



COPS
Community Oriented Policing Services
U.S. Department of Justice

2020 COPS Office School Violence Prevention Program (SVPP)

Award Owner's Manual

2020 COPS Office School Violence Prevention Program (SVPP) Program Award Owner's Manual

This manual was created to assist COPS Office School Violence Prevention Program (SVPP) recipients with the administrative and financial matters associated with their award.

For more information about your SVPP award, please contact your COPS Office Grant Program Specialist. If you do not know the name or telephone number of your Grant Program Specialist, please contact the COPS Office Customer Care Center at 800-421-6770.



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Office of Community Oriented Policing Services
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Getting Started

Congratulations on receiving an award from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office). The 2020 COPS Office School Violence Prevention Program (SVPP) awards provide funding directly to states, units of local government, Indian tribes, and public agencies to improve security at schools and on school grounds in the jurisdiction of the grantee through evidence-based school safety programs.

The allowable uses of your agency's SVPP award are specified on the SVPP Financial Clearance Memorandum (FCM). If your agency's local fiscal conditions have changed since submitting the FY 2020 SVPP application and your agency wishes to modify its SVPP award to reprogram awarded funding into different funding categories, please refer to award condition 6, "Modifications," in this manual for detailed information on requesting a post-award modification.

Compliance with this Award Owner's Manual is a condition of your award and this manual is binding guidance. This manual will assist your agency with the administrative and financial matters associated with your award. It was developed by the COPS Office to ensure that all SVPP recipients clearly understand and meet the requirements of their award. Please review this manual carefully because a failure to follow award requirements can have serious ramifications. Please do not hesitate to call the COPS Office Customer Care Center at 800-421-6770 if you need assistance with the implementation of your award.

Thank you for providing us with the opportunity to work in partnership with your community.

I. Award Acceptance, Terms, and Conditions

To officially accept and begin your COPS Office SVPP Program award, your agency must access <https://portal.cops.usdoj.gov>, to log in, review, and electronically sign the award document with the award terms and conditions; and the financial clearance memorandum that is incorporated by reference into the award document; and, if applicable, the special award conditions or high risk conditions in the award document supplement within 90 days of the date shown on the award congratulatory letter. Please see the Agency Portal User Manual at <https://cops.usdoj.gov/svpp#programdocuments> for detailed instructions on award acceptance.

Your agency will **not** be able to draw down award funds until the COPS Office receives your signed award document. For more information on drawing down award funds, please see the section titled "Accessing Award Funds" in this manual.

Your ORI number must be used when performing any grant management tasks associated with your SVPP award in the COPS Office Agency Portal for various system applications (e.g., progress reports, SF-425, extensions, modifications, and COPS Office Application Program, etc.).

The award document

The award document is the document indicating your official award funding amount, the award number, the award terms and conditions, and the award start and end dates.

The award document is preprinted with your agency's government executive's name and address. If this information is incorrect or has changed, please update your "Agency Contacts" online at <https://portal.cops.usdoj.gov>. If the government official has changed since the time of application, please have the current government executive for your agency sign the award document. Be sure to familiarize yourself with all terms, conditions, and requirements of your award before signing the award document. To officially accept your award, please electronically sign the award document within 90 days of the date shown on the award congratulatory letter. Print and retain a copy of all pages of the award document, award terms and conditions, the Financial Clearance Memorandum (FCM), and if applicable, the award document supplement for your records.

The award start date indicated on the award document means that your agency may be reimbursed for any allowable costs incurred on or after this date. The duration of your SVPP award is three years (36 months).

Your award number is in the following format: 2020-SVWX-XXXX for Fiscal Year (FY) 2020 awards. The COPS Office tracks award information based upon this number. Therefore, it is important to have your agency's award number (or your agency's ORI number) readily available when corresponding with the COPS Office.

Your originating agency identifier (ORI) number begins with your state abbreviation followed by five numbers or letters (e.g., MD00000). The COPS Office tracks programmatic award information based upon this ORI number. If you have any questions regarding your award, please refer to your award number or your agency's ORI number when you contact the COPS Office.

Your Office of Justice Programs (OJP) vendor number, in most circumstances, is your agency's nine- or thirteen-digit federal tax identification number assigned to you by the Internal Revenue Service (IRS). If your OJP vendor number differs from your tax identification number, the OJP vendor number is only to be used for administrative purposes in connection with this program, and should not be used for IRS purposes.

Award terms and conditions

The award terms and conditions are listed on your agency's award document. By accepting this award, you are obtaining federal funds from the COPS Office. As part of that agreement, your agency acknowledges that it will comply with these terms and conditions (and, if applicable, any additional special or high risk conditions specific to your agency). The section that follows describes, in detail, all of the award conditions, their rationales, and their implications. It also addresses many frequently asked questions. If you have additional questions concerning any of these award conditions, please contact your COPS Office Grant Program Specialist or call the COPS Office Customer Care Center at 800-421-6770.

In limited circumstances, your award may be subject to special conditions that prevent your agency from drawing down or accessing award funds until the special conditions are satisfied as determined by the COPS Office. Any special or high-risk conditions will be included in the award document supplement. However, if you have questions about the special or high-risk conditions, please contact your assigned COPS Office Grant Program Specialist.

Reasons for award terms and conditions

The requirements of your SVPP award are established within

- the Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018 (34 U.S.C. § 10551, et seq.);
- the applicable federal laws, rules, regulations and policies issued by the U.S. Department of Justice, Office of Management and Budget (OMB), the Government Accountability Office (GAO), and the United States Treasury;
- the specific SVPP programmatic requirements established by the COPS Office.

A list of source documents for this manual is provided in the appendices. You may request copies of any source reference document from

Office of Administration, Publication Unit
New Executive Office Building
725 17th Street NW, Room G 236
Washington, D.C. 20503

COPS Office-specific documents may be requested directly from the COPS Office by contacting the COPS Office Customer Care Center at 800-421-6770.

Review of award terms and conditions

By signing the Award Document to accept this School Violence Prevention Program (SVPP) award, your agency agrees to abide by the following award terms and conditions:

1. Award Owner's Manual

Condition:

The recipient agrees to comply with the terms and conditions in the applicable 2020 COPS Office Program Award Owner's Manual; Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018 (34 U.S.C. § 10551, et seq.); the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and

Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101; 48 C.F.R. Part 31 (FAR Part 31) as applicable (Contract Cost Principles and Procedures); the Cooperative Agreement as applicable; representations made in the application; and all other applicable program requirements, laws, orders, regulations, or circulars.

Why this condition:

This manual has been designed to inform you of the requirements, laws, regulations, and policies that apply to your award. Your agency will be responsible for the information and rules contained in this manual and for implementing your award in compliance with the applicable terms, conditions, and regulations. Please note that in accordance with 2 C.F.R. § 200.101(c), the COPS Office applies 2 C.F.R. Subparts A through E to for-profit (or commercial) entities. More detailed guidance regarding any particular award requirement or your agency's specific circumstances can be requested through your COPS Office Grant Program Specialist.

What you should do:

Please read the entire SVPP Award Owner's Manual carefully prior to signing the award document. If you have any questions, please contact your COPS Office Grant Program Specialist. When accepting your award, you should ensure that the proper reporting and financial systems are in place to satisfy the award requirements.

2. Assurances and Certifications

Condition:

The recipient acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its application.

Why this condition:

Although the COPS Office has made every effort to simplify the process of applying for and receiving awards, several provisions of federal law require us to obtain the recipient's Assurances and Certifications regarding certain matters. Most of the Assurances and Certifications apply to all federal award programs.

What you should do:

Applicants to COPS Office award programs are required to sign the Assurances and Certifications forms at the time of application. Signing these documents assures the COPS Office that you have read, understood, and accepted the award terms and conditions outlined in the Assurances and Certifications. Please read these documents carefully, because signatures on these documents are treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines whether to fund the covered award. Additional copies of the Assurances and Certifications forms are contained in the appendices of this manual. If you have any questions about the Assurances and Certifications, please contact your assigned COPS Office Grant Program Specialist or the COPS Office Customer Care Center at 800-421-6770.

3. Allowable Costs

Condition:

*The funding under this award is for the payment of approved costs for SVPP purposes. The allowable costs approved for your agency's award are limited to those listed in the Financial Clearance Memorandum (FCM), which is included in your agency's award package. The FCM specifies the costs that your agency is allowed to fund with your award. In accordance with 2 C.F.R. § 200.400(g), the recipient must forgo any profit or management fee. **Your agency may not use award funds for any costs not identified as allowable in the FCM.***

Why this condition:

SVPP funding may only be used to pay for items and services approved by the COPS Office as reflected in the Financial Clearance Memorandum (FCM). FY 2020 SVPP funds must be used to improve security at schools and on school grounds in the jurisdiction of the grantee through evidence-based school safety programs. Only actual allowable costs incurred during the award period will be eligible for reimbursement and drawdown. If your agency experiences any cost savings over the course of the award, your agency may not use that excess funding to extend the length of the award beyond 36 months. Any funds remaining after your agency has drawn down for the costs approved during the 36-month funding period will be deobligated during the closeout process, and should not be spent by your agency.

Please note that in accordance with 2 C.F.R. § 200.101(c), the COPS Office applies the cost principles set forth in 2 C.F.R. Part 200, Subpart E to for-profit (or commercial) entities instead of the Federal Acquisition Regulation (FAR) at 48 C.F.R. Subpart 31.2. In addition, in accordance with 2 C.F.R. § 200.400(g), the recipient must forgo any profit or management fee.

To be eligible for payment under this award, the purchase of approved items must be made on or after the award start date and comply with the guidelines described in the section "Accessing Award Funds" in this manual. The section "Financial Record Maintenance" outlines the types of records you must keep to document that you followed this award condition. Purchases must also reflect the costs that were approved in the FCM.

A list of the allowable and unallowable costs under SVPP is provided in appendix H of this manual. If at any time you are unsure if an item is considered allowable or unallowable, please contact your COPS Office Grant Program Specialist for further assistance.

What you should do:

All recipients should keep and maintain the most recent, approved version of their 2020 SVPP application. To view and print this document, you can log into your account at www.cops.usdoj.gov. Please select "COPS Applications" from the menu of services and click on the "Print" icon to download the most recent version of your application in pdf format.

Refer to your FCM for the list of approved allowable costs. Listed here are the budget categories that may appear on your FCM. As long as funds are spent during the award period on the equipment and technology, supplies, travel, contracts/consultants, salary and benefits, and other costs that were documented in your application's budget summary and were approved through the issuance of the FCM, this award condition will be satisfied.

Personnel (salaries and benefits)

Personnel expenses may be reimbursed for project activities that take place on or after the award start date. In addition, a position's salary must be reasonable for the services rendered and must be paid to a person appointed under the law or rules governing hiring by your agency. Salary payments must be based on payroll records. Time and attendance records or the equivalent must support payroll records. With respect to any SVPP award, a recipient may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the recipient at a rate that exceeds 110 percent 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. The 2020 salary table for SES employees is available at the Office of Personnel Management website: <https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/general-schedule/>. For recipients that are state, local, or Tribal Government entities, award-funded salary and benefit costs must supplement, not supplant (replace), locally funded personnel costs that would have been funded even in the absence of this award. If any civilian personnel are employed on a part-time or temporary basis, your agency must specify the percentage of time that each person is working solely on the project identified in your agency's SVPP proposal. Fringe benefits may be paid if they are part of a reasonable compensation package offered to your employees. Particular items of fringe benefits must fall within the categories authorized by the COPS Office. Authorized fringe benefits include FICA, Social Security, health insurance, life insurance, vacation, sick leave, retirement, worker's compensation, and unemployment insurance.

Equipment/Technology

To be eligible for payment under this award, the purchase of equipment and technology must occur on or after the award start date, the items must be those specifically applied for and approved by the COPS Office, and they must meet the guidelines described in 2 C.F.R. Part 200, Subpart E – Cost Principles. For recipients that are state, local, or Tribal Government entities, award-funded equipment and technology must supplement, not supplant (replace), locally funded items that would have been funded even in the absence of this award. Funds currently budgeted or obligated for the purchase of equipment and technology may not be reallocated to other purposes or reimbursed upon receiving the SVPP award. Agencies should establish practices to receive, label, inventory, and track the location of all purchases made for award-funded equipment and technology.

