



City of Grand Island

Tuesday, September 10, 2019

Council Session

Item G-15

#2019-280 - Approving Fiscal Year 2019-2020 VOCA Grant Award

Staff Contact: Robert Falldorf, Police Chief

Council Agenda Memo

From: Chief Robert Falldorf, Police Department

Meeting: September 10, 2019

Subject: Fiscal 2019-2020 VOCA Grant Award

Presenter(s): Chief Robert Falldorf, Police Department

Background

The Grand Island Police Department has been awarded a 2019 Victim of Crime Act (VOCA) Grant in the amount of \$104,938.00 from the Nebraska Commission on Law Enforcement and Criminal Justice. The city and county share the match (cash and in-kind) for this grant in the amount of \$26,235.00. The program period for this grant is from 7-1-19 through 6-30-20.

Discussion

A requirement for acceptance of the grant is that the grant award and special conditions document is signed by the Mayor. The Grand Island Police Department is requesting that the listed grant award be signed for the acceptance of the award.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:



1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the award and accept the 2019 VOCA grant funding in the amount of \$104,938.00.

Sample Motion

Move to approve the award and accept the 2019 Victims of Crime Act (VOCA) grant funding for fiscal year 2019-2020.

  <p>Pete Ricketts, Governor</p>		Federal Grant Number: 2018-V2-GX-0021 Federal Grant Period: 10-01-2017 to 09-30-2021 Department: Department of Justice Federal Program: OVC FY 2018 VOCA Victim Assistance Formula		NE Crime Commission Program Point of Contact: Alexandra Beck, Grant Manager alexandra.beck@nebraska.gov 402-471-3413	
SUB-RECIPIENT NAME AND ADDRESS: City of Grand Island 100 East 1 st Street Grand Island, NE 68801-6023			DATE OF AWARD: 05/10/2019		
			PROJECT PERIOD YEAR-ONE: July 1, 2019 to June 30, 2020		
			SUB-GRANT NUMBER: 104-2020-VA1014		
			YEAR-ONE AWARD AMOUNT: \$104,938.00		
PROJECT TITLE: Grand Island/Hall County Victim Assistance Program			SUB-GRANTEE IRS/VENDOR NO.: 47-6006205		
			SUB-GRANTEE DUNS NO.: 040919607		
SPECIAL CONDITIONS: THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).					
STATUTORY AUTHORITY FOR GRANT: This project is supported under FY 18 (OVC – VOCA Assistance) 34 U.S.C. § 20103 (a) and (b)					
CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number): 16.575 – Crime Victim Assistance					
<u>AGENCY APPROVAL</u>			<u>GRANTEE ACCEPTANCE</u>		
TYPED NAME AND TITLE OF APPROVING OFFICIAL: Don Arp, Jr, Executive Director			TYPED NAME AND TITLE OF AUTHORIZED OFFICIAL OF SUBGRANT: Roger Steele, Mayor		
SIGNATURE OF APPROVING OFFICIAL: 		DATE: 08/23/2019		SIGNATURE OF AUTHORIZED OFFICIAL:	
				DATE:	

Federal Grant Award



Pete Ricketts, Governor

Subgrantee: City of Grand Island Grant Number: 104-2020-VA1014		Federal Grant Number: 2018-V2-GX-0021 Federal Grant Period: 10-01-2017 to 09-30-2021 Department: Department of Justice Federal Program: OVC FY 2018 VOCA Victim Assistance Formula		Date of Award: 05/10/2019	CFDA# 16.575
				NCC Program Point of Contact: Alexandra Beck, Grant Manager jenise.trautman@nebraska.gov 402-471-3413	
Project Title: Grand Island/Hall County Victim Assistance Program			Grant Amount Federal \$ 104,938.00 Match \$ 26,235.00 Total \$ 131,173.00		WAIVERS: <input type="checkbox"/> MATCH <input type="checkbox"/> VOLUNTEER
Approved Budget for Project Year 1 of 2					
CATEGORY	FEDERAL SHARE	MATCH SHARE	TOTAL PROJECT COST		
Personnel	\$85,226.00	\$15,140.00	\$100,366.00		
Fringe Benefits	\$19,712.00	\$0.00	\$19,712.00		
Travel	\$0.00	\$0.00	\$0.00		
Equipment	\$0.00	\$0.00	\$0.00		
Supplies	\$0.00	\$0.00	\$0.00		
Sub-awards/Sub-grants	\$0.00	\$0.00	\$0.00		
Procurement Contracts	\$0.00	\$0.00	\$0.00		
Other	\$0.00	\$11,095.00	\$11,095.00		
Indirect Costs	\$0.00	\$0.00	\$0.00		
Match Waiver	\$0.00	\$0.00	\$0.00		
Total Amount	\$104,938.00	\$26,235.00	\$131,173.00		
% of Contribution	80%	20%	100%		

