachment 3



Department of Justice
Office of Justice Programs
National Institute of Justice

**AWARD CONTINUATION
SHEET**
Cooperative Agreement

PAGE 2 OF 8

PROJECT NUMBER 2009-DN-BX-K261

AWARD DATE 09/23/2009

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if 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 recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. 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 OJP.
5. The 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. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

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

e-mail: oig.hotline@usdoj.gov

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

or hotline fax: (202) 616-9881

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

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Department of Justice
Office of Justice Programs
National Institute of Justice

**AWARD CONTINUATION
SHEET**
Cooperative Agreement

PAGE 3 OF 8

PROJECT NUMBER 2009-DN-BX-K261

AWARD DATE 09/23/2009

SPECIAL CONDITIONS

6. Privacy; quality assurance; CODIS/NDIS

The recipient shall ensure that each DNA analysis conducted under this award is maintained pursuant to all applicable Federal privacy requirements, including those described in 42 U.S.C. section 14132(b)(3).

The recipient shall ensure that all DNA analyses conducted with funding under this award are performed either (1) by accredited government-owned laboratories, or (2) through accredited fee-for-service vendors. Accreditation must be by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community.

The recipient agrees to notify NIJ promptly upon any change in the accreditation status of any of the forensic science laboratories that receive funding under this award.

The recipient shall ensure that any laboratory that conducts DNA analyses under this program undergoes external audits, not less than once every two years, that demonstrate compliance with DNA Quality Assurance Standards established by the Director of the Federal Bureau of Investigation.

The recipient shall ensure that all eligible forensic DNA profiles obtained with funding under this award will be entered into the Combined DNA Index System (CODIS), and, where applicable, uploaded to the National DNA Index System (NDIS).

If any government-owned forensic laboratory that will receive funding under this award to conduct DNA analyses is not a member of NDIS, the laboratory must have a written agreement in place with an NDIS-participating laboratory for the resulting eligible forensic DNA profiles to be entered into CODIS, and where applicable uploaded into NDIS.

7. No research; nonsupplanting of State or local funds

The recipient shall ensure that none of the funds provided under this award are used for research or statistical projects or activities as defined by 28 CFR Part 22 or for research as defined by 28 CFR Part 46. Any questions concerning this provision should be directed to the NIJ Program Manager for the award.

The recipient shall ensure that Federal funds made available through this award will not supplant State or local government funds, but instead will be used to increase the amount of funds that would, in the absence of Federal funds, be available from State or local government sources for activities funded through this award.

The recipient agrees to notify NIJ promptly if the recipient receives new State or local government funding for any of the purposes included in the approved application for this award.

8. The recipient agrees to submit quarterly financial status reports to OJP. At present, these reports are to be submitted on-line (at <https://grants.ojp.usdoj.gov>) using Standard Form SF 269A, not later than 45 days after the end of each calendar quarter. The recipient understands that after October 15, 2009, OJP will discontinue its use of the SF 269A, and will require award recipients to submit quarterly financial status reports within 30 days after the end of each calendar quarter, using the government-wide Standard Form 425 Federal Financial Report form (available for viewing at www.whitehouse.gov/omb/grants/standard_forms/ffr.pdf). Beginning with the report for the fourth calendar quarter of 2009 (and continuing thereafter), the recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form, not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the grant period.

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Department of Justice
Office of Justice Programs
National Institute of Justice

**AWARD CONTINUATION
SHEET**
Cooperative Agreement

PAGE 4 OF 8

PROJECT NUMBER 2009-DN-BX-K261

AWARD DATE 09/23/2009

SPECIAL CONDITIONS

9. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on line-through the Internet at <https://grants.ojp.usdoj.gov/>.

The recipient agrees to collect and submit to NIJ semi-annual performance measure data as specified in the FY 2009 Forensic DNA Unit Efficiency grant announcement and the recipient's approved proposal.

The recipient agrees to promptly notify NIJ if the recipient receives new State or local government funding for any of the purposes included in the approved application for this award.