Supplies

All supplies must be used solely for the project identified in your project proposal. Reimbursement for office supplies that are consumed for routine administrative purposes instead of project-related activities is prohibited. Items must meet the guidelines described in 2 C.F.R. § 200.314.

Travel/Training/Conferences

Travel costs for transportation, lodging, meals, temporary dependent care, and incidental expenses incurred by personnel while on official business are allowable under the SVPP program with prior approval from the COPS Office. In accordance with 2 C.F.R. § 200.474, travel costs for official business directly related to the award will be reimbursed based upon the recipient's written travel reimbursement policies if the costs are reasonable and allocable under the project. In the absence of an acceptable written policy regarding travel costs, allowable rates and amounts established by the U.S. General Services Administration (GSA) for the relevant geographic area will apply. The current GSA travel policy and per diem rates can be found at www.gsa.gov.

Allowable airfare costs will be reimbursed based upon the least expensive unrestricted accommodations class offered by commercial airlines—for example, lowest discount commercial airfare, the Federal Government contract airfare (if authorized and available), or standard coach airfare—unless otherwise authorized in advance by the COPS Office.

Temporary dependent care costs above and beyond regular dependent care that directly results from conference travels are allowable as long as the costs incurred (1) are a direct result of the individual's travel for the federal award, (2) are consistent with the recipient's documented travel policy for all entity travel, and (3) are only temporary during the travel period.

The SVPP program will fund award-related travel costs for the recipient agency or other (nonrecipient) individuals to attend training and technical assistance conferences, seminars, or classes or to visit a site specified in the application. Allowable award-related travel costs that were included in the application have been approved by the COPS Office as part of the SVPP award and final budget. Your agency should keep timely and accurate records of all travel expenses. If at any time these costs change, you should immediately contact your COPS Office Grant Program Specialist.

Contracts/Consultants

Contracts include goods or services that directly contribute to the implementation or enhancement of the project. The applicant should distinguish clearly between subawards and contracts in allocating any funds to other entities. Pursuant to 2 C.F.R. § 200.330, a subaward is for the purpose of carrying out a portion of the federal award, and a contract is for the purpose of obtaining goods and services for the recipient's own use. The substance of the relationship is more important than the form of the agreement in determining whether the recipient of the pass-through funds is a subrecipient or a contractor. Keep in mind that the awarding and monitoring of contracts must follow documented procurement procedures, including full and open competition, pursuant to the procurement standards in 2 C.F.R. §§ 200.317 – 200.326, and the issuance of subawards must meet the requirements of 2 C.F.R. § 200.331.

Any recipient of an award will be responsible for monitoring subawards and contracts in accordance with all applicable statutes, regulations, and guidelines. Primary recipients will be responsible for oversight of subrecipient or partner spending and monitoring specific performance measures and outcomes attributable to the use of COPS Office funds.

All sole-source procurements of goods and services (those not awarded competitively) in excess of \$250,000 require prior approval from the COPS Office. Please see the Sole Source Justification fact sheet at <https://cops.usdoj.gov/svpp#programdocuments>.

Consultant expenses include goods or services that directly contribute to the implementation or enhancement of the project. The use of a consultant should be more economical than direct employment. Compensation for individual consultant services procured under a COPS Office award must be reasonable and allocable in accordance with Office of Management and Budget (OMB) cost principles, and consistent with that paid for similar services in the marketplace. The services should be commensurate with the rate or salary paid by the primary employer.

Unless otherwise approved by the COPS Office, independent consultant rates will be approved based on the salary a consultant receives from his or her primary employer, as applicable, up to \$650 per day (or \$81.25 per hour). Please note that this does not mean that the rate can or should be as high as \$650 for all consultants. If individuals receive fringe benefits from their primary employer, such fringe benefit costs should not be included in the

calculation of consultant rates. A consultant rate justification will need to be submitted for review and approval to the COPS Office for any consultants hired through a noncompetitive bidding process and paid more than \$650 per day prior to incurring any costs. Determinations of approval will be made on a case-by-case basis. Please see the Consultant/Contract Rate Information fact sheet at Please see the Sole Source Justification fact sheet at <https://cops.usdoj.gov/svpp#programdocuments>.

Consultant travel costs follow the same guidelines as the "Travel/Training/Conferences" category but should be costs associated with consultant travel. These costs should not be reflected in the "Personnel" or "Travel" categories.

All other consultant-related expenses should be included in this section such as supply and equipment requests. The same guidelines as previously stated in the above sections will apply.

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services, where appropriate. For additional information, see "Civil Rights Compliance."

Other costs

Items, such as software, that do not conform to any of the category descriptions specified above, but that have a direct correlation to the overall success of a recipient's project objectives and are necessary for the project to reach full implementation will be considered on a case-by-case basis by the COPS Office.

If at any time you are unsure if an item is considered allowable or unallowable, please contact your COPS Office Grant Program Specialist for further assistance.

Please be advised that recipients may not use COPS Office funding for the same item or service also funded by another U.S. Department of Justice award.

See also award condition 13, "Duplicative Funding."

4. Comprehensive School Safety Assessments

Condition:

Recipients awarded funding through the SVPP must conduct comprehensive school safety assessments for all schools involved in the funded project within 12 months of accepting the award. The assessments should be completed as soon as possible as they can be used as strategic evaluation tools to identify school safety issues and potential resolutions. This condition can be waived for recipients that can demonstrate that comprehensive school safety assessments have already been performed or updated within the previous three years for the affected schools. The COPS Office will monitor SVPP grants to ensure that recipients comply with this condition.

Why this condition:

In order for school safety interventions to be most effective, they should be incorporated into broader school safety planning and assessment efforts and be designed to meet the unique individualized needs of each school and challenges of each jurisdiction and each school at which they will be implemented. Comprehensive school

safety assessments examine the overall safety, accessibility and emergency preparedness of school buildings and ground and are essential to school safety decision making. Information about conducting site assessments, including free assessment software can be found at <https://rems.ed.gov/SITEASSESS.aspx>.

What you should do:

Agencies should keep record of the date(s) of the assessment(s) as well as specific areas of the school(s) where problems were identified and the proposed (if any) recommendations for resolution. Participants (law enforcement, teachers, students, any staff, et cetera) should also be included. Please contact your Grant Program Specialist at 800-421-6770 or at AskCopsRC@usdoj.gov.

5. Extensions

Condition:

Your agency may request an extension of the award period to receive additional time to implement your award program. Such extensions do not provide additional funding. Only those recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Extension requests must be received prior to the end date of the award. 2 C.F.R. § 200.308(d)(2).

Why this condition:

Under federal regulations, requests to extend the award period require prior written approval from the COPS Office. Without an approved extension, your agency is not permitted to draw down federal funding for costs incurred beyond the official award end date. When justified, the COPS Office will seek to accommodate reasonable requests for no-cost time extensions to fully implement the COPS Office award.

What you should do:

The COPS Office will contact your agency during the last quarter of the award period to determine whether a no-cost time extension is needed. Requests to extend the award period must be received by the COPS Office before the official award end date. Failure to submit a request for a no-cost time extension before the award end date may result in the immediate deobligation of any remaining award funds. Please note that the project period of performance will be extended, if necessary, until the deliverable is considered final. If the award is set to expire, prior to the final approval of the deliverable, a no-cost extension will be executed for a reasonable amount of time for the recipient to complete the final deliverable.

6. Modifications

Condition:

Award modifications under the SVPP are evaluated on a case-by-case basis in accordance with 2 C.F.R. § 200.308. For federal awards in excess of \$250,000, any modification request involving the reallocation of funding between budget categories that exceed or are expected to exceed 10 percent (10%) of the total approved budget requires prior written approval by the COPS Office. Regardless of the federal award amount or budget modification percentage, any reallocation of funding is limited to approved budget categories. In addition, all modification requests involving new budget items or any budget modification that changes the scope of the project requires prior written approval by the COPS Office prior to their implementation. Please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

Why this condition:

The COPS Office realizes that agencies may need to reprogram award funds. Acceptable examples of such award modifications include purchasing additional equipment using cost-savings from approved items or purchasing a different type of equipment due to changing needs. Under federal regulations, you are required to expend federal funds only as approved in the FCM. Requests to change or alter an award that meet certain threshold requirements must be submitted to the COPS Office for written approval, prior to their purchase or implementation. Without prior written approval, you must continue to implement your award as it was originally outlined and accepted by your agency. Reprogrammed funds must be allocated for items covered within the original scope of the award. Please be advised that reprogramming requests for unallowable costs will not be approved.

Your agency may reprogram its budget up to an aggregate (over the course of your project) of 10 percent of the total project cost without prior written approval from the COPS Office. However, you should notify your COPS Office Grant Program Specialist of any reprogramming that falls below the 10 percent threshold as well. For awards in excess of \$250,000, any reprogramming of funds that totals an aggregate of 10 percent or more of the approved budget requires prior written approval from the COPS Office.

What you should do:

You are required to notify your COPS Office Grant Program Specialist if you determine that your agency will need to reprogram award funds. If your modification exceeds an aggregated (over the course of your project) 10 percent of your overall award, your agency must access <https://portal.cops.usdoj.gov>.

Please contact your COPS Office Grant Program Specialist for further direction on any additional requirements that may apply to your modification request. The COPS Office will then evaluate your request and notify your agency of our decision in writing. Implementation of the modified award budget may begin following written approval from the COPS Office. Please note that modification approvals for active awards will be accompanied by a modified FCM reflecting the approved changes.

If specific items were not identified in the budget at time of application (e.g. "Training for Staff" vs. "Active Shooter training for SROs," or "Equipment and Supplies" vs. requesting specific equipment and specific supplies, a modification will be required in order for the COPS Office to determine if items to be purchased are allowable. Please contact your Grant Program Specialist with questions.

7. Information Sharing with Law Enforcement

Condition:

Recipients are required to ensure that schools within their jurisdiction share school threat information and data with the appropriate local law enforcement agencies. In order to ensure that first responders have adequate familiarity with school-specific safety features and procedures (target hardening, evacuation plans, etc.):

- 1. Within 90 days after accepting the award, recipients are required to notify local law enforcement and fire agencies in their jurisdiction of the award and the planned school safety improvements under the award.*
- 2. Provide local law enforcement and fire agencies in their jurisdiction with copies of school safety plans unless sharing such information is prohibited by local laws. Recipients will report that this has been completed through regular progress report submissions.*

Depending on the project funded, the COPS Office may require a memorandum of understanding (MOU) or letter agreement between major partners describing roles and responsibilities in order to ensure proper collaboration and coordination. Your COPS Office Grant Program Specialist will be able to answer any questions you may have about these important information sharing and coordination requirements.

Why this condition:

Preventing and responding to school violence requires meaningful partnerships and information sharing with various community stakeholders, especially schools and law enforcement.

What you should do:

School threat information should be shared with appropriate local law enforcement agencies as soon as possible to ensure that there is adequate situational awareness to evaluate and respond to threats in a timely manner. If you have any questions about this condition, please contact your assigned COPS Office Grant Program Specialist or the COPS Office Customer Care Center at 800-421-6770.

8. Reports/Performance Goals

Condition:

To assist the COPS Office in monitoring and tracking the performance of your award, your agency will be responsible for submitting semiannual programmatic progress reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). 2 C.F.R §§ 200.327 – 200.328. The progress report is used to track your agency's progress toward implementing school safety strategies and to collect data to gauge the effectiveness of increasing the recipient's capacity to improve school safety through COPS Office funding. The Federal Financial Report is used to track the expenditures of the recipient's award funds on a cumulative basis throughout the life of the award.

Why this condition:

Federal regulations and policies require that financial assistance provided by the Federal Government must be monitored carefully to ensure the proper use of federal funds. In addition, the COPS Office seeks to document, on a continuing basis, the progress of our programs and recipients.