Grant Award Period: July 1, 2019 – June 30, 2020

☒ This grant award is subject to special conditions (enclosed)

Signature of Executive Director

Don Arp, Jr., Executive Director

Typed Name and Title

08/23/2019

Date

Signature of Project Point of Contact

Typed Name and Title

Date

Signature of Authorized Official

Typed Name and Title

Date

Signature of Financial Point of Contact

Typed Name and Title

Date

Special Conditions

Victims of Crime Act (VOCA)

Grant Award Period: July 1, 2019 – June 30, 2020

Subgrantee: City of Grand Island	Subgrant Number: 104-2020-VA1014
CFDA 16.575 Nebraska's VOCA Victim Assistance Formula Grant Program 2018-V2-GX-0021 10-01-2017 to 09-30-2021 Dept. of Justice, Office for Victims of Crime	Subgrant Title: Grand Island/Hall County Victim Assistance Program

This contract is subject to the standard conditions outlined in the applicable solicitation, grant application and the signed Certified Assurances. In addition, the subrecipient must comply with Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) Guidelines and the following special conditions:

FEDERAL SPECIFIC REQUIREMENTS:

1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. (together, the "Part 200 Uniform Requirements") apply to this FY 2020 award.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain – typically for a period of 3 years from the date of submission of the final expenditure report (SF 425) of the federal award, unless a different retention period applies – and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333. (See Special Condition #29 for further subrecipient guidance)

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the “DOJ Grants Financial Guide” available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

3. Reclassification of Various Statutory Provisions to a New Title 34 of the United States Code

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

4. Requirement to Report Potentially Duplicative Funding

If the subrecipient currently has other active awards of federal funds, or if the subrecipient receives any other award of federal funds during the period of performance for this award, the subrecipient promptly must determine whether funds from any of those other federal awards 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 provided under this award. If so, the subrecipient must promptly notify the Nebraska Crime Commission in writing of the potential duplication, and, if so requested by the awarding agency, must seek a budget-modification or change-of-project scope subgrant adjustment to eliminate any inappropriate duplication of funding.

5. Requirement to Report Actual or Imminent Breach or Personally Identifiable Information (PII)

The recipient (and any “subrecipient” at any tier) must have written procedures in place to respond in the event of an actual or imminent “breach” (OMB M-17-12) if it (or a subrecipient)—1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of “personally identifiable information (PII)” (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a “Federal information system” (OMB Circular A-130). The recipient’s breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

The actual or imminent breach must be reported to NCC in a timeframe that will allow for proper notification to the applicable OJP Program Manager within 24 hours as stated above and identified in the subrecipient (at any tier) PII procedure.

6. All Subawards (“subgrants”) Must Have Specific Federal Authorization

The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that – for purposes of federal grants administrative requirements – OJP considers a “subaward” (and therefore does not consider a procurement “contract”).

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards (“subgrants”) must have specific federal authorization), and are incorporated by reference here.

7. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that – for purposes of federal grants administrative requirements – OJP considers a procurement “contract” (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under OJP award are posted on the OJP web site

<https://ojp.gov/funding/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

8. Requirements Pertaining to Prohibited Conduct Related to Trafficking in Persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients (“subgrantees”), or individuals defined (for purposes of this condition) as “employees” of the recipient or of any subrecipient.

The details of the recipient’s obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

9. Compliance with Applicable Rules Regarding Approval, Planning, and Reporting of Conferences, Meetings, Trainings, and Other Events

The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of “Postaward Requirements” in the “DOJ Grants Financial Guide”).

