

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

Meeting Date: October 16, 2012    ☒ Consent    ☐ Regular  
    ☐ Ordinance    ☐ Public Hearing

Department:

Submitted By: Palm Beach County Sheriff's OfficeSubmitted 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 2012 DNA Backlog Reduction Program Grant in the amount of \$376,252 for the period October 1, 2012, through March 31, 2014; and (B) Approve a budget amendment of \$376,252 in the Sheriff's Grants Fund.

**Summary:** On August 8, 2012, the Palm Beach County Sheriff's Office (PBSO) received an award for the DNA Backlog Reduction Program. The Forensic Biology Unit in the Crime Laboratory of PBSO services over 28 municipalities, the school systems and assists state and local federal agencies as needed. These funds will be used for equipment, training, travel, and contractual services that will increase the efficiency of the crime lab. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide. (PGE)

**Background and Justification:** The U.S. Department of Justice, Office of Justice Programs (OJP), National Institute of Justice (NIJ) FY 2012 Forensic DNA Backlog Reduction Program furthers the U.S. Department of Justice's mission by offering an opportunity for states and units of local government with existing crime laboratories that conduct DNA analysis to handle, screen, and analyze backlogged forensic DNA casework samples, as well as to improve DNA laboratory infrastructure and analysis capacity, so that forensic DNA samples can be processed efficiently and cost effectively. These improvements are critical to preventing future DNA backlogs and to helping the criminal justice system use the full potential of DNA technology. The Catalog of Federal Domestic Assistance (CFDA) number is 16.741 and the grant number is 2012-DN-BX-0035.

**Attachments:**

1. Budget Amendment
2. Award Letter

RECOMMENDED BY:


  
DEPARTMENT DIRECTOR


  
DATE

APPROVED BY:


  
ASSISTANT COUNTY ADMINISTRATOR


  
DATE

## II. FISCAL IMPACT ANALYSIS

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Capital Expenditures	\$262,840				
Operating Costs	\$113,412				
External Revenues	(\$376,252)				
Program Income (County)					
In-Kind Match (County)	0				
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 2232 Object 3129

Reporting Category


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


The FY12 DNA Backlog Reduction Program grant is funded through the National Institute of Justice (NIJ). There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required.

FY12 DNA Backlog Reduction Program	<u>\$376,252</u>
Total	<u>\$376,252</u>

### III REVIEW COMMENTS

**A. OFMB Fiscal and/or Contract Administration Comments:**

  
OFMB  
*SN*  
*10/5/12*  
*10/5/12*  
*JH (SC)*

  
Contract Administration  
*10-11-12 Blue hills*

Legal Sufficiency:

**B. Legal Sufficiency:**

*[Signature]* for Pamela Eitelberger  
Assistant County Attorney 10/12/12

**C. Other Department Review:**

Department Director

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

13- 0144

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA  
BUDGET AMENDMENT

Page 1 of 1

FUND 1152 - Sheriff's Grants Fund

BGRV 160 100512-8  
BGRX 160 100512-53

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
<b>Revenues</b>								
FY2012 Forensic DNA Backlog Reduction Program 160-2232-3129	Federal Grant - Other Public Safety	0	0	376,252		376,252		
<b><u>TOTAL REVENUES</u></b>		<b>5,064,394</b>	<b>\$5,064,394</b>	<b>\$376,252</b>	<b>\$0</b>	<b>\$5,440,646</b>		
<b>Expenditures</b>								
FY2012 Forensic DNA Backlog Reduction Program 160-2232-9498	Transfer to Sheriff's Grant Fund	0	0	376,252		376,252		
<b><u>TOTAL EXPENDITURES</u></b>		<b>5,064,394</b>	<b>\$5,064,394</b>	<b>\$376,252</b>	<b>\$0</b>	<b>\$5,440,646</b>		

Palm Beach County Sheriff's Office

INITIATING DEPARTMENT/DIVISION

Administration/Budget Department Approval

OFMB Department - Posted

Signatures

Date


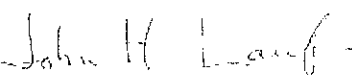
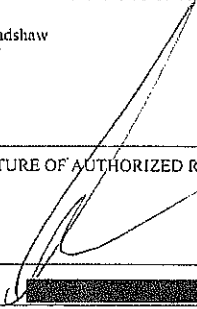
By Board of County Commissioners  
At Meeting of October 16, 2012