What you should do:

This award condition is designed to make your agency aware of reporting requirements associated with SVPP awards. Semiannual programmatic progress reports and a final programmatic closeout report must be submitted directly to the COPS Office through the "Account Access" tab on the COPS Office website at <https://cops.usdoj.gov>. Your agency is also required to submit quarterly Federal Financial Reports using Standard Form 425 (SF-425) within 30 days after the end of each calendar quarter. A final SF-425 will be due within 90 days after the end of the award period. This report reflects the actual cumulative federal expenditures incurred during the funding period, and the remaining unobligated balance of federal funds. Under federal regulations, your agency is not permitted to draw down federal funding for costs incurred after the official award end date; however, you will have a 90-day grace period after the award end date during which you can drawdown funds for eligible expenditures incurred before the award end date. Agencies with more than one delinquent programmatic or financial report submission per fiscal year may be subject to delays in receiving reimbursement for allowable expenses and may be required to receive technical assistance to improve compliance with reporting. These reports

are discussed in greater detail in the section titled “Reporting Requirements” in this manual. All reports should be submitted within the deadlines given to avoid suspension or possible termination of award funds or other remedial actions; failure to submit required reports may also impact future funding opportunities.

9. Award Monitoring Activities

Condition:

Federal law requires that recipients receiving federal funding from the COPS Office must be monitored to ensure compliance with their award conditions and other applicable statutes and regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Office award recipient, you agree to cooperate with and respond to any requests for information pertaining to your award. This includes all financial records, such as general accounting ledgers and all supporting documents. All information pertinent to the implementation of the award is subject to agency review throughout the life of the award, during the close-out process and for three years after the submission of the final expenditure report. 34 U.S.C. § 10385(a) and 2 C.F.R. §§ 200.333 & 200.336.

Why this condition:

The Public Safety Partnership and Community Policing Act of 1994 states that each award program must contain a monitoring component. The COPS Office actively monitors how recipients are complying with COPS Office award requirements. In addition, the monitoring component provides customer service and technical assistance to help ensure recipients understand how to remain in compliance while implementing their awards.

What you should do:

Your agency may be required to accommodate routine and non-routine efforts by the COPS Office, or an entity designated by the COPS Office, to examine your agency's use of federal funds both programmatically and financially. The four primary means of ensuring recipients' compliance with the terms and conditions of their awards are as follows:

Site visits. The COPS Office strategically selects award recipients based on a variety of risk factors to conduct site visits to ensure compliance with award terms and conditions. The purpose of site visits is three-fold:

1. To review for compliance with the terms and conditions of the award
2. To review the recipient's community policing strategies
3. To provide customer service and technical assistance

If selected, recipients will be notified in writing in advance with detailed instructions on how to prepare for the review of their COPS Office awards. The site visit is generally performed over a period of one day (additional days may depend on the review of numerous awards). Compliance reviews will be conducted for active awards to address any noncompliance and/or administrative issues identified during the review. Recipients will have an opportunity to resolve any identified noncompliance issues while on-site, or if necessary, following the site visit. In addition, recipients will have an opportunity to seek customer service and/or technical assistance on the implementation of their award.

Enhanced Office-Based Grant Reviews (EOBGR). In lieu of a site visit, awards may be selected for an EOBGR conducted at the COPS Office via teleconference or video conference. EOBGRs serve as an alternative for conducting site visit reviews in support of the COPS Office's overall award monitoring strategy. The purpose of the EOBGR is three-fold:

1. To review for compliance with the terms and conditions of the award
2. To review the recipient's community policing strategies
3. To provide customer service and technical assistance

If selected, the recipient will be notified in writing in advance of any EOBGR of its COPS Office awards. This review is generally performed over a one- to two-day period. Compliance reviews will be conducted for active awards to address any noncompliance and/or administrative issues identified during the review. In addition, award recipients will receive customer service and/or technical assistance on the implementation of their award.

Alleged Noncompliance Referral (ANCR). An ANCR is an allegation of suspected noncompliance that originates from an internal source within the COPS Office or an external referral from one of many sources. Internal ANCRs generally originate from COPS Office Grants Administration Division, COPS Office Finance Division, Community Policing Advancement Directorate, or the COPS Office Legal Division, although any COPS Office component may refer a noncompliance issue to the ANCR. External noncompliance referrals may be received from anonymous complainants, media, citizens, law enforcement agencies, other federal agencies, or other outside sources. On a case-by-case basis, COPS Office ANCR staff members determine the appropriate course of action to take to investigate complaints of alleged noncompliance. This may include phone or letter contact or a site visit by COPS Office staff or the Office of the Inspector General (OIG). Each ANCR referral is resolved as a violation or non-violation based upon the supporting documentation and/or other factors used to make a determination for compliance or non-compliance.

Audit Liaison. The OIG may conduct a random audit for any recipient of a COPS Office award. In the event your agency is audited by the OIG and there are audit recommendations (findings) resulting from noncompliance and/or poor accountability practices, the COPS Office Audit Liaison Section will work with your agency to resolve and close these recommendations. Remedies to close recommendations may include repayment of award funds and/or providing adequate documentation to demonstrate compliance and/or providing proof of policies or procedures that were created or revised to directly address the causes for the noncompliance as a proactive preventative measure to avoid future noncompliance.

Recipients are responsible for remedying any award noncompliance that is identified during site visits, EOBGRs, and/or ANCRs. In addition, recipients are responsible for remedying noncompliance stemming from audit recommendations identified in audits of COPS Office awards conducted by the OIG and the Office of the Chief Financial Officer (OCFO). Remedies for noncompliance may include but are not limited to repayment of award funds for unallowable or unsupported costs, providing adequate documentation to demonstrate compliance, suspending active award funding, voluntary withdrawal from or involuntary termination of remaining award funds, or a restriction from receiving future COPS Office awards for a period of time. Under certain conditions, additional actions may include referral and placement on the U.S. Department of Justice's High Risk List, which will include mandatory completion of the U.S. Department of Justice's Financial Management Training and being subject to increased monitoring of current and future awards while on the list. In the event of criminal misuse of award funds, recipients may also be subject to fines and imprisonment. To avoid findings of noncompliance, recipients are strongly encouraged to become familiar with the Grant Monitoring Standards and Guidelines for All COPS Office Grants and Cooperative Agreements and with the Award Owner's Manual for the year in which the award was made. Recipients should also contact their COPS Office Grant Program Specialist at any time during the life of

a COPS Office award with questions concerning award conditions, terms, or requirements to seek guidance to avoid noncompliance. It is necessary for recipients to maintain all relevant documentation (administrative, financial, and programmatic) used to develop the application and implement the award that may be necessary or required to demonstrate award compliance. For more information, please contact the COPS Office Customer Care at 800-421-6770 or at AskCopsRC@usdoj.gov.

10. Federal Civil Rights

Condition:

The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—

- a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);*
- b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;*
- c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and*
- d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.*

The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ “Part 200 Uniform Requirements”) and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

Why this condition:

The Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice has been delegated the responsibility for ensuring that recipients of federal financial assistance from the COPS Office are not engaged in discrimination prohibited by law. Included with your award package is a memorandum from the OCR, which addresses the federal civil rights statutes and regulations applicable to your award. You should review this

memorandum to understand your agency's civil rights responsibilities. For an overview of the civil rights laws and nondiscrimination requirements in connection with your award, please see <https://www.ojp.gov/program/civil-rights/overview>.

What you should do:

Included with your award package is a memorandum from the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, which addresses the federal civil rights statutes and regulations applicable to your award. You should review this memorandum to understand your agency's civil rights responsibilities.

As a recipient of federal financial assistance from the COPS Office, you are required to comply with the applicable federal civil rights and nondiscrimination laws to collect data and information sufficient to permit effective enforcement of such laws, and to cooperate with any federal civil rights investigation, which includes providing access to records, accounts, documents, information, facilities, and staff.

11. Equal Employment Opportunity Plan (EEOP)

Condition:

All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan. 28 C.F.R. Part 42 subpart E.

Why this condition:

It is the experience of the U.S. Department of Justice in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the statute that established the COPS Office, that "the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act's program to reduce crime and delinquency in the United States" 28 C.F.R. § 42.301. The Equal Employment Opportunity Plan (EEOP) does not impose quotas or hiring requirements on recipients of federal funds.

What you should do:

The obligations to comply with the EEOP requirement differ depending on your organization's legal status, the number of its employees, and the amount of the award. If your organization is a government agency or private business and has received a single award for \$25,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report and submit it to the Office for Civil Rights (OCR) within 120 days from the date of the award. Although the OCR has discretion to review all submitted Utilization Reports, it will review the Utilization Reports from recipients that receive an award of \$500,000 or more.

To begin developing a Utilization Report, please consult the OCR's website at <https://ojp.gov/about/ocr/eeop.htm> and click EEOP Reporting Tool Login. Additional assistance can be found online at the bottom of the same webpage by clicking the EEO Reporting Tool Job Aid and Frequently Asked Questions.

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, however, your organization must certify that it is exempt by logging into the EEO Reporting Tool on the OCR website at <https://ojp.gov/about/ocr/eeop.htm>, providing the contact and organizational profile information, and then submitting a Certificate of Exemption.

If you have further questions regarding the EEOP requirements, you may contact an EEOP specialist at the OCR by telephone at 202-307-0690, by TTY at 202-0307-2027, or by email at EEOPforms@usdoj.gov.

12. False Statements

Condition:

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

Why this condition:

This condition advises recipients of the consequences of submitting false claims or statements on applications, financial and programmatic reports, or other award documents.

What you should do:

Ensure that all documentation related to your agency's receipt and use of award funding (award applications, progress reports, Federal Financial Reports, etc.) is true and accurate.

13. Duplicative Funding

Condition:

The recipient understands and agrees to notify the COPS Office if it receives, from any other source, funding for the same item or service also funded under this award.

Why this condition:

This award was made to your agency for approved project costs that are not funded with other funds, including federal, state, local, tribal, or BIA funds. Consequently, your agency may not use this funding for items or services that you already have funding for from other sources.

What you should do:

If your agency receives funding from another source for the same item(s) or services(s) also funded under this award, please contact your COPS Office Grant Program Specialist or call the COPS Office Customer Care Center at 800-421-6770. If necessary, the COPS Office will work with your agency to reprogram funding for items or services that are allowable under this award program.

14. Additional High-Risk Recipient Requirements

Condition:

The recipient agrees to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient. 2 C.F.R. § 200.207.

Why this condition:

In accordance with 2 C.F.R. § 200.207, the DOJ may impose additional requirements specific to your award, as needed, when it determines that there is unsatisfactory performance, financial or administrative instability, noncompliance with award terms and conditions, or other lack of responsibility risk factors. In such cases, the DOJ may impose special conditions or restrictions that may include requiring the production of documentation, financial award administration training, on-site monitoring, prior approval for expenditure of funds, semiannual progress reports, separate bank accounts, or other requirements.

What you should do:

In order to obtain a COPS Office award, recipients must agree to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient.

15. System for Award Management (SAM) and Universal Identifier Requirements

Condition:

The recipient agrees to comply with the following requirements of 2 C.F.R. Part 25, Appendix A to Part 25 – Award Term:

I. System for Award Management and Universal Identifier Requirements

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

If you are authorized to make subawards under this award, you:

- 1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.*
- 2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.*

C. Definitions

For purposes of this award term:

1. *System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).*
2. *Unique entity identifier means the identifier required for SAM registration to uniquely identify business entities.*
3. *Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:*
 - a. *A Governmental organization, which is a State, local government, or Indian Tribe;*
 - b. *A foreign public entity;*
 - c. *A domestic or foreign nonprofit organization;*
 - d. *A domestic or foreign for-profit organization; and*
 - e. *A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.*
4. *Subaward:*
 - a. *This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.*
 - b. *The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).*
 - c. *A subaward may be provided through any legal agreement, including an agreement that you consider a contract.*
5. *Subrecipient means an entity that:*
 - a. *Receives a subaward from you under this award; and*
 - b. *Is accountable to you for the use of the Federal funds provided by the subaward.*

Why this condition:

The purpose of this standard award term is to ensure government-wide uniformity in establishing a unique entity identifier for federal financial assistance applicants, as well as recipients and their direct subrecipients (if applicable) and to establish the SAM as the repository for standard information about applicants and recipients.

What you should do:

At the time of award application, your agency was required to provide its unique entity identifier and be registered in the SAM database.

Your agency should continue to use the same unique entity identifier provided in your award application and update, as needed, the information associated with that unique entity identifier. If your agency is authorized to make subawards under its award, your agency may make subawards only to entities that have unique entity identifiers. Your agency must maintain active registration and current information in the SAM until you submit the

final financial report or receive the final payment under your award, whichever is later. **Your agency must review and update its SAM information at least once per year to maintain an active registration status.** For more information about SAM registration, please visit www.sam.gov.