10. OJP Training Guiding Principles

Any training or training materials that the recipient – or any subrecipient (“subgrantee”) at any tier – develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles of Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

11. Compliance with DOJ Regulations Pertaining to Civil Rights and Nondiscrimination – 28 C.F.R. Part 42

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

- a. In the event a federal or state court or administrative agency makes a finding of discrimination after a due process hearing the recipient of funds will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs in Washington, D.C. Additionally, a copy

of the findings is to be sent to the Crime Commission. If required, the subgrantee will formulate an Equal Employment Opportunity Program (EEOP) in accordance with 28 CFR 42.301 et. Seq

- b. Subrecipients, whose projects, personnel or subawards become involved in any litigation, whether civil or criminal, shall immediately notify the Crime Commission and forward a copy of any demand notices, lawsuits, or indictments to the Commission.
- c. Subrecipient acknowledges that failure to submit an acceptable EEOP (if subrecipient is required to submit one pursuant to 28 C.F.R. Section 42.3), 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 subrecipient is in compliance.
- d. Subrecipient must comply with the Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. Subrecipients receiving Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For further information on the civil right responsibilities, see <http://www.lep.gov>.

12. Compliance with DOJ regulations Pertaining to Civil Rights and Nondiscrimination – 28 C.F.R Part 54

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

13. Compliance with DOJ regulations Pertaining to Civil Rights and Nondiscrimination – 28 C.F.R. Part 38

The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient (“subgrantee”) organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled “Partnerships with Faith-Based and Other Neighborhood Organizations,” is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CR “current” data.

14. Subrecipient should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. Subrecipients should consult local counsel in reviewing employment practices and if warranted, an analysis of the use of arrest and conviction records should be incorporated into the subrecipient’s Equal Employment Opportunity Plan. More information on Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964 (June 2013), is available at http://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf.

15. Restrictions On “Lobbying”

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient (“subgrantee”) at any tier, either directly or indirectly, to support or oppose the enactment, repeal modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt the influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the subrecipient is to contact NCC for guidance, and may not proceed without the express prior written approval of OJP.

16. Compliance with General Appropriations-Law Restrictions On the Use of Federal Funds (FY 2018)

The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various “general provisions” in the Consolidated Appropriations Act, 2018, are set out at <https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm>, and are incorporated by reference here. Funds awarded from Federal Fiscal Year 17 funds are set out at <https://ojp.gov/funding/Explore/FY17AppropriationsRestrictions.htm>.

Should a questions arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the subrecipient is to contact NCC for guidance, and may not proceed without the express prior written approval of OJP.

17. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients (“subgrantees”) must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee agent, subrecipient, contractor, or other person, has in connection with funds under this award – (1) submitted a claim that violates 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.

Potential fraud, waste abuse, or misconduct involving or relating to funds under this award should be reported to OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) the DOJ OIG hotline: contact information in English and Spanish) at (800)869-4499 (phone) or (202)616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

18. Restrictions and Certifications Regarding Non-Disclosure Agreements and Related Matters

No recipient or subrecipient (“subgrantee”) under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

19. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee’s disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, and abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

20. Encouragement of Policies to Ban Text Messaging While Driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

21. The recipient, and any subrecipient ("subgrantee") at any tier, must authorize the Nebraska Crime Commission, Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper, or documents related to the VOCA grant.

22. Demographic Data

Subrecipients will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.

23. Discrimination Findings

The subrecipient assures that in the event that a Federal or State court or Federal or State administrative agency makes finding of discrimination after a due process hearing on the ground of race, religion, nation origin, sex, or disability against a subrecipient of victim assistance formula funds under this award, the recipient will forward a copy of the findings to the Nebraska Crime Commission and the Office for Civil Rights of OJP.

24. The subrecipient understands all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The subrecipient agrees to assist NCC and OJP in carrying out its responsibilities under NEPA and related laws, if the subrecipient plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The subrecipient also 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.