10. The award recipient shall provide all products specified in the proposal. In addition, ninety (90) days prior to the end of the project period, the recipient shall submit to NIJ the following documents in electronic format: (1) A Draft Final Report. The Draft Final Report shall describe the project's activities in sufficient detail to permit replication of the project; the methodology used during the project to collect and analyze performance measure data; modifications to or problems with the original project design; and findings and conclusions. (2) A 2,500 to 4,000 word Draft Summary suitable for publication and/or dissemination which describes the project, results, and findings and conclusions as to increased capacity for the DNA operations realized from the project. (3) A Draft 600 word Abstract. The abstract should serve as a succinct and accurate description of the project. Goals and objectives, project design, and methods for achieving the goals and objectives should be concisely described. The abstract should include statement of purpose, methods, results, and conclusions. The Draft Final Report, Abstract and Summary will be reviewed by NIJ. The recipient shall be responsive to the reviewers' comments and other issues raised in the review and understand that the review process has implications with respect to publication and dissemination decisions made by NIJ. The recipient shall make appropriate revisions to these documents based on the reviewers' comments.
11. The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due no later than 90 days following the close of this award period or the expiration of any extension periods. This report will be submitted to the Office of Justice Programs, on line-through the Internet at <https://grants.ojp.usdoj.gov/>.
12. Due to the substantial Federal involvement contemplated in completion of this project, the National Institute of Justice (NIJ) has elected to enter into a cooperative agreement rather than a grant. This decision is based on NIJ's ongoing responsibility to assist and coordinate projects that deal with DNA analysis and capacity enhancement, and certain other forensic activities. NIJ will provide input and re-direction to the program, as needed, in consultation with the recipient, and will actively monitor the project by methods including but not limited to ongoing contact with the recipient. In meeting programmatic responsibilities, NIJ and the recipient will be guided by the following principles: Responsibility for the day-to-day operations of this project rests with the recipient in implementation of the recipient's approved proposal, the recipient's budget (as approved by OJP and NIJ), and the terms and conditions specified in this award. Responsibility for general oversight and redirection of the project, if necessary, rests with NIJ. In addition to its programmatic reporting requirements, the recipient agrees to provide necessary information as requested by OJP and NIJ. These information requests may include, but are not limited to specific submissions related to: performance, including measurement of project outputs/outcomes; meeting performance specifications; developmental decision points; changes in project scope or personnel; budget modifications and/or coordination of related projects.
13. Cooperation in Evaluations. The recipient agrees to cooperate with NIJ, and any external evaluator selected by NIJ, in any assessments, project evaluations, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project. If deemed appropriate by NIJ, such evaluation and assessment activities may be conducted after the conclusion of the award period.

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Department of Justice
Office of Justice Programs
National Institute of Justice

**AWARD CONTINUATION
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SPECIAL CONDITIONS

14. To assist in information sharing, the award recipient shall provide the grant manager with a copy of all interim and final reports and proposed publications (including those prepared for conferences and other presentations) resulting from this agreement. Submission of such materials prior to or simultaneous with their public release aids NIJ in responding to any inquiries that may arise. Any publications (written, visual, or sound) - excluding press releases and newsletters - whether published at the recipient's or government's expense, shall contain the following statement: This project was supported by Award No. _____ awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice.

NIJ defines publications as any planned, written, visual or sound material substantively based on the project, formally prepared by the award recipient for dissemination to the public.

15. The recipient shall transmit to the grant manager copies of all official grant-related press releases at least ten (10) working days prior to public release. Advance notice permits time for coordination of release of information by NIJ where appropriate and to respond to press or public inquiries.
16. The Project Director and key program personnel designated in the application shall be replaced only for compelling reasons and with the concurrence of OJP. OJP will not unreasonably withhold concurrence. All successors to key personnel must be approved, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. Changes in other program personnel require only notification to OJP and submission of resumes, unless otherwise designated in the award document.
17. The recipient acknowledges that the Office of Justice Programs reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) the copyright in any work developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

The recipient acknowledges that the Office of Justice Programs has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward under this award.

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Department of Justice
Office of Justice Programs
National Institute of Justice

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Cooperative Agreement

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PROJECT NUMBER 2009-DN-BX-K261

AWARD DATE 09/23/2009

SPECIAL CONDITIONS

18. Patents and Inventions.

The clauses at 37 C.F.R. section 401.14 (together, the "Patents Rights Clause") are incorporated by reference, with the following modifications.

(1) Where italicized, the terms "contract," "contractor," and "contracting officer" are replaced, respectively, by the terms "award," "award recipient," and "OJP program manager";

(2) Patent Rights Clause paragraph (f) is modified by adding the following at the end:

"(5) The award recipient agrees to provide a report prior to the close out of the award listing all subject inventions or stating that there were none.

(6) The award recipient agrees to provide, upon request, the filing date, patent application number and title; a copy of the patent application; and patent number and issue date for any subject invention in any country in which the award recipient has applied for a patent.";

(3) Patent Rights Clause paragraph (g) is modified to read as follows:

"(g) Subawards and Subcontracts

"The award recipient will include this Patent Rights Clause, suitably modified to identify the parties, in all subawards and subcontracts, regardless of tier, for experimental, developmental, or research work. The subaward recipient or subcontractor will retain all rights provided for the award recipient in this clause, and the award recipient will not, as a part of the consideration for awarding the subaward or subcontract, obtain rights in the subaward recipient's or subcontractor's subject inventions."; and

(4) Patent Rights Clause paragraph (l) is modified to read as follows:

"(l) Communications

"Communications on matters relating to this Patent Rights Clause should be directed to the General Counsel, Office of Justice Programs, United States Department of Justice."

With respect to any subject invention in which the award recipient, or a subaward recipient or subcontractor, retains title, the Federal government shall have a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.

AS



Department of Justice
Office of Justice Programs
National Institute of Justice

**AWARD CONTINUATION
SHEET**
Cooperative Agreement

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PROJECT NUMBER 2009-DN-BX-K261

AWARD DATE 09/23/2009

SPECIAL CONDITIONS

19. Within 45 days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and
- 14) any other costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

OJP will provide further instructions regarding the submission of this data at a later time.



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**AWARD CONTINUATION
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PROJECT NUMBER 2009-DN-BX-K261

AWARD DATE 09/23/2009

SPECIAL CONDITIONS

20. Pursuant to 28 C.F.R. Part 18, OJP may suspend or terminate funding under this award, at any time before the completion of the project funded by this award, for the recipient's failure to comply with these special conditions or with the project's goals, plans and methodology set forth in the approved application. The recipient will be unable to draw down funds until OJP determines that the recipient is in compliance.
21. The recipient agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award. Environmental Assessment (EA): The recipient agrees and understands that funded activities (whether conducted by the recipient or subrecipients or contractors) may require the preparation of an environmental assessment (EA) as defined by the Council on Environmental Quality's Regulations for implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), found at 40 CFR Part 1500. An EA is a concise public document that briefly provides sufficient analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact for the proposed activity. If in completing an EA for a proposed activity, potential adverse environmental impacts are identified, the EA will serve as a vehicle for developing either alternative approaches or mitigation measures for avoiding or reducing the identified adverse environmental impacts.

Modifications: Throughout the term of this award, the recipient agrees that for any activity that is the subject of a completed Environmental Assessment (EA), it will inform NIJ of (1) any change(s) that it is considering making to the previously assessed activity; (2) any changed circumstances, such as a change in the project site's conditions; or (3) any significant new information. The recipient will not implement a proposed change until NIJ, with the assistance of the recipient, has determined whether the proposed change will require additional review under NEPA. Likewise, in the case of new circumstances or information arising, NIJ, with the assistance of the recipient, will determine if any additional environmental impact analysis is necessary. The approval will not be unreasonably withheld as long as any requested modification(s) is consistent with eligible program purposes and found acceptable under an NIJ-conducted environmental impact review process.
22. The recipient may not obligate, expend, or draw down any funds until the program office has verified that the recipient has submitted all necessary documentation required to comply with the Department of Justice Procedures for Implementing the National Environmental Policy Act found at 28 CFR Part 61 and a Grant Adjustment Notice has been issued removing this condition.
23. No portion of these federal grant funds shall be used towards any part of the annual cash compensation of any employee of the grantee whose total annual cash compensation exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year.

This prohibition may be waived on an individual basis at the discretion of the Assistant Attorney General for OJP.
24. The recipient may not obligate, expend, or draw down \$50,000 until the recipient submits, in a form satisfactory to NIJ, the draft final report required by the special conditions of this award. Approval will be provided through a Grant Adjustment Notice that will clear this special condition.



Department of Justice
Office of Justice Programs
National Institute of Justice

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Mark Nelson, Program Manager

Subject: Environmental Assessment for Palm Beach County Sheriffs Office

The recipient agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award. Environmental Assessment (EA): The recipient agrees and understands that funded activities (whether conducted by the recipient or subrecipients or contractors) may require the preparation of an environmental assessment (EA) as defined by the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), found at 40 CFR Part 1500. An EA is a concise public document that briefly provides sufficient analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact for the proposed activity. If in completing an EA for a proposed activity, potential adverse environmental impacts are identified, the EA will serve as a vehicle for developing either alternative approaches or mitigation measures for avoiding or reducing the identified adverse environmental impacts.

Modifications: Throughout the term of this award, the recipient agrees that for any activity that is the subject of a completed Environmental Assessment (EA), it will inform NIJ of (1) any change(s) that it is considering making to the previously assessed activity; (2) any changed circumstances, such as a change in the project site's conditions; or (3) any significant new information. The recipient will not implement a proposed change until NIJ, with the assistance of the recipient, has determined whether the proposed change will require additional review under NEPA. Likewise, in the case of new circumstances or information arising, NIJ, with the assistance of the recipient, will determine if any additional environmental impact analysis is necessary. The approval will not be unreasonably withheld as long as the requested modification(s) is consistent with eligible program purposes and found acceptable under an on-going environmental impact review process.



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**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY
Cooperative Agreement**

PROJECT NUMBER
2009-DN-BX-K261

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This project is supported under FY09(NIJ – COPS DNA/Forensics) Pub. L. No. 111-8, 123 Stat. 569, 583; 28 USC 530C

1. STAFF CONTACT (Name & telephone number)

Mark Nelson
(202) 616-1960

2. PROJECT DIRECTOR (Name, address & telephone number)

Barbara Caraballo
Forensic Quality Assurance Manager
3228 Gun Club Road
West Palm Beach, FL 33406-3001
(561) 688-4233

3a. TITLE OF THE PROGRAM

NIJ FY 09 Forensic DNA Unit Efficiency Improvement

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

NIJ FY 09 Forensic DNA Unit Efficiency Improvement
Palm Beach County Sheriff's Office

5. NAME & ADDRESS OF GRANTEE

Palm Beach County Sheriffs Office
3228 Gun Club Road
West Palm Beach, FL 33406-3001

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2009 TO: 03/31/2011

8. BUDGET PERIOD

FROM: 10/01/2009 TO: 03/31/2011

9. AMOUNT OF AWARD

\$ 519,544

10. DATE OF AWARD

09/23/2009

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)

It is proposed that a central Biology Processing Laboratory (BPL) be developed in an existing space within the Boca Raton Police Services Department (BRPSD) to pre-screen crime scene evidence for southern Palm Beach County law enforcement agencies. The BRPSD BPL will process evidence for the confirmation of blood and semen, determine through microscopic analysis of hair if DNA analysis should be attempted and swab items for touch DNA evidence. All informative evidence will then be submitted to the PBSO FBU unit for DNA analysis. Evidence prescreened at the BPL will be prioritized for PBSO DNA analyst assignment. Grant funding would be used for renovations such as plumbing, flooring, lighting, security, sprinkler systems, telecommunications and information technology systems laboratory screening supplies, laboratory office supplies, and salaries and benefits for two entry level Laboratory Analysts. The BPL Laboratory Analysts will undergo a comprehensive training program by the Technical Leader of the accredited PBSO FBU.