16. Reporting Subawards and Executive Compensation

Condition:

The recipient agrees to comply with the following requirements of 2 C.F.R. Part 170, Appendix A to Part 170 – Award Term:

- I. *Reporting Subawards and Executive Compensation.*
 - a. *Reporting of first-tier subawards.*
 1. *Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).*
 2. *Where and when to report.*
 - i. *You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.*
 - ii. *For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)*
 3. *What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.*
 - b. *Reporting Total Compensation of Recipient Executives.*
 1. *Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if —*
 - i. *the total Federal funding authorized to date under this award is \$25,000 or more;*
 - ii. *in the preceding fiscal year, you received —*
 - (A) *80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and*
 - (B) *\$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and*
 - iii. *The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)*
 2. *Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:*
 - i. *As part of your registration profile at <https://www.sam.gov>.*
 - ii. *By the end of the month following the month in which this award is made, and annually thereafter.*

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if —

i. in the subrecipient's preceding fiscal year, the subrecipient received —

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions.

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

*i. Subawards,
and*

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. *Subaward:*
 - i. *This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.*
 - ii. *The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").*
 - iii. *A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.*
4. *Subrecipient means an entity that:*
 - i. *Receives a subaward from you (the recipient) under this award; and*
 - ii. *Is accountable to you for the use of the Federal funds provided by the subaward.*
5. *Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):*
 - i. *Salary and bonus.*
 - ii. *Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.*
 - iii. *Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.*
 - iv. *Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.*
 - v. *Above-market earnings on deferred compensation which is not tax-qualified.*
 - vi. *Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.*

Why this condition:

To further federal spending transparency, the Federal Funding Accountability and Transparency Act of 2006 (FFATA) requires, among other things, that information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov. Recipients are responsible for reporting their applicable executive compensation and subaward information, and the award term provides guidance to report the related information as required by FFATA.

What you should do:

At the time of award application, your agency was asked to ensure that it has the necessary processes and systems in place to comply with the applicable subaward and executive compensation reporting requirements should it receive funding. If your agency received awards of \$25,000 or more, you are required to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. The FFATA Subaward Reporting System (FSRS), accessible via the website at www.fsrs.gov, is the reporting tool

that your agency will use to capture and report subaward information and any executive compensation data required by FFATA. The subaward information entered in FSRS will then be displayed on www.USASpending.gov associated with your agency's award, furthering federal spending transparency.

For additional information regarding the executive compensation and subaward reporting requirements, please see Vol. 75, No. 177 (September 14, 2010) of the Federal Register, www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf.

17. Debarment and Suspension

Condition:

The recipient agrees not to award federal funds under this program to any party, which is debarred or suspended from participation in Federal assistance programs. 2 C.F.R. Part 180 (Governmentwide Nonprocurement Debarment and Suspension) and 2 C.F.R. Part 2867 (DOJ Nonprocurement Debarment and Suspension).

Why this condition:

Under federal regulations, recipients are required to ensure that federal funds are not given to parties that are debarred or suspended from participation in federal assistance programs. This is to protect the public interest and to ensure proper management and integrity in federal activities by conducting business only with responsible parties. For details regarding the debarment and suspension requirements, please see 2 C.F.R. Part 180 (Governmentwide Nonprocurement Debarment and Suspension), and 2 C.F.R. Part 2867 (DOJ Nonprocurement Debarment and Suspension.)

What you should do:

If under a COPS Office award you enter into a contract for goods or services for \$25,000 or more or any subaward, you must verify that the vendor or subrecipient and their respective principals (e.g., owners, top managers) with whom you intend to do business are not excluded or disqualified from participation in federal assistance programs. In addition, you must include a term or condition in the contract or subaward requiring the vendor or subrecipient to comply with subpart C of the OMB guidance in 2 C.F.R. Part 180 (Governmentwide Nonprocurement Debarment and Suspension) and subpart C of 2 C.F.R. Part 2867 (DOJ Nonprocurement Debarment and Suspension).

18. Employment Eligibility

Condition:

The recipient agrees to complete and keep on file, as appropriate, a Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States. Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603.

Why this condition:

Under federal immigration law, all employers are required to take certain steps to ensure that persons that are hired are legally permitted to work in the United States. The United States Citizenship and Immigration Services Employment Eligibility Verification Form (I-9) outlines the types of documents that an employer should review to confirm that a new hire is eligible for employment.

What you should do:

You do not need to submit any documentation to the COPS Office to satisfy this condition. Rather, you should complete and maintain the I-9 forms for all new employees under the guidelines set forth by the United States Citizenship and Immigration Services. For further information about this requirement, please visit

<https://www.uscis.gov/i-9-central>.

19. Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information

Condition:

The recipient agrees not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he or she reasonably believes is evidence of gross mismanagement of a federal contract or award; a gross waste of federal funds; an abuse of authority relating to a federal contract or award; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or award. The recipient also agrees to provide to their employees in writing (in the predominant native language of the workforce) of the rights and remedies provided in 41 U.S.C. § 4712. Please see appendices in the Award Owner's Manual for a full text of the statute.

Why this condition:

Under "Enhancement of contractor protection from reprisal for disclosure of certain information" (41 U.S.C. § 4712), recipients are prohibited from taking reprisal actions against employees for certain whistleblowing activities in connection with federal awards and contracts. The law protects the public interest and ensures the proper management and use of federal funds.

What you should do:

The recipient must not take reprisal actions against an employee for disclosing misconduct under federal contracts and awards to certain persons and entities.

The recipient is prohibited from discharging, demoting, or otherwise discriminating against an employee as reprisal for disclosing information that he or she reasonably believes is evidence of

- gross mismanagement of a federal contract or award;
- a gross waste of federal funds;
- an abuse of authority relating to a federal contract or award;
- a substantial and specific danger to public health or safety; or
- a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or award.

In addition, the disclosure must also have been made to

- a member of Congress or a representative of a committee of Congress;
- an inspector general;
- the Government Accountability Office;
- a federal employee responsible for contract or award oversight or management at the relevant agency;
- an authorized official of the U.S. Department of Justice or other law enforcement agency;

- a court or grand jury; or
- a management official or other employee of the contractor, subcontractor, or recipient who has the responsibility
- to investigate, discover, or address misconduct.

An employee is deemed to have made a protected disclosure if he or she initiates or provides evidence of misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a federal contract or award.

The recipient must inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights, protections, and remedies under 41 U.S.C. § 4712.

Please see the appendices in this manual for a full text of “Enhancement of contractor protection from reprisal for disclosure of certain information” (41 U.S.C. § 4712).

20. Mandatory Disclosure

Condition:

Recipients and subrecipients must timely disclose in writing to the COPS Office or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. Recipients that receive an award over \$500,000 must also report certain civil, criminal, or administrative proceedings in SAM, and are required to comply with the Term and Condition for Recipient Integrity and Performance Matters as set out in 2 C.F.R. Part 200, Appendix XII to Part 200. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in 2 C.F.R. § 200.338.

Why this condition:

Federal regulations require recipients and subrecipients to report all federal violations involving fraud, bribery, or gratuity that may affect the awarded federal funds. In addition, recipients that receive an award of more than \$500,000 must also report certain civil, criminal, or administrative proceedings in SAM and are required to comply with the Term and Condition for Recipient Integrity and Performance Matters as set out in 2 C.F.R. Part 200, Appendix XII to Part 200. This condition advises your agency of the requirement and the consequences of failing to report such violations to the COPS Office or pass-through entity

What you should do:

Ensure that you timely report in writing to the COPS Office or pass-through entity all federal violations involving fraud, bribery, or gratuity that may affect your federal award and, if applicable, report certain civil, criminal, or administrative proceedings in SAM.

21. Conflict of Interest

Condition:

Recipients and subrecipients must disclose in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest affecting the awarded federal funding in accordance with 2 C.F.R. § 200.112.

Why this condition:

Recipients and subrecipients are required to use federal funding in the best interest of their award program. Any decisions related to these funds must be free of hidden personal or organizational conflicts of interest, both in fact and in appearance.

This means that recipients and subrecipients should not participate in any award-related decisions or recommendations that involve any of the following people or groups:

- an immediate family member
- a partner
- an organization in which they are serving as an officer, director, partner, or employee
- any person or organization with whom they are negotiating or who has an arrangement concerning prospective employment, has a financial interest, or for other reasons can have less than an unbiased transaction with the recipient or subrecipient

This also means that recipients and subrecipients should avoid any action which might result in or create the appearance of

- using your official position for private gain;
- giving special treatment to any person;
- losing complete independence or objectivity;
- making an official decision outside official channels; or
- affecting negatively the confidence of the public in the integrity of the Federal Government or the program.

What you should do:

Ensure that you report in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest that may affect your federal award.

22. Contract Provision

Condition:

All contracts made by the award recipients under the federal award must contain the provisions required under 2 C.F.R. Part 200, Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. Please see appendices in the Award Owner's Manual for a full text of the contract provisions.

Why this condition:

Federal regulations require recipients and subrecipients to comply with the necessary contract provisions in order to standardize and strengthen oversight of all contracts made under federal awards. This provision protects the public interest and ensures the proper management and use of federal funds as it relates to contracts entered into by the recipient.

What you should do:

The recipient should review all contracts made under the federal award to ensure that they contain the provisions required under 2 C.F.R. Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards in the appendices of this manual.

23. Restrictions on Internal Confidentiality Agreements

Condition:

No recipient or subrecipient under this award, or entity that receives a 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 the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. *Consolidated Appropriations Act, 2020, Public Law 116-93, Division C, Title VII, Section 742.*

Why this condition:

Under the Appropriations Act, neither the recipient, subrecipient, nor any entity that receives a contract or subcontract with any funds under this or any other Act may require its employees or contractors to sign an internal confidentiality agreement or statement prohibiting or otherwise restricting their lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency. This provision protects the public interest and ensures the proper management and use of federal funds. This limitation is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

What you should do:

In accepting this award, the recipient

- represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above;
- represents that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict) reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the agency making this award, and will resume such obligations only if expressly authorized to do so by that agency.

If the recipient does or is authorized to make subawards or contracts under this award, in accepting, the recipient

- represents that it has or will determine that no other entity that the recipient proposes may or will receive award funds (whether through a subaward, contract, or subcontract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above;
- represents that it has or will make appropriate inquiry, or otherwise has an adequate factual basis, to support this representation;
- represents that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict) reporting of waste, fraud,

or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

24. Recipient Integrity and Performance Matters.

Condition:

For awards over \$500,000, the recipient agrees to comply with the following requirements of 2 C.F.R. Part 200, Appendix XII to Part 200 – Award Term and Condition for Recipient Integrity and Performance Matters:

A. Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active awards, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2. of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of an award, cooperative agreement, or procurement contract from the Federal Government;*
- b. Reached its final disposition during the most recent five year period; and*
- c. Is one of the following:*
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term and condition;*
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;*
 - (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or*

(4) Any other criminal, civil, or administrative proceeding if:

- i. It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;*
- ii. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and*
- iii. The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.*

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2. of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1. of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, award, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or award. It does not include audits, site visits, corrective plans, or inspection of deliverables.*
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.*
- c. Total value of currently active awards, cooperative agreements, and procurement contracts includes—*
 - (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and*
 - (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.*

Why this condition:

Under 2 C.F.R. § 200.210(b)(1)(iii), recipients of awards in excess of \$500,000 are required to report certain civil, criminal, and administrative proceedings if they have active federal grants, cooperative agreements, or contracts (or any combination of these) that total more than \$10,000,000 during the COPS Office award period. The purpose is to protect the public interest and to ensure proper management in federal activities by conducting business with responsible parties.

What you should do:

If the total value of your active grants, cooperative agreements, and contracts from all federal awarding agencies exceeds \$10,000,000 during the COPS Office award period, then you must ensure that the proceedings described in paragraph 2 of this award term that are reported in the System for Award Management (SAM) are current. The information about the reported proceedings is made available in SAM via the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIS)).

During the award period, you must either report for the most recent five year period new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. You must also disclose semiannually any information about criminal, civil, and administrative proceedings.

25. Computer Network Requirement

Condition:

The recipient understands and agrees that no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this requirement 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. *Consolidated Appropriations Act, 2020, Public Law 116-93, Division B, Title V, Section 527.*

Why this condition:

The Appropriations Act prohibits the use of federal funds to maintain or establish a computer network that does not block the viewing, downloading, and exchanging of pornography. This provision protects the public interest in the proper management and use of federal funds.