25. The subrecipient agrees to submit quarterly performance reports on the performance metrics identified by OVC, and in the manner required by OVC. This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction. (See Special Condition #28c for reporting schedule)

26. Audits

- a. All audits will comply with 2 C.F.R. Subpart F (§200.500). Audits for private non-profit agencies shall comply with the DOJ Financial Guide.
- b. Agencies and organizations receiving federal funds from various sources totaling \$750,000 or more during their Fiscal Year are required to have a Single Audit. Total cost of the audit must be prorated among funding sources. Agencies and organizations receiving federal funds from various sources totaling less than \$750,000 during their Fiscal Year are not required to have a Single Audit. However, a complete agency audit complying with 2 C.F.R. Subpart F (§200.500), is highly recommended once every three years for private non-profit agencies receiving funding from the Crime Commission.
- c. **ONE Copy** of the Single Audit that includes a **Letter of Findings** is required to be submitted to the Crime Commission within 6 months of the agency fiscal year end, or within 30 days of receipt of the Audit report if received earlier than the 6-month deadline.
- d. Authorized representatives of the Crime Commission and the federal agencies associated with the federal funding source shall have access to and the right to examine all records, books, papers or documents related to this grant for the purpose of audit and examinations. All records shall be retained generally for five (5)

years from the date of the final subrecipient fiscal report unless an audit is in progress or the findings of a completed audit have not been resolved satisfactorily, in which case the retention period will be extended.

27. Use of Federal Grant Funds

- a. Subrecipient must promptly refer to the Crime Commission and 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; 3) require any employee or contractor to sign an internal confidentiality agreement that prohibits or restricts from reporting fraud, waste or abuse. Potential fraud, waste, abuse or misconduct should be reported.
 - b. No State/Federal grant funds shall be used for costs existing prior to or after the grant period.
 - c. Federal and matching funds are to be used for the purpose stated in the approved grant application. Any changes must be approved by the Crime Commission prior to the change taking place.
 - d. No other Federal funds shall be used to meet the match requirement.
 - e. No Federal funds will be used for land acquisition.
 - f. No Federal funds are to be used for entertainment, fines and penalties, Visa fees, Passport charges, bar charges/Alcoholic beverages, or membership fees.
 - g. Crime Commission funding cannot be placed in interest bearing accounts by private non-profit agencies.
 - h. Subrecipient (at any tier) agrees that any publication for the funded project (written, visual, or audio) shall contain the following statement: "This project was supported by subgrant (enter federal grant number) awarded by the Nebraska Crime Commission through funding provided by Office for Victims of Crime, Department of Justice and points of view or opinions contained in this document are those of the author and do not necessarily represent the official position or policies of the Commission or the Department of Justice." When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal or state money, all subrecipients receiving funds shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal or State money, and (2) the dollar amount of Federal or State funds for the project or program.
 - i. Subrecipient agrees to obtain advance written approval from the Crime Commission before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyright work, or portion thereof, into a new work developed under this award.
28. Subrecipient (at any tier) understand and agrees that; (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal or local law enforcement agency or any other entity carrying out criminal investigations, prosecution or adjudication activities.
29. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the subrecipient is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work founded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

STATE/VOCA SPECIFIC REQUIREMENTS:

30. The subrecipient (“subgrantee”) at any tier, must adhere to the VOCA Certified Assurances SFY 2020 required by the administering agency. The details regarding these Certified Assurances can be found on the Nebraska Crime Commission website at:

https://ncc.nebraska.gov/sites/ncc.nebraska.gov/files/NE%202020%20VOCA%20Certified%20Assurances_0.pdf.

31. The subrecipient (“subgrantee”) at any tier, must comply with the Acceptance of Grant Award and Special Conditions
- a. Grant award must be accepted; signed by the subrecipient’s authorized official, the director of the project and the fiscal officer; and returned to the Nebraska Crime Commission within thirty (30) days from the date the Grant Award is sent to the subrecipient.
 - b. Special Conditions must be accepted, signed by the subrecipient’s authorized official, director of the project, and the fiscal officer, and returned to the Nebraska Crime Commission within thirty (30) days from the date the Special Conditions are sent to the subrecipient.
 - c. Subrecipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The subrecipient must maintain a Data Universal Numbering System (DUNS) number.
 - d. Subrecipients receiving payments from the Nebraska Crime Commission are required to receive payments via the Automated Clearing House (ACH) payment. New subrecipient’s must complete paperwork to sign up for ACH payment and can find the form at http://das.nebraska.gov/accounting/forms_new.html.
 - e. All agencies who are participants in the awarded project shall establish and maintain a drug free work-place policy.
 - f. Subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or agreement to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of the Nebraska Crime Commission.
 - g. Subrecipients funded agree to comply with applicable requirements to report the names and total compensation of the five most highly compensated executives of the subrecipient as required by the Federal Funding Accountability and Transparency Act (FFATA), Subaward Reporting System (FSRS). The details of the Crime Commission obligations, which derive from the FFATA, are posted on the Office of Justice Programs web site at www.fsr.gov
32. The subrecipient (“subgrantee”) at any tier, must comply with the reporting requirements set by the administering agency:
- a. Drawdown requests and progress on Objectives are required **monthly**. Monthly drawdown requests and Objective reporting are due by the **15th** of the following month, requests made after the 15th of the reporting month they are due will be counted as late reporting. Grant payments are on a reimbursement basis. Reimbursements cannot be made until financial documentation from the subrecipient has been approved by the Nebraska Crime Commission as outlined in the Monitoring Plan for the agency based on the Operational Assessment Tool. Reimbursements will not be made unless the subgrantee has also provided the monthly update on Objectives in the grant management system, to include Objective progress for the Priority Spending Areas as indicated on the Subaward Report (SAR). The final drawdown request reflecting the total grant expenditures and amount reimbursed is due no later than 45 days from the end of the grant period.