Deputy Clerk to the  
Board of County Commissioners

10/2/12  
10/3/12

SD  
10/5/12

Attachment #

 <div>Department of Justice Office of Justice Programs National Institute of Justice</div>	Grant	PAGE 1 OF 9
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Palm Beach County Sheriff Office 3228 Gun Club Road West Palm Beach, FL 33406-3001	4. AWARD NUMBER: 2012-DN-BX-0035	
	5. PROJECT PERIOD: FROM 10/01/2012 TO 03/31/2014 BUDGET PERIOD: FROM 10/01/2012 TO 03/31/2014	
	6. AWARD DATE 08/08/2012	7. ACTION Initial
1A. GRANTEE IRS/VENDOR NO. 596000786	8. SUPPLEMENT NUMBER 00	
	9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE FY 2012 Forensic DNA Backlog Reduction Program, Palm Beach County Sheriff's Office	10. AMOUNT OF THIS AWARD \$ 376,252	
	11. TOTAL AWARD \$ 376,252	
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 FY12(NIJ - S&LLEA DNA/Other Forensics) Pub. L. No. 112-55, 125 Stat. 552, 616; 28 USC 530C		
15. METHOD OF PAYMENT GPRS		
AGENCY APPROVAL		GRANTEE ACCEPTANCE
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL John H. Laub Director, National Institute of Justice	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 9/12/12
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 376252		21. LDNSGT0061

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

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



Department of Justice  
Office of Justice Programs  
National Institute of Justice

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

PAGE 2 OF 9

PROJECT NUMBER 2012-DN-BX-0035

AWARD DATE 08/08/2012

*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.
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](mailto: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](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



Department of Justice  
Office of Justice Programs  
National Institute of Justice

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

PAGE 3 OF 9

PROJECT NUMBER 2012-DN-BX-0035

AWARD DATE 08/08/2012

***SPECIAL CONDITIONS***

8. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients 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.
10. The recipient 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 food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.



Department of Justice  
Office of Justice Programs  
National Institute of Justice

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 9

PROJECT NUMBER 2012-DN-BX-0035

AWARD DATE 08/08/2012

*SPECIAL CONDITIONS*

13. 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 forensic 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 shall ensure that any laboratory that conducts forensic DNA analyses under this award undergoes external audits, not less than once every two years, that demonstrate compliance with the Quality Assurance Standards for Forensic DNA Testing Laboratories 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). No profiles generated with funding from this award may be entered into any non-governmental database without prior express written approval from NIJ.

If any government-owned forensic laboratory that will receive funding under this award to conduct forensic 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.

If the recipient operates a state-designated DNA database laboratory, the recipient shall ensure that analyses of DNA database samples and reviews of associated DNA profiles conducted with funding under this award are performed by a laboratory that (1) is accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community; and (2) undergoes external audits, not less than once every two years, that demonstrate compliance with the requirements of the Quality Assurance Standards for DNA Databasing Laboratories established by the Director of the Federal Bureau of Investigation. The recipient shall ensure that any DNA database samples analyzed with funding under this award are analyzed for all 13 CODIS core STR loci, using commercially available PCR kits accepted by NDIS. The recipient shall also ensure that all profiles obtained from DNA database samples with funding from this award are entered into CODIS within 90 days of completion of analysis, and uploaded into NDIS.

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, or their participation in NDIS.

14. No research; nonsupplanting of State or local government 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.



Department of Justice  
Office of Justice Programs  
National Institute of Justice

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

PAGE 5 OF 9

PROJECT NUMBER 2012-DN-BX-0035

AWARD DATE 08/08/2012

**SPECIAL CONDITIONS**

15. The recipient agrees to notify NIJ promptly upon any significant reduction in the recipient's estimate of the number of backlogged forensic DNA cases that will be analyzed within eighteen months using the funds provided under this fiscal year 2012 award, above and beyond those that will be analyzed using funds from other sources.

If applicable, the recipient agrees to notify NIJ promptly upon any significant reduction in the recipient's estimate of the number of DNA database samples that will be analyzed, or associated DNA profiles reviewed, within eighteen months using the funds provided under this fiscal year 2012 award, above and beyond those that can be analyzed or reviewed using funds from other sources.