What you should do:

The recipient must not use award funds to maintain or establish a computer network unless the network blocks pornography. This does not limit the use of funds for criminal investigations, prosecution, or adjudication activities.

26. Travel Costs

Condition:

Travel costs for transportation, lodging and subsistence, and related items are allowable under the SVPP with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. § 200.474.

Why this condition:

SVPP funding will cover award-related travel costs for the recipient agency or other (nonrecipient) individuals to attend training and technical assistance conferences, seminars, or classes or to visit a site specified in the original application. Allowable expenses for award-related lodging, meals, temporary dependent care, and incidental expenses that were included in the application were approved by the COPS Office as part of your agency's SVPP award and final budget. For more information, please refer to the award condition on "Allowable Costs."

What you should do:

Your agency should refer to your FCM for a list of approved travel costs and use SVPP funds only for approved travel costs incurred during the award period. In addition, your agency should keep timely and accurate records of all travel expenses. If at any time these costs change, you should immediately contact your COPS Office Grant Program Specialist.

27. Sole Source Justification

Condition:

Recipients who have been awarded funding for the procurement of an item (or group of items) or service in excess of \$250,000 and who plan to seek approval for use of a noncompetitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending, or drawing down award funds for that item or service. 2 C.F.R. § 200.324(b)(2).

Why this condition:

In general, recipients are required to procure funded items through open and free competition. However, in some instances, recipients may have already determined that competition is not feasible.

What you should do:

If you have received an award for an item (or group of items) or service in excess of \$250,000 and have already determined that the award of a contract through a competitive process is infeasible, you must provide a written justification that explains why it is necessary to contract noncompetitively.

The initial determination that competition is not feasible can be made if one of the following circumstances exists:

- Competition is determined inadequate after solicitation of a number of sources.
- The COPS Office authorizes noncompetitive proposals in response to a written request from the recipient.
- The item/service is available only from one source.
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.

The COPS Office will review your request and the supporting information that you provide and will make a determination as to whether or not an exception can be made to the general rule regarding competition. If submitting a sole source justification request to the COPS Office, please use the format described in the Sole Source Justification fact sheet at <https://cops.usdoj.gov/svpp#programdocuments>.

28. Public Release Information

Condition:

The recipient agrees to submit one copy of all reports and proposed publications resulting from this award ninety (90) days prior to public release. Any publications (written, curricula, visual, sound, reports, or websites) or computer programs, whether or not published at government expense, shall contain the following statement:

"This project was supported, in whole or in part, by federal award number 2020-XX-XX- XXXX awarded to [Entity] by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) or contributor(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific individuals, agencies, companies, products, or services should not be considered an endorsement by the author(s), contributor(s), or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity."

Why this condition:

The COPS Office wants to ensure the quality, objectivity, utility, and integrity of information in funded projects that are disseminated to the public. However, award-funded reports and publications are not works of authorship by the Federal Government and should not be construed to reflect the official policy or position of the U.S. Department of Justice.

What you should do:

Ensure that all publications developed under your award contain the required statement listed above.

29. Criminal Intelligence Systems

Condition:

Recipients using award funds to operate an interjurisdictional criminal intelligence system must comply with the operating principles of 28 C.F.R. Part 23. By signing the Reviews and Certifications in the application, the recipient assured the COPS Office that it will comply with the requirements of 28 C.F.R. Part 23.

Why this condition:

If your agency receives funding for equipment or technology that will be used to operate an interjurisdictional criminal intelligence system, you must comply with the operating principles found in 28 C.F.R. Part 23. An "interjurisdictional criminal intelligence system" is generally defined as a system that receives, stores, analyzes, exchanges, or disseminates data regarding ongoing pre-arrest criminal activities (examples of such activities include, but are not limited to, loan sharking, drug or stolen property trafficking, gambling, extortion, smuggling, bribery, and public corruption) and shares this data with other law enforcement jurisdictions. 28 C.F.R. Part 23 contains operating principles for these interjurisdictional criminal information systems that protect individual privacy and constitutional rights.

If your agency will use award funds to operate a single agency database (or other unrelated forms of technology) and will not share criminal intelligence data with other jurisdictions, 28 C.F.R. Part 23 does not apply to your award.

What you should do:

Recipients were required to agree to the Certification of Review of Criminal Intelligence Systems/28 C.F.R. Part 23 as part of their application proposal so the COPS Office can track which agencies intend to use their award funds to operate interjurisdictional criminal intelligence systems. If your agency intends to use award funds to operate an interjurisdictional criminal intelligence system, you should have indicated this in your application and certified your agency's agreement to comply with the operating principles found at 28 C.F.R. Part 23. Your agency now must comply with 28 C.F.R. Part 23 in operating the interjurisdictional criminal intelligence system funded through your SVPP award.

30. State Information Technology Point of Contact

Condition:

The recipient agrees to ensure that the appropriate State Information Technology Point of Contact receives written notification regarding any technology or information-sharing project funded by this award during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these award funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <https://it.ojp.gov/technology-contacts>.

Why this condition:

The COPS Office is committed to promoting communication between state and local law enforcement.

What you should do:

If applicable, upon receiving the award, your agency should contact your state information technology point of contact for further guidance. Please visit the Justice Information Sharing homepage at <https://it.ojp.gov/technology-contacts> and identify your appropriate contact.

The COPS Office is committed to avoiding duplication of existing law enforcement information-sharing networks or IT systems that involve interagency connectivity between jurisdictions. Therefore, such COPS Office-funded systems should employ, to the extent possible, existing systems such as Law Enforcement Online (LEO), Regional Information Sharing Systems (RISS), Joint Regional Information Exchange System (JRIES), etc., to achieve interstate connectivity.

31. News Media

Condition:

The recipient agrees to comply with the COPS Office policy on contact with the news media. The policy establishes the COPS Office Communications Division as the principal point of contact for the news media for issues relevant to the COPS Office or parameters of this award. The recipient agrees to refer all media inquiries on these topics directly to the COPS Office Communications Division at 202-514-9079.

Why this condition:

The COPS Office Communications Division will coordinate contacts with the news media, provide supplemental information that may be helpful to you and the media outlet, and make the appropriate U.S. Department of Justice offices and personnel aware of pending articles and interviews.

What you should do:

If you are contacted by a media outlet seeking information, an interview, or other support related to your COPS Office project, please refer the requesting outlet to the COPS Office Communications Division at 202-514-9079.

32. Paperwork Reduction Act Clearance and Privacy Act Review

Condition:

The recipient agrees, if required, to submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act (PRA). Before submission to OMB, all information collections that request personally identifiable information must be reviewed by the COPS Office to ensure compliance with the Privacy Act. The Privacy Act compliance review and the PRA clearance process may take several months to complete. 44 U.S.C. §§ 3501-3520 and 5 U.S.C. § 552a.

Why this condition:

The purpose of the Paperwork Reduction Act is to reduce, minimize, and control paperwork burdens on the public while maximizing the practical utility and public benefit of information created, collected, disclosed, maintained, used, shared, and disseminated by or for the Federal Government. See 5 C.F.R. § 1320.1. In addition, the Privacy Act establishes a “code of fair information practices” that regulates the collection, maintenance, use, and disclosure of personally identifiable records. 5 U.S.C. § 552a.

A collection of information undertaken by a recipient is considered to be conducted or sponsored by a federal agency only if (1) the recipient is conducting the collection of information at the specific request of the agency, or (2) the terms and conditions of the award require specific approval by the agency of the collection of information or the collection procedures. See 5 C.F.R. § 1320.3(d).

What you should do:

When you undertake surveys, interviews, and other methods of information collection in furtherance of the objectives of the award, you should contact your COPS Office Grant Program Specialist. The COPS Office Grant Program Specialist will inform you whether Office of Management and Budget (OMB) approval of the information collection method is required and of the procedures necessary to obtain this approval. As part of the OMB approval process, a privacy assessment will be completed to determine if an information collection requires a privacy-related notice. OMB approval may take several months to receive, so recipients are advised to allow ample time for the processing of this request.

33. Copyright

Condition:

If applicable, the recipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under this award in accordance with 2 C.F.R. § 200.315(b). The COPS Office reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use the work, in whole or in part (including create derivative works), for Federal Government purposes, and to authorize others to do so. The COPS Office also reserves the right, at its discretion, not to publish deliverables and other materials developed under this award as a U.S. Department of Justice resource.

Products and deliverables developed with award funds and published as a U.S. Department of Justice resource will contain the following copyright notice:

"This resource was developed under a federal award and may be subject to copyright. The U.S. Department of Justice reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use the work for Federal Government purposes, and to authorize others to do so. This resource may be freely distributed and used for noncommercial and educational purposes only."

Why this condition:

U.S. Department of Justice regulations allow the recipient of a SVPP award to copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award.

As a Federal Government agency whose activities include producing and disseminating law enforcement materials to advance public safety across the nation, the COPS Office has an interest in making your deliverables and products widely available and accessible to the public. The COPS Office may make any work that was developed or purchased under this award publically available by any means without restriction, including a U.S. Department of Justice website, social media account, a hard copy, or in electronic form. The COPS Office also reserves the right, at its discretion, to not publish deliverables and other materials (e.g., reports, publications, manuals, and training curricula) developed under this award as a U.S. Department of Justice resource.

What you should do:

The recipient is responsible for acquiring the rights, and ensuring that its subrecipients/contractors/authors acquire the rights, including the payment of required fees, to use copyrighted material for inclusion in deliverables that are developed under this award. All licensing, publishing, or similar agreements with a copyright holder, publisher, or other relevant party must include provisions giving the COPS Office a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use the work in whole or in part (including create derivative works) for Federal Government purposes and to authorize others to do so. If the recipient retains a contractor or consultant to author or coauthor a work under this award, the recipient must ensure that there is a written agreement with the contractor or consultant that explicitly (1) assigns and transfers all rights to the copyright in the work to the recipient for the full term of copyright and, if a copyright transfer is not feasible, (2) awards the COPS Office the same royalty-free, nonexclusive, and irrevocable license to use, and authorize others to use, the work for Federal Government purposes.

The U.S. Department of Justice is a nonexclusive licensee to copyrighted work that was developed, or for which ownership was purchased, under this award. Only the legal or beneficial owner of an exclusive right under a copyright is entitled to institute an infringement action. The recipient should therefore consult its own legal counsel with any copyright infringement questions. For more information about registering a copyright, please visit the U.S. Copyright Office at www.copyright.gov.

34. Local Match

Condition:

Recipients are required to contribute a local match of at least 25 percent toward the total cost of the approved award project, unless waived in writing by the COPS Office. 34 U.S.C. § 10551(f). The local match must be a cash match and must be paid during the award period.

Why this condition:

The SVPP program provides up to 75 percent funding and a federal share up to \$500,000 towards the total cost of the approved award project. Recipients are therefore responsible for at least 25 percent of the total project costs. The local match must be a cash match from local, state, or other non-COPS Office funds. Federal funds (other than COPS Office funds) may be used to meet your local match only if the federal funds are authorized by statute for that purpose and approved by both the federal agency and the COPS Office.

What you should do:

The SVPP award is for three years (36 months) in duration and the local match (cash) must be paid during the award period. Your agency must maintain records of your local share. These records should clearly show the source of the local matching funds, the amount of the match, and when the match was contributed. You do not need to provide these supporting documents to the COPS Office, but such records must be produced in the event of an audit or site visit. In addition, Recipients are required to report the amount of the match contributed on the quarterly Federal Financial Report SF-425 under "line B." Acceptable sources for local match requirements may include the following:

- Non-federal asset forfeitures funds (subject to approval from the state or local oversight agency)
- Funds from state or local governments that are committed to matching funds for your program
- Funds from federal programs whose statutes specifically authorize their use as matching funds
- Funds contributed by private sources
- Federal funds appropriated to tribal agencies or to the Bureau of Indian affairs performing law enforcement functions on Indian lands may be used as matching funds

Matching contributions may be applied at any time during the life of the award, provided that the full matching share is obligated by the end of the award period. If you have any questions about paying the local match, please contact your COPS Grant Program Specialist at 800.421.6770.