- b. To assure that expenditures are proper and in accordance with the terms and conditions of the award and approved project budget, Drawdown requests under this award must be initiated by an official who is authorized to certify to the best of their knowledge and belief that the report is true, complete and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms of conditions of the award. For purposes of the Drawdown requests only the Financial Point of Contact has authority to complete this action, unless otherwise delegated by official Certification approved and received by NCC. Any false, fictitious, or fraudulent information, or the omission of any material fact, may subject the individual to criminal, civil or administrative penalties for fraud, false statements, false claims or other (U.S. Code, Title 18, Section 1001 and Title 231, Sections 3729-3730 and 3801-3812).
- c. **Regardless of the start date of the grant project**, quarterly reports (PMT System data) are due for normal quarters as listed:
 - January – March** (due last working day of April)
 - April – June** (due last working day of July)
 - July – September** (due last working day of October)
 - October – December** (due last working day of Jan.)
- d. Non-profit subrecipients must submit a copy of their non-profit certification to the Nebraska Crime Commission. This can include: 1) a copy of 501(c)(3) designation letter; 2) a letter from the subrecipient's state taxing body or attorney general stating that the recipient is a non-profit organization operating within the state; or 3) a copy of the subrecipient's state certificate of incorporation that substantiates its non-profit status.
- e. All non-profit subrecipients of VOCA funding are required to make their financial statements available online (either on the subrecipient's website or another publically available website). OVC will consider subrecipient organizations that have federal 501(c)(3) tax status as in compliance with this requirement, to the extent that such organization files IRS Form 990 or equivalent, as several sources already provide searchable online databases of such financial statements.

33. Accounting Procedures:

- a. Subrecipients (at any tier) must adhere to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted by the DOJ and supplemented in 2 C.F.R. Part 2800. See: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl for further information regarding the standards of these requirements.
- b. Subrecipient (at any tier) shall implement and maintain an accounting system which accurately reflects income received expenditures, and documentation of expenditures. Each source of income must be accounted for separately and a clear audit trail for each source of funding must be maintained, to include match.
- c. Any award with matching funds, both cash or in-kind, must document match in the agency's accounting system. Match need not be applied at the exact time or in the required proportion to the obligation of Federal funds. However, 50% of the match must be met by the end of the first 6 months of the budget year and the full matching share must be obligated by the end of the project period.
- d. A private non-profit agency awarded funds shall have two (2) members of the Board of Directors review, on a quarterly basis, all expenditures for the agency. Board minutes shall reflect this review and be provided upon request.
- e. If at any time an impropriety is found in the accounting or use of any funds received by the subrecipient (at any tier), the Crime Commission must be notified immediately and informed about how the agency will address the problem.
- f. Subrecipients (at any tier) will maintain time records that comply with the DOJ Financial Guide to clearly document the hourly activity of each grant funded or match funded position to show the actual percentage of time charged to the funding source. Records will be maintained by the subrecipient to document any

differences between budgeted and actual federal and match personnel grant costs. Timesheets for grant devoted positions should include the signature of the employee and their supervisor. For positions that are funded fully by the federal grant a Bi-Annual Certification will also be required. Volunteer positions used as match are to be documented and, to the extent feasible, supported by the same methods used for employees. Please refer to the following website for further details on the guidelines on accounting for personnel and other cost principles:

https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf

- g. Office of Justice Program Financial Guidelines and Federal and/or State guidelines must be followed for the purchase of equipment and or services and for the property management or disposal of equipment purchased with Federal funds. Property records for equipment purchased must be maintained which include a description, serial number, source, title holder, acquisition date, cost, percentage of federal dollars funded, location, and use and condition of the equipment. Subrecipients (at any tier) must adhere to written procurement procedures. If the agency does not have these they should defer to the State's procurement guidelines located at:

http://das.nebraska.gov/materiel/purchase_bureau/docs/manuals/AgencyProcurementManualForServices.pdf

- h. Subrecipients (at any tier) agree that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the DOJ Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R. Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110).

https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf

- i. A subrecipient (at any tier) that is eligible under the Part 200 Uniform Requirements to use the de Minimis indirect cost rate, must advise the Crime Commission in writing (in the grant application) of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de Minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

- 34. Subrecipient (at any tier) agrees to comply with the Subrecipient Guidebook and any subsequent changes made during the period of performance. The most current Guidebook can be found at:

<https://ncc.nebraska.gov/voca>

- 35. Subrecipient (at any tier) must read in its entirety NCC Operating Instruction Number 42, *Discrimination and Harassment Policy and Complaint Procedures for the Nebraska Crime Commission and Sub-grant Recipients*, as posted on the NCC website <https://ncc.nebraska.gov/grant-apps> prior to signing the Special Conditions.

- a. Subrecipient (at any tier) agrees to notify employees and clients, customers, and program participants of prohibited discrimination and the procedures for filing a complaint of discrimination.
- b. The subgrantee agrees to have a procedure in place for responding to discrimination complaints that employees and clients, customers, and program participants file directly with the subrecipient.

- 36. Subrecipient (at any tier) assures full cooperation with the Nebraska Crime Commission in the monitoring of the subrecipient compliance with all applicable Federal Civil Rights laws. Monitoring may include submission of any required documentation, requests for information, and on-site visits.

- 37. Subrecipient agrees the Project Point of Contact and the Financial Point of Contact will complete Grant Management Training sponsored by the Crime Commission, at a minimum of once every three years. Subrecipients that are receiving funding for the first time, or those that have had turnover in the above positions will be required to complete Grant Management Training within the first year. This does not include the certification required for access to the online grant management system, which is renewed for all users annually.

38. Subrecipient agrees to comply with any additional requirements that may be imposed as a result of grant performance.
- If at any time during the grant period the subrecipient, or one of its serving Board members, is barred from doing business with the Federal Government, the Crime Commission shall be notified by the subgrantee in writing.
 - The misuse of award funds may result in a range of penalties, including suspension of current and future funds, recoupment of money provided under an award, and civil and/or criminal penalties.
39. Subrecipient understands and agrees that if the subrecipient does not satisfactorily and promptly address outstanding issues from monitors and/or audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with monitors, audits, investigations or reviews of DOJ awards that funds may be withheld, suspended or other related requirements imposed.

40. **VOCA Requirements:**

Subrecipients will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 34 U.S.C. 20103(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the subrecipient certifies that funds under this award will:

- Not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 34 U.S.C. 20103(a)(2); and
- Be allocated in accordance with program guidelines or regulations implementing 34 U.S.C. 20103(a)(2)(A) and 34 U.S.C. 20103(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the approved grant application.
- VOCA funds are to be used to provide direct services to individual crime victims, at no cost to the victim.
- VOCA guidelines define a victim as a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. The primary purpose of VOCA grant funds is to support the provision of services to victims. Services are those efforts that respond to the emotional and physical needs of crime victims; assist primary and secondary victims of crime to stabilize their lives after victimization; assist victims to understand and participate in the criminal justice system; and, provide victims of crime with a measure of safety and security.
- In addition to any previously stated restrictions VOCA funds **cannot be used** for any of the following:

Capital Expenditures	Legislative and Administrative Duties of Staff
Crime Prevention Activities	Lobbying and Administrative Advocacy
Development of protocols, interagency agreements and other working agreements	Perpetrator rehabilitation and counseling or any other activities involving or relating to perpetrators
Fund-raising activities, to include time spent writing any grant application	Reimbursement to crime victims for expenses incurred as a result of a crime, including property loss; unless allowed otherwise in awarded grant application
Individual Membership Dues	Witness Management

- f. Volunteers are to be utilized by the subgrantee throughout the duration of the project, unless waived through prior approval. Volunteer services must be documented, and to the extent feasible, by the same methods used by the subgrantee for its paid employees. For Nebraska Crime Commission the volunteer requirement is at least one active volunteer, per the VOCA Rule activities to meet this requirement do not have to be allowable activities for the grant project.
- g. At no time shall a victim's name, address, phone number or other identifying information be divulged to another individual or agency unless they are part of the criminal justice or health and human services system or the victim has given prior voluntary written consent for such release of information.
- h. Subrecipient agrees to collect and report to the Crime Commission statistics and data on services and activities provided. Information on race, sex, nation origin, age, and disability of recipients of assistance will be collected and maintained, where such information is voluntarily furnished by those receiving assistance.
- i. Subrecipient shall cooperate, coordinate and have the active participation and support of law enforcement and criminal justice agencies within the jurisdiction of the assisting agency and will cooperate and coordinate with any coordinated response efforts.
- j. Subrecipient must provide services to victims of federal crimes on the same basis as victims of state/local crimes.
- k. Subrecipient is required to help victims apply for Crime Victims Reparations (CVR) benefits, i.e., identifying and notifying crime victims of the availability of compensation, assisting victim with application forms and procedures, obtaining necessary documentation, and/or checking on claim status.
- l. Subrecipient is required to provide information to victims about Victim Information and Notification Everyday (VINE), assist victims in registering with the VINE system and promote awareness about VINE.
- m. Subrecipients are required to conduct surveys to determine the effectiveness of services provided to victims and maintain results of said surveys. Information provided in the surveys shall be used to determine areas of improvement and areas that are effective.

41. **Victim Witness Programs - Use of Federal VOCA Funds**

- a. The purpose of a victim witness program is to advocate for victims and provide timely assistance to individual victims of crime. Advocacy should begin within 72 hours or the next business day after the incident for all serious crimes (homicide, sexual assault, assaults) and most crimes against the elderly. Victim Witness Units located in County Attorney offices are to have a process in place to receive law enforcement incident reports for victims of serious crimes and crimes against the elderly so that advocacy can begin within 72 hours or sooner.
- b. VOCA funds are **not** for the purpose of providing services to businesses **unless** an individual or individuals within the business is a victim of a crime.
- c. Policies and procedures are required that include when and how victim contact will be made and when and how follow up contact will be made.
- d. Failure to respond and provide advocacy in a timely manner to all victims of serious crimes, including most crimes against the elderly, may jeopardize a subrecipient's VOCA funding.
- e. VOCA funds cannot support any activities or expenses that are the responsibility of the prosecutor or law enforcement agency.

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

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Signature of Authorized Official

Date

***Note:** The Authorized Official is the Mayor, Chair of County Board or City Council or the Board Chair of a Private Non-profit Agency. The Director of the Agency is **NOT** considered the authorized official for the signing of these Special Conditions.*

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Signature of Agency Director

Date

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Signature of Project Point of Contact

Date

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Signature of Financial Point of Contact

Date

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RESOLUTION 2019-280

WHEREAS, the Police Department of the City of Grand Island received notification that it will receive a 2019 Victims of Crime Act (VOCA) grant in the amount of \$104,938.00 from the Nebraska Commission on Law Enforcement and Criminal Justice; and

WHEREAS, in acceptance of the grant, the City of Grand Island and Hall County share the match for this grant in the amount of \$26,235.00; and

WHEREAS, the amount awarded is to be used by the Grand Island Police Department in accordance with criteria established by the grant program, and

WHEREAS, the Mayor of the City of Grand Island is required to sign the grant in acceptance of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the grant funds awarded to the Police Department of the City of Grand Island in the amount of \$104,938.00 through the Nebraska Commission on Law Enforcement and Criminal Justice is hereby approved.

BE IS FURTHER RESOLVED, that the Mayor is here by authorized and directed to execute such grant on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, September 10, 2019.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 6, 2019	☐ City Attorney