16. If the recipient chooses to charge a fee for DNA testing services, it must provide written notification of this fact to the NIJ program manager for the award within ten (10) business days of acceptance of this award. The recipient understands and agrees that income from fees charged for DNA testing services constitutes program income (in whole or in part), and that program income must be handled in accordance with the provisions of 28 C.F.R. 66.25 and the Office of Justice Programs (OJP) Financial Guide. The recipient further understands and agrees that both program income earned and program income expended must be reported on the quarterly Federal Financial Report (SF 425). Program income may be expended on any allowable purpose listed in the solicitation for the NIJ FY 2012 DNA Backlog Reduction Program. Any program income that is not expended prior to the end of the award period must be returned to OJP.
17. Absent prior express written approval from NIJ, rates for any lodging charged to the award may not exceed the posted GSA rate for the location. (If the recipient opts to obtain lodging at a higher rate, the cost differential, including associated taxes, may not be charged to the award.)
18. 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 (available for viewing at [www.whitehouse.gov/omb/grants/standard\\_forms/ff\\_report.pdf](http://www.whitehouse.gov/omb/grants/standard_forms/ff_report.pdf)), 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 award period.
19. 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/>.
20. 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/>.





Department of Justice  
Office of Justice Programs  
National Institute of Justice

AWARD CONTINUATION  
SHEET  
Grant

PAGE 6 OF 9

PROJECT NUMBER 2012-DN-BX-0035

AWARD DATE 08/08/2012

*SPECIAL CONDITIONS*

21. Semiannual performance measure data reporting - Forensic DNA casework and capacity enhancement  
The recipient agrees to submit applicable performance measure data regarding forensic DNA casework and capacity enhancement with its semiannual progress reports. With respect to such data, the reports should contain: (1) information regarding baseline performance metrics (for capacity enhancement projects -- the average number of days between the submission of a request for forensic biology/DNA analysis to the laboratory and the delivery of the test results to the requesting agency at the beginning of the award period, and the average number of forensic DNA samples analyzed per analyst/month at the beginning of the award period; for forensic casework DNA backlog reduction projects -- the number of backlogged forensic biology/DNA cases at the beginning of the award period); (2) progress performance metrics (for capacity enhancement projects -- the average number of days between the submission of a request for forensic biology/DNA analysis to the laboratory and the delivery of the test results to the requesting agency at the end of the reporting period, and the average number of forensic DNA samples analyzed per analyst/month at the end of the reporting period; for forensic casework DNA backlog reduction projects -- the number of backlogged forensic biology/DNA cases at the end of the reporting period, the number of forensic biology/DNA cases analyzed during the reporting period using funds provided under this award, and the number of DNA profiles from forensic analyses entered into CODIS during the reporting period as a result of the funds provided under this award); and (3) impact performance metrics (for forensic casework DNA backlog reduction projects -- the number of CODIS hits during the reporting period attributable to the forensic analyses funded under this award).

For the purposes of performance measure data reporting, a backlogged forensic biology/DNA case is defined as a forensic biology/DNA case that has not been completed within 30 days of receipt in the laboratory.

22. Semiannual Performance Measure Data Reporting - DNA database sample analysis and capacity enhancement  
If the recipient uses award funds for DNA database sample analysis or capacity enhancement, the recipient agrees to submit applicable performance measure data with its semiannual progress reports. With respect to such data, the reports should contain: (1) information regarding baseline performance metrics (for DNA database laboratory capacity enhancement projects -- the average number of DNA database samples analyzed per analyst/month at the beginning of the award period; the average number of days between the submission of a DNA database sample to the laboratory and the upload of the DNA profile to CODIS at the beginning of the award period; for DNA database backlog reduction projects -- the number of backlogged DNA database samples at the beginning of the award period); (2) progress performance metrics (for capacity enhancement projects -- the average number of DNA database samples analyzed per analyst/month at the end of the reporting period, the average number of days between the submission of a DNA database sample to the laboratory and the upload of the profile to CODIS at the end of the reporting period; for DNA database backlog reduction projects -- the number of backlogged DNA database samples at the end of the reporting period, the number of DNA database samples analyzed during the reporting period using funds from this award, and the number of DNA profiles from DNA database samples entered into CODIS during the reporting period as a result of the funds provided under this award); and (3) impact performance metrics (for DNA database backlog reduction projects -- the number of CODIS hits during the reporting period resulting from DNA database profiles developed using funds provided under this award).

For the purposes of performance measure data reporting, a backlogged DNA database sample is defined as a DNA database sample that has not been completed within 30 days of receipt in the laboratory.