35. Contracts and MOUs with Other Jurisdictions

Condition:

The recipient understands and agrees that the equipment, technology, supplies, services, training, civilian positions, and other costs funded with this SVPP award may only be used to benefit schools within the recipient's jurisdiction.

Why this condition:

The SVPP award is intended to benefit schools within the recipient's jurisdiction. Therefore, the recipient must use the SVPP award funding to benefit its own population.

What you should do:

The SVPP award funding should be used directly to improve security at schools within the recipient's jurisdiction. Therefore, the equipment, technology, supplies, services, training, civilian positions, and other costs funded with this SVPP award may not be used for any other purposes besides benefit the schools within the recipient's jurisdiction.

What are the specific rules regarding termination of award funding?

The COPS Office may suspend, in whole or in part, or terminate funding or impose other sanctions on a recipient for the following reasons:

- Failure to substantially comply with the requirements or objectives of the Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018, 34 U.S.C. § 10551, et seq., program guidelines, or other provisions of federal law
- Failure to make satisfactory progress toward the goals or strategies set forth in this application
- Failure to adhere to award agreement requirements or special conditions
- Proposing substantial plan changes to the extent that, if originally submitted, would have resulted in the application not being selected for funding
- Failure to submit required or requested reports
- Filing a false statement or certification in this application or other report or document
- Other good cause shown

Prior to imposing sanctions, the COPS Office will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Appeal procedures will follow those in the U.S. Department of Justice regulations in 28 C.F.R. Part 18.

Awards terminated due to noncompliance with the federal statutes, regulations, or award terms and conditions will be reported to the integrity and performance system accessible through SAM (currently FAPIIS).

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and any other remedy available by law.

Please be advised that recipients may not use COPS Office funding for the same item or service also funded by another U.S. Department of Justice award.

Accepting the award

After you have reviewed the conditions of your COPS Office SVPP Program award and your agency agrees with these conditions, you are ready to accept the award. The Director (or Acting Director) of the COPS Office has signed the award document indicating approval of your award, an obligation of federal funds to your organization, and our commitment to the award. As stated at the beginning of this section, to officially begin your award and draw down your funds, the authorized officials (see the Glossary of Terms in this manual) must access

<https://portal.cops.usdoj.gov> to log in, review, and electronically sign the award document with the award terms and conditions; the Financial Clearance Memorandum that is incorporated by reference into the award document; and, if applicable, the special award conditions and high risk conditions in the award document supplement within 90 days of the date shown on the award congratulatory letter. Please see the Agency Portal User Manual at <https://cops.usdoj.gov/svpp#programdocuments> for detailed instructions on award acceptance.

Who should sign the award document for our agency?

The authorized official is the government executive who has the ultimate and final responsibility for all programmatic and financial decisions regarding this award as representatives of the legal recipient. **COPS Office SVPP awards require that the top government executive (e.g., superintendent, governor, mayor, board chairman, county administrator, town manager, or equivalent) sign the award document.** Typically, this is the same executive who signed the forms in your SVPP application package. If this individual has changed, please complete a Change of Information (COI) form online at <https://cops.usdoj.gov/svpp#programdocuments>. If you have any questions as to who should sign the award, please contact your organization's legal counsel.

By when must the award document be signed?

Please electronically sign the award document and all award condition pages within 90 days of the date on the award congratulatory letter. Award funds will not be released until we have received your agency's signed award document, your budget has received final clearance, and any other relevant award conditions particular to your agency have been satisfied. Failure to electronically sign your original award document within the 90-day award acceptance period may result in your SVPP award being withdrawn and the funds deobligated without additional notification. If your agency requires an extension for accepting the award beyond the 90-day acceptance timeframe, you will be able to request an extension through the online system. Be sure to explain the circumstances that prevent your agency from electronically signing the award document within the 90-day period, and identify the date by which the award document will be signed. The COPS Office will review such requests on a case-by-case basis. The COPS Office reserves the right to deny requests to extend the 90-day award acceptance period. If you have any questions, please contact your COPS Office Grant Program Specialist or the COPS Office Customer Care Center at 800-421-6770.

II. Procurement Process

In general, recipients are required to procure funded items through open and free competition when feasible. For the purchase of equipment, technology, or services under a COPS Office award, recipients must follow their own policies and procedures on procurement as long as those requirements conform to the federal procurement requirements set forth in the uniform administrative requirements (2 C.F.R. §§ 200.317 – 200.326). Consistent with the uniform administrative requirements that prohibit procurement practices that restrict competition, recipients and subrecipients may not discriminate against any person or entity on the basis of a person or entity's status as an "associate of the Federal Government" (or on the basis of a person or entity's status as a parent, affiliate, or subsidiary of an associate of the Federal Government). The term "associate of the Federal Government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the Federal Government as an employee, contractor, subcontractor, award recipient, subrecipient, agent, or otherwise.

As described in the award condition titled "Sole Source Justification," recipients are required to submit a sole source justification (SSJ) request to the COPS Office for noncompetitive procurements in excess of \$250,000 prior to purchasing equipment, technology, or services; obligating funding for a contract; or entering into a contract with award funds. If submitting a sole source justification request to the COPS Office, please use the format described in the Sole Source Justification fact sheet at <https://cops.usdoj.gov/svpp#programdocuments>.

If you have any questions regarding the federal requirements that guide procurement procedures, please contact your COPS Office Grant Program Specialist.

For more information about COPS Office programs and resources, please call the COPS Office Customer Care Center at 800-421-6770 or visit the COPS Office online at www.cops.usdoj.gov.

III. Accessing Award Funds

This section provides answers to payment-related questions, including all the information needed to provide access to request payments from your COPS Office awards. For assistance with financial management and award administration, please contact the COPS Office Customer Care Center at 800-421-6770 or visit our website at www.cops.usdoj.gov.

Payment method

What method of payment is used?

There is currently one payment system available for accessing federal award funds—the Grant Payment Request System (GPRS). GPRS is a web-based system that enables recipients to use a secure Internet connection to request funds. Approved payment requests will automatically be scheduled for payment by the United States Department of the Treasury through electronic funds transfer (EFT). The Automated Clearing House (ACH) is the primary system that agencies use for EFT. An award recipient will be able to review previous payment requests made since July 2009. For more information regarding GPRS, please visit the following website:

<https://ojp.gov/about/offices/ocfogprs.htm>.

Setting up your account

How do we set up a new GPRS account?

If you are a new award recipient to the COPS Office, your agency should determine which authorized employee(s) will be responsible for requesting federal funds for your COPS Office awards through the GPRS system. The individual(s) selected must click on the following link and register with the GPRS system to become a drawdown specialist for your agency: <https://grants.ojp.usdoj.gov/gprs/welcome>. All individuals that need access to GPRS must register separately and create their own unique GPRS username account, as these accounts are not meant to be shared.

Once you have been approved, you will receive an email containing a temporary password and information on how to use GPRS. Please note that part of the verification process may involve outreach to your Law Enforcement Executive, Government Executive, or other financial points of contact to validate the information that was provided during the registration process. Once you receive your temporary password, you should login to the GPRS website and change your temporary password to a permanent password. If you ever have an issue regarding your GPRS password, you have the option to utilize the “Forgot Password” link on the webpage. It will email you a new temporary password. If this does not work, please contact the GMS Helpdesk (888-549-9901, option 3) for a password reset for GPRS with the username you selected upon registration.

DOJ award recipients who already have active GPRS accounts for awards created in the OJP Grants Management System (GMS) may be instructed to consolidate usernames once their COPS GPRS username is approved and becomes active. For more information on GPRS username consolidation, please visit the following link:

<https://ojp.gov/about/pdfs/gprsjobaid.pdf>.

How do we add an award to an existing GPRS account?

If you are currently registered for an active COPS Office award username in GPRS and would like to add a recently funded COPS Office award number to your existing COPS Office award username, you must contact the COPS Office GPRS Registration Desk. Please send your request via email to COPSGPRSRegistration@usdoj.gov and provide the following COPS Office award GPRS username information:

- User name (for COPS Office awards)
- First/last name
- Vendor number (as listed on your award document)
- Award number(s) to be added

How do we fill out the payment enrollment forms?

If you are a new award recipient to the COPS Office, your agency will need to complete an Automated Clearinghouse (ACH) Vendor/Miscellaneous Payment enrollment form (SF-3881). This form can be found on the COPS Office website at <https://cops.usdoj.gov/svpp#programdocuments>.

Prior to accessing your award funds, your agency must mail the original signed form to:

**Office of Justice Programs
Office of the Chief Financial Officer
810 Seventh Street NW
Attn: Control Desk, Fifth Floor
Washington, DC 20001**

Your agency must complete the "Payee/Company Information" section following the directions on the back of the form and also provide the award number (printed on the award document). Next, your financial institution must complete the "Financial Institution Information" section and have the appropriate financial official sign the form.

If you are a recipient of a previous COPS Office award, you should already have filled out an ACH enrollment form. You will not be required to submit a new ACH enrollment form for the new award as long as your bank account information or OJP vendor number has not changed. If you have any questions, or wish to verify your ACH enrollment form information, please call the COPS Office Customer Care Center at 800-421-6770 and ask to speak with your state assigned Financial Analyst.

When should Federal Financial Reports be filed?

Current regulations state that all COPS Office award recipients are required to submit their initial Federal Financial Report (FFR) using Standard Form 425 (SF-425) at the end of the period that includes the award start date, regardless of when the award was accepted, and thereafter, at the end of every calendar quarter, regardless of award activity. This report should reflect actual expenditures and unliquidated obligations incurred by your agency on a cumulative basis. You will not be able to make drawdowns from your GPRS account if the SF-425 report for the most recent reporting quarter is not on file with the COPS Office by the deadline date. Recipients are encouraged to submit their SF-425 reports via the Internet at <https://portal.cops.usdoj.gov>.

For more information on how to complete and where to submit your quarterly SF-425 report, see the section in this manual titled "Reporting Requirements."

Filing the Federal Financial Report (SF-425) identifies your federal and local expenditures made during that calendar quarter. However, to receive actual payment, you must request it through GPRS.

Additional payment questions

Can we receive advances?

Yes. If you receive funds through electronic transfer, the period allowed is 10 days in advance. In general, the concept of “minimum cash on hand” applies to COPS Office awards. This concept requires that your agency request funds based upon immediate cash disbursement needs. You should time your request for payment to ensure that federal cash on hand is the minimum that you need.

There should be no excess federal award funds on hand, except for advances not exceeding 10 days, as noted above.

The Federal Government has four basic rules regarding advances. Advances can be terminated if the recipient

1. is unwilling or unable to attain project goals;
2. maintains excess cash on hand;
3. does not adhere to the terms and conditions of the award;
4. fails to submit reliable or timely reports.

How often can we request reimbursement of costs?

There are no limitations on how often your agency may request reimbursements; however, your reimbursement requests should cover a specific time frame and include only costs that were approved in the Financial Clearance Memorandum (FCM). As a general guideline, most agencies request reimbursement on a monthly or quarterly basis. Also, please note that a date range for a reimbursement request can only be used once.

Can we earn interest on our award funds?

For states, payments are governed by Treasury-State CMIA agreements and default procedures codified at 31 C.F.R. Part 205 “Rules and Procedures for Efficient Federal-State Funds Transfers” and TFM 4A–2000 Overall Disbursing Rules for All Federal Agencies.

For nonfederal entities other than states, payment methods must minimize the time between your drawdown of federal funds and your payment of award costs to avoid earning excess interest on your award funds. You must account for interest earned on advances of federal funds as follows:

- The Office of Management and Budget (OMB) uniform guidance at 2 C.F.R. § 200.305(b)(9) states that interest earned on federal advance payments deposited in interest-bearing accounts **up to \$500 per year** may be retained by the nonfederal entity for administrative expenses.
- Any interest earned on federal advance payments deposited in interest-bearing accounts that is **in excess of \$500 per year** must be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. For detailed information on remittance, please see appendices for a full text of the electronic medium remittance options.

- If you do not have access to an electronic medium option, then please make a check payable to “The Department of Health and Human Services” and mail the check to Treasury-approved lockbox: HHS Program Support Center, P.O. Box 530231, Atlanta, GA 30353-0231. (Please allow 4–6 weeks for processing of a payment by check to be applied to the appropriate Payment Management System (PMS) account).
- Please notify your COPS Office Staff Accountant in the COPS Office Finance Business Unit when any interest that is earned is remitted to the Department of Health and Human Services, Payment Management System.

Matching funds

Under the COPS Office SVPP, there is a local cash match requirement of a minimum of 25 percent. The COPS Office is funding 75 percent of the allowable items approved in your FCM up to \$500,000. Any agency desiring to contribute additional funds to this project is encouraged to do so by reporting these funds on the SF-425 as a recipient share of expenditures (line 10j).

Acceptable sources for local match requirements may include the following:

- Nonfederal asset forfeiture funds (subject to approval from the state or local oversight agency;
- Funds from state or local governments that are committed to matching funds for your program;
- Funds from federal programs whose statutes specifically authorize their use as matching funds;
- Funds contributed by private sources.
- Federal funds appropriated to tribal agencies or to the Bureau of Indian affairs performing law enforcement functions on Indian lands may be used as matching funds.

IV. Financial Record Maintenance

Under the COPS Office SVPP, your agency is required to establish and maintain accounting systems and financial records to accurately account for funds awarded and disbursed. These records must include both federal funds and any local funds contributed to this project.

Accounting systems and records

What accounting systems are required?

Your agency needs to establish and maintain accounting systems and financial records to accurately account for the funds awarded.

As required by 2.C.F.R. § 200.62 (Internal control over compliance requirements for federal awards), your accounting system should be designed to provide reasonable assurance regarding the achievement of the following objectives for federal awards:

- Transactions are properly recorded and accounted for in order to prepare reliable financial statements and federal reports and to maintain accountability over assets.
- Transactions are executed in compliance with all applicable federal statutes, regulations, and the award terms and conditions.
- Funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

What records must be kept?

Your agency's fiscal control and accounting systems should enable you to make accurate, current, and complete disclosure of the financial activity under your SVPP award. Your accounting records should contain information showing expenditures under the award and must be supported by items such as payroll records, time and attendance records, canceled checks, purchase orders, or similar documents.

Your agency must adequately safeguard award funds and make sure that they are used for authorized purposes only. Your agency will be responsible for refunding any unallowable expenses.

How long must records be kept?

All financial records and supporting documents associated with your SVPP award (including payroll, time and attendance records, canceled checks, and purchase orders) must be retained for a period of three years from the date of submission of the final expenditure report as stated in 2 C.F.R §C.F.R. § 200.333 (Retention requirements for records).

Your agency should maintain records so that you can identify them by award year or by fiscal year, whichever you find more convenient. If any litigation, claim, negotiation, audit, or other action involving these records has been started before the end of the three-year period, the records should be kept until completion of the action. These records should be easily located and should be properly protected against fire or other damage. *Failure to maintain adequate records to document award expenditures may result in a requirement to repay all federal funds that cannot be supported with appropriate records.*

What if we have more than one award?

If your agency has more than one COPS Office award or an award from another federal agency, funds received under one project may not be used to support another project without specific written authorization from the COPS Office, or in the case of an award from another agency, from both awarding agencies. Your accounting systems and financial records must reflect expenditures for each project separately.

Who may access our records?

Authorized federal representatives, including representatives from the U.S. Department of Justice, the Comptroller General of the United States, the COPS Office, and any entity designated by the COPS Office may access these records for the purposes of conducting audits, site visits, or other examinations.

V. Federal Audit Requirements

In addition to oversight by the COPS Office, your award may be subject to an audit by independent examiners. The two primary types of audit are Single Audit Act (SAA) audits and U.S. Department of Justice, Office of the Inspector General (OIG) audits.

Single Audit Act (SAA) requirements

What are the regulations governing SAA requirements?

The Single Audit Act (SAA) of 1984 established uniform guidelines for state and local governments receiving federal financial assistance. The 1984 Act was amended in July 1996, was revised on June 27, 2003 and again on June 26, 2007, and is effective for fiscal years after December 31, 2003, to reflect revised audit criteria and reporting requirements. The Office of Management and Budget (OMB) issued final guidance for 2 C.F.R. Part 200—Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance) on December 26, 2013. This guidance applies to all federal awards or funding increments awarded on or after December 26, 2014, and provides additional guidelines regarding the implementation of SAA requirements. 2 C.F.R. Part 200, Subpart F – Audit Requirements, available at www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl, establishes the requirements for organizational audits that apply to COPS Office award recipients. Recipients must arrange for the required organization-wide (not award-by-award) audit in accordance with the requirements of Subpart F.

Who must have an SAA audit?

A recipient that expends \$750,000 or more during the recipient's fiscal year in federal awards must have a single audit conducted in accordance with 2 C.F.R. § 200.514 (Scope of audit) except when it elects to have a program-specific audit conducted in accordance with 2 C.F.R. § 200.501(c). An auditee may be a recipient, a subrecipient, or a vendor.

SAA audits are conducted annually unless a state or local government is required by constitution or statute, in effect on January 1, 1987, to undergo audits less frequently than annually. The primary objective of an SAA audit is to express opinions on the recipient's financial statements, internal controls, major and nonmajor award programs, and compliance with government laws and regulations. Single Audits may also address specific compliance issues with respect to COPS Office award requirements.

In cases of continued inability or unwillingness to have an audit conducted in accordance with this part, federal agencies and pass-through entities must take appropriate action as provided in §200.338 Remedies for noncompliance. See 2 C.F.R. § 200.505.

These sanctions under 2 C.F.R. § 200.338 could include the following:

- Temporarily withholding cash payments pending correction of the deficiency by the nonfederal entity or more severe enforcement action by the federal awarding agency or pass-through entity
- Disallowing (that is, denying both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance
- Wholly or partly suspending or terminating the federal award

- Initiating suspension or debarment proceedings as authorized under 2 C.F.R. part 180 and federal awarding agency regulations (or in the case of a pass-through entity, recommending such a proceeding be initiated by a federal awarding agency)
- Withholding further federal awards for the project or program
- Taking other remedies that may be legally available

Your SAA reports should not be sent to the COPS Office.

If the U.S. Department of Justice is your cognizant federal agency (see the Glossary of Terms in the appendices), they should be sent to the Federal Audit Clearinghouse at:

**Federal Audit Clearinghouse
Bureau of Census
1201 East 10th Street
Jeffersonville, IN 47132**

The U.S. Department of Justice, Office of Justice Programs (OJP) serves as the liaison between recipients and auditors in the conduct of resolving and closing SAA audits. Questions and comments regarding SAA audits may be directed to the COPS Office Customer Care Center at 800-421-6770.

Office of Inspector General (OIG) recipient audits

What is the role of the OIG for award audits?

The OIG is a separate component of the U.S. Department of Justice and is independent of the COPS Office. The primary objective of OIG recipient audits is to assess compliance with award terms and conditions. OIG audits are designed to prevent fraud, waste, and abuse of federal funds. The OIG audit process promotes efficiency and effectiveness in the administration and implementation of awards by evaluating compliance with the terms and conditions of awards.

How are COPS Office awards selected for an OIG audit?

The OIG randomly selects awards to be audited or may conduct a COPS Office recipient audit in response to a referral that the OIG believes warrants further evaluation. The OIG also surveys DOJ award-making agencies on an annual basis to solicit input on suggested audit areas for the upcoming fiscal year. In most instances, however, the OIG generally selects awards to be audited based on a number of factors, including the geographical distribution of awards funded, award amount, population served, award status (active and expired), and type of award (hiring and nonhiring). As such, the fact that a recipient has been selected for an OIG audit is not necessarily indicative of a suspected concern or problem area.

What are the steps in an OIG audit?

The COPS Office Grant Monitoring Division's Audit Liaison Section serves as the liaison between recipients and the OIG's Audit Division, which conducts the audit. The OIG steps in the audit process will determine the interactions between the OIG, the recipient, and the COPS Office Grant Monitoring Division Audit Liaison Section:

- **Call for award data.** The OIG requests award documentation from the COPS Office.
- **Entrance conference.** The OIG schedules to meet with the recipient to gather documentation and conduct audit.
- **Draft audit report.** The OIG reviews documentation and presents initial recommendations (findings) to the recipient and copies the COPS Office. The COPS Office interacts with the recipient to coordinate any repayments and/or policy or procedure documents to be submitted to the OIG before release of the Final Audit Report.
- **Final audit report.** The OIG has completed its direct interaction with the recipient. The COPS Office directs the recipient to formulate a Corrective Action Plan to address recommendations (findings). As each recommendation is successfully addressed by the recipient, the COPS Office requests closure on the recommendation.
- **Closing the audit.** When all recommendations have been closed, the COPS Office requests closure on the audit from the OIG and notifies the recipient that the audit is closed.

If you have any questions regarding an OIG audit, please contact the COPS Office Grant Monitoring Division's Audit Liaison Section via the COPS Office Customer Care Center at 800-421-6770. Questions and comments regarding the administration of your COPS Office SVPP award, not specifically related to an audit, should be referred to your COPS Office Grant Program Specialist.

Typical audit findings

The OIG has typically reported the following audit findings pertaining to awards as a result of lack of proper documentation, poor business practices, or inadequate accounting and record keeping systems:

- **Unallowable costs.** Recipient incurred costs that were not approved in the original budget or a budget modification, were in excess of the approved budget, or were charged to the award after the expiration date and an award extension was not obtained.
- **Unsupported costs.** Specific award expenditures and reimbursements could not be supported by adequate documentation (including but not limited to receipts or purchase orders), that may have been allowable under the program, but for which no prior written approval was obtained from the COPS Office, or award expenditures were in excess of actual approved award costs.
- **Lack of complete/timely programmatic and financial reporting.** Recipient failed to submit required programmatic and financial reports in a timely manner and/or had inadequate record keeping systems.
- **Funds to better use.** Funds could be used more efficiently based on management actions such as reductions in outlays; deobligation of funds; withdrawal; costs not incurred by implementing recommended improvements; and other identified savings.
- **Questioned costs.** Costs that are questioned by the auditor because of an audit finding which resulted from a violation or possible violation of a provision of law, regulation, award terms and conditions, or other document governing the use of federal funds; or because costs incurred appear unreasonable and do not reflect the actions a prudent person would take under the same circumstances; or because costs at the time of the audit are not supported by adequate documentation.

- **Policy and procedure.** Weaknesses are identified in a recipient's accounting practices, fiscal stewardship, accuracy of data used in the development of the award applications, and/or inventory controls that led to the recommendation cited in the audit. The recipient is required to develop or revise policies and/or procedures consistent with their existing practices and submit to the COPS Office to forward to the OIG to close the recommendation.

After the final OIG audit report has been issued, the COPS Office Grant Monitoring Division's Audit Liaison Section will continue working as the liaison between your agency and the OIG to obtain closure on any audit findings. The COPS Office will issue a closure letter once all audit recommendations have been closed by the OIG. You must keep all documentation related to the audit for a period of three years following the audit's closure.

VI. Reporting Requirements

As an SVPP award recipient, your agency will be required to submit quarterly Federal Financial Reports as well as semiannual Programmatic Progress Reports. Awarded agencies should be prepared to track and report SVPP award funding separately from all other funding sources, in order to ensure accurate financial and programmatic reporting on a timely basis. Your agency should ensure that you have adequate financial internal controls in place to monitor the use of all funding, and also to ensure that its use is consistent with the award terms and conditions. Good stewardship in this area includes written accounting practices, use of an accounting system that adequately tracks all award drawdowns and expenditures, and has the ability to track when award-funded positions are filled or approved purchases are made. *Failure to submit complete reports or submit them in a timely manner may result in the suspension and possible termination of your agency's COPS Office award funding or other remedial actions.*

Federal Financial Reports

Your agency is required to submit a quarterly Federal Financial Report (FFR) using Standard Form 425 (SF-425) within 30 days after the end of each calendar quarter. A final SF-425 will be due within 90 days after the end of the award period. This report reflects the actual cumulative federal expenditures incurred during the funding period and the remaining unobligated balance of federal funds. Under federal regulations, your agency is not permitted to draw down federal funding for costs incurred after the official award end date; however, you will have a 90-day grace period after the award end date during which you can draw down funds for eligible expenditures incurred before the award end date.

How do we file Federal Financial Reports?

All COPS Office award recipients are required to submit quarterly Federal Financial Reports using the SF-425. Recipients are strongly encouraged to submit the quarterly SF-425 online. Visit the COPS Office Agency Portal website at <https://portal.cops.usdoj.gov> to log in; once you are logged in, select "Applications" from the agency portal menu, click on the "SF-425" icon, and follow the instructions to complete and submit your reports. The online SF-425 requires the same reporting information as the paper version. The use of this online application enables authorized users to view past reports and allows them to file or amend the SF-425 for the current quarter. Please see the Agency Portal User Manual at <https://cops.usdoj.gov/svpp#programdocuments> for detailed instructions on federal financial reports.

If you do not have login access, you should contact your COPS Agency Portal Administrator to set up an account for you. If you have a registered account but do not remember your password, you may reset your password by going to the agency portal homepage in "Account Access," entering your email address, and clicking on the "Forgot Password" link. If you do not have your user name or password, please contact the COPS Office Customer Care Center by phone at 800-421-6770 (from Monday through Friday between 9:00 AM and 5:00 PM Eastern time) or by email at AskCopsRC@usdoj.gov.

When are Federal Financial Reports due?

An SF-425 report must be submitted for each COPS Office award at the end of every calendar quarter and no later than 30 days after the last day of each reporting period, as detailed in table 1 on page 50 of this manual.

Table 1. Due dates of SF-425 by quarter

Reporting quarter	SF-425 due date
January 1–March 31	April 30
April 1–June 30	July 30
July 1–September 30	October 30
October 1–December 31	January 30

For your initial SF-425 submission, determine when the SF-425 reporting period that includes your award start date ended and complete an SF-425 to cover the period from the award start date to the end of that period (regardless of when the award was accepted). You are required to submit an SF-425 even if you have not spent any money or incurred any costs during a reporting period. The due dates for online filing of SF-425 reports are the same as for the submission of paper copies.

Example:

If your award start date is 09-01-20 and the current date is 11-15-20, then your first SF-425 would be due no later than 10-30-20 and would cover the period 09-01-20 (award start date) through 09-30-20 (end of the initial reporting quarter for this award). This SF-425 must be on file with the COPS Office before the submission deadline so that you can avoid being delinquent and successfully complete a drawdown of funds through GPRS (submit report as soon as you accept the award and have access to the COPS Agency Portal).

Award recipients who do not submit an SF-425 report by the due date each quarter will be unable to draw down funds. The payment system contains a function which checks for SF-425 delinquency and will reject a drawdown attempt if the SF-425 is not current. Subsequent outreach through email, fax, or hard copy reminders may be sent to the recipient if the SF-425 is delinquent.

For general information concerning online filing of SF-425 reports, go to www.cops.usdoj.gov or contact the COPS Office Customer Care Center by phone at 800-421-6770 or by email at AskCopsRC@usdoj.gov.

For assistance in completing the SF-425, contact the COPS Office Customer Care Center at 800-421-6770 or by email at AskCopsRC@usdoj.gov or review the “Helpful Hints Guide for Completing the Federal Financial Report (SF-425)” at <https://cops.usdoj.gov/svpp#programdocuments>.

How will award funds be monitored?

The COPS Office and designated representatives from the Office of the Chief Financial Officer, Office of Justice Programs monitor the financial aspects of your agency's award through financial reports, on-site visits, office-based award reviews, meetings, telephone contacts, reports, audits, reviews of award change requests, and special request submissions.

Program Progress Reports

Semiannual Program Progress Reports and a Final Program Progress (Closeout) Report are required to be submitted directly to the COPS Office through the “Account Access” tab of the COPS Office website at <https://portal.cops.usdoj.gov>.

How do we file a Program Progress Report?

Please access the COPS Office website at <https://portal.cops.usdoj.gov> and click on the “Account Access” tab at the top-right hand side of the page. Once you are logged in, select “Applications” from the agency portal menu, click on the “Progress Report” icon, and follow the instructions to complete your report. Please see the Agency Portal User Manual at <https://cops.usdoj.gov/svpp#programdocuments> for detailed instructions on federal financial reports.

How do we obtain online access to complete the Program Progress Report?

If you do not have login access, you should contact your agency portal administrator to set up an account for you.

If you have a registered account but do not remember your password, you may reset your password by going to the agency portal homepage at <https://portal.cops.usdoj.gov> and enter your email address, and click on the “Forgot Password” link. If you do not have your user name or password, please contact the COPS Office Customer Care Center by phone at 800-421-6770 (from Monday through Friday between 9:00 AM and 5:00 PM Eastern time) or by email at AskCopsRC@usdoj.gov.

Do we need to request a Program Progress Report?

No. The COPS Office will notify your agency directly when the report is due. A notification for submitting your semiannual Program Progress Report will be sent electronically in July and February covering activities for the preceding reporting period. Notification for submitting your Final Program Progress (Closeout) Report will be sent to your agency in the month following your award end date.

When are Program Progress Reports due?

Program Progress Reports for COPS Office awards must be submitted every quarter and no later than 30 days after the last day of each reporting quarter, as detailed in table 2.

Table 2. Due dates of Program Progress Reports by semiannual dates

Semiannual reporting period	Program Progress Report due date
January 1 – June 30	August 30
July 1 – December 31	March 30

What kind of information will these reports require?

These reports will request information about the status of your award in terms of purchasing equipment, hiring personnel, delivering services, and progress in meeting milestones identified in the cooperative agreement, as well as general information about your agency.

What if we make a mistake or need to modify the report after it is submitted?

Recipients may need to make a change or may be asked by a subsequent COPS Office reviewer to make a correction to a submission. The recipient can update the submission by logging on to the COPS Office website or by calling the COPS Office Progress Report Team at 800-659-7379.

Will the data that we submit be publicly available?

Program Progress Reports submitted to the COPS Office may be reported publicly in response to a Freedom of Information Act (FOIA) request.

If your agency has any questions regarding the submission of these required reports, please call the COPS Office Progress Report Team at 800-659-7379.

Contact points to obtain technical assistance and report violations

Any alleged violations, serious irregularities, or acts that may result in the use of public funds in a manner inconsistent with the Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018 (34 U.S.C. § 10551, et seq.) or the purposes of this award may be reported to the U.S. Department of Justice. Furthermore, the COPS Office welcomes the opportunity to provide assistance regarding the implementation of award provisions to help ensure that federal award funds are spent responsibly. As such, the following contacts are provided to address noncompliance and technical assistance issues:

- If you suspect violations of a criminal nature, please contact the U.S. Department of Justice, Office of the Inspector General (OIG) at www.oig.justice.gov/hotline, OIG.hotline@usdoj.gov, or 800-869-4499.
- If you suspect award violations (not criminal in nature) related to the award conditions listed in this manual, please contact the COPS Office Grant Monitoring Division at 202-514-9202.
- If you have any questions or need assistance regarding your award, please contact your COPS Office Grant Program Specialist via the COPS Office Customer Care Center at 800-421-6770.

VII. When the Award Period Has Ended

At the end of your agency's SVPP award period, the COPS Office is responsible for the closeout of your award. As part of this process, the COPS Office requires documentation demonstrating that your agency has met all of the programmatic and financial requirements of the award.

After the end of the award period, your agency will be asked to submit a Final Federal Financial Report (SF-425) and any applicable final programmatic progress reports.

Final Federal Financial Report (SF-425)

The final Federal Financial Report (SF-425) for your award is due to the COPS Office no later than 90 days after the end date of the award period. To avoid being delinquent and having your funds frozen, you must submit an SF-425 report within the 30 day grace period, even if your final SF-425 is not due yet. You can revise that report to reflect your final actual costs and revise the status as final no later than 90 days after the end date of the award period. The final report should reflect the total amount of allowable federal expenditures that were incurred during the life of the award, as well as the amount of unobligated funds remaining, if any. The federal funds expended should reflect only the actual allowable costs incurred relative to the specific program requirements for that award. In addition, once you have completed your final drawdown, this report should reconcile with the total amount of federal funds drawn down by your agency. The final SF-425 should also include the required minimum total amount of local (recipient) cash match contributed, if applicable.

When should all of the award monies be spent?

Award funds reflecting allowable project costs must be obligated before the end of the award period. Obligated funds cover monies spent, and expenses incurred but not yet paid, for any approved items listed on the FCM. Your agency has up to 90 days after the end of the award period to pay for eligible expenses previously incurred, and to request reimbursement for any remaining eligible balance. You cannot list an accrual on your final SF-425. Request an extension if you will not be able to pay for any obligations within the time frames listed above.

Please be advised that 2 C.F.R. § 200.343(a) requires recipients to submit final SF-425s and 2 C.F.R. § 200.343(b) requires recipients to draw down the final reimbursement for expended funds within 90 days after the expiration of the award. In addition, be advised that failure to complete the drawdown of funds within the 90-day period following award expiration will result in the forfeiture of the remaining eligible balance.

It is possible that your agency may have unobligated and unspent award funds remaining in your account following the award period due to an overestimate of item costs during the application period. Your agency should review its records carefully to ensure that it draws down and expends only the amount required for actual costs incurred during the award period. Any remaining unobligated or unspent funds should remain in your account, and will be deobligated during the closeout process.

Final Program Progress (Closeout) Report

After your award period has ended, your agency may be sent a final progress or closeout report from the COPS Office and asked to complete it. This report will serve as your agency's final programmatic report on the award, and the information your agency provides in this report will be used to make a final assessment of your award progress.

Equipment disposition

Each recipient must use any equipment funded through a COPS Office award for approved award-related purposes and must retain the equipment for the life of the award. After the conclusion of the award period, property records must be maintained by the recipient. The records should include a description of the property; a serial number or other identification number; the source of the property; the name of the person or entity that holds the title; the acquisition date and cost of the property; the percentage of federal participation in the cost of the property; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposal and sale price of the property. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property.

When the award has expired and original or replacement equipment obtained under the award is no longer needed for the original project or for other activities currently or previously supported by a federal agency, disposition of the equipment shall be made as follows:

Items of equipment with a current per-unit fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.

Items of equipment with a current per-unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's federal share in the cost of the original purchase.

For more information, please see 2 C.F.R. § 200.313.

VIII. Conclusion

We hope that this manual has assisted you and your agency with your award questions. We welcome and encourage any comments you have regarding the COPS Office SVPP Program and the materials we have developed for its administration. If you have specific comments regarding this manual or have any questions about your award, please call your COPS Office Grant Program Specialist or the COPS Office Customer Care Center at 800-421-6770.

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," the COPS Office encourages recipients of U.S. Department of Justice funds to adopt and enforce policies that ban text messaging while driving and to establish workplace safety policies to decrease crashes caused by distracted drivers.

In addition, pursuant to Executive Order 13043, "Increasing Seat Belt Use in the United States," the COPS Office encourages recipients of U.S. Department of Justice funds to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

Appendices

Appendix A. List of source documents

A. Primary Sources

Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018, 34 U.S.C. § 10551 et seq.

B. Secondary Sources

Code of Federal Regulations (CFR)/Office of Management and Budget (OMB):

2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101

4 C.F.R. Parts 101-105, U.S. Department of Justice/Government Accountability Office, "Joint Federal Claims Collections Standards"

5 C.F.R. Part 1320, "Controlling Paperwork Burdens on the Public"

5 C.F.R. Part 151, "Political Activity of State and Local Officers or Employees"

28 C.F.R. Part 23, "Criminal Intelligence Systems Operating Policies"

28 C.F.R. Part 61, "Procedures for Implementing the National Environmental Policy Act"

28 C.F.R. Part 83, "Government-Wide Requirements for Drug-Free Workplaces (Grants)"

28 C.F.R. Part 69, "New Restrictions on Lobbying"

31 C.F.R. Part 205, "Rules and Procedures for Efficient Federal-State Funds Transfers"

OMB Circular A-129, "Policies for Federal Credit Programs and Non-Tax Receivables"

48 C.F.R. Part 31 (Federal Acquisition Regulation), "Contract Cost Principles and Procedures"

Executive Orders:

Executive Order 12291, "Regulations"

Executive Order 12372, 28 C.F.R. Part 30, "Intergovernmental Review of Federal Programs"

Executive Order 12547, "Non-Procurement Debarments and Suspension"

Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving,"

Executive Order 13043, "Increasing Seat Belt Use in the United States"

Appendix B. Assurances and Certifications

U.S. Department of Justice Certified Standard Assurances

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

- (1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any Department decision to make an award to the Applicant based on its application.
- (2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.
- (3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