Department of Justice  
Office of Justice Programs  
National Institute of Justice

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 7 OF 9

PROJECT NUMBER 2012-DN-BX-0035

AWARD DATE 08/08/2012

*SPECIAL CONDITIONS*

23. Final performance measure data reporting

The recipient agrees to submit applicable performance measure data with its final report. With respect to data concerning forensic DNA activities, the final report should contain: (1) for forensic DNA capacity enhancement projects -- the average number of days between the submission of a request for forensic biology/DNA analysis to the laboratory and the delivery of the test results to the requesting agency at the end of the project period, and the average number of forensic DNA samples analyzed per analyst/month at the end of the project period; and (2) for forensic casework DNA backlog reduction projects -- the number of backlogged forensic biology/DNA cases at the end of the project period, the cumulative number of forensic biology/DNA cases analyzed using funds provided under this award, the cumulative number of DNA profiles from forensic analyses entered into CODIS as a result of the funds provided under this award, and the cumulative number of CODIS hits attributable to forensic DNA analyses funded under this award).

For the purposes of performance measure data reporting, a backlogged forensic biology/DNA case is defined as a forensic biology/DNA case that has not been completed within 30 days of receipt in the laboratory.

If the recipient uses award funds for DNA database sample analysis or capacity enhancement, the recipient also agrees to submit applicable performance measure data with its final report. With respect to such data, the final report should contain: (1) for DNA database laboratory capacity enhancement projects -- the average number of DNA database samples analyzed per analyst/month at the end of the project period; the average number of days between the submission of a DNA database sample to the laboratory and the upload of the profile to CODIS at the end of the project period, and (2) for DNA database backlog reduction projects -- the number of backlogged DNA database samples at the end of the project period, the cumulative number of DNA database samples analyzed using funds provided under this award, the cumulative number of profiles from DNA database samples entered into CODIS as the result of funds provided under this award, and the cumulative number of CODIS hits resulting from DNA database profiles developed using funds provided under this award.

For the purposes of performance measure data reporting, a backlogged DNA database sample is defined as a DNA database sample that has not been completed within 30 days of receipt in the laboratory.

The recipient shall ensure that all required performance measure data are collected throughout the award period.

24. The recipient agrees to cooperate with any assessments, 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.

25. To assist in information sharing, the award recipient shall provide the NIJ program manager with a copy of all interim and final reports and proposed publications (including those prepared for conferences and other presentations) resulting from this award. 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.

26. The recipient shall transmit to the NIJ program manager copies of all official award-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.



Department of Justice  
Office of Justice Programs  
National Institute of Justice

AWARD CONTINUATION  
SHEET  
Grant

PAGE 8 OF 9

PROJECT NUMBER 2012-DN-BX-0035

AWARD DATE 08/08/2012

*SPECIAL CONDITIONS*

27. Pursuant to 28 C.F.R. Part 18, OJP may suspend or terminate funding under this award 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. In the case of suspension, the recipient will be unable to draw down funds until OJP determines that the recipient is in compliance.
28. The recipient acknowledges that the Office of Justice Programs (OJP) 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) any work subject to copyright 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 OJP 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. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).  
  
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.  
  
The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.
29. The Project Director and key program personnel designated in the application shall be replaced only for compelling reasons. Successors to key personnel must be approved, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. OJP will not unreasonably withhold approval. Changes in other program personnel require only notification to OJP and submission of resumes, unless otherwise designated in the award document.



Department of Justice  
Office of Justice Programs  
National Institute of Justice

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

PAGE 9 OF 9

PROJECT NUMBER 2012-DN-BX-0035

AWARD DATE 08/08/2012

**SPECIAL CONDITIONS**

30. 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.

Categorical Exclusion: Based upon the information provided by the recipient in its application for these funds, NIJ has determined and the recipient understands that the proposed activities meet the definition of a categorical exclusion, as defined in the Department of Justice Procedures for Implementing the National Environmental Policy Act found at 28 CFR Part 61 (including Appendix D). A categorical exclusion is an action that because of the proposed activities' very limited and predictable potential environmental impacts, both on an individual and a cumulative basis, does not have a significant impact on the quality of the human environment. Consequently, no further environmental impact analysis is necessary under the requirements of the National Environmental Policy Act, 42 U.S.C. 4321, for these categorically excluded activities.

Modifications: Throughout the term of this award, the recipient agrees that for any activities that are the subject of this categorical exclusion, it will inform NIJ of-- (1) any change(s) that it is considering making to the previously assessed activities that may be relevant to the environmental impacts of the activities; or (2) any proposed new activities or changed circumstances that may require assessment as to environmental impact, such as new activities that involve the use of chemicals or involve construction or major renovation. The recipient will not implement a proposed change or new activity until NIJ, with the assistance of the recipient, has completed any applicable environmental impact review requirements necessitated by the proposed change or new activity (or changed circumstances) and NIJ has concurred in the proposed change or new activity. This 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.

31. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
32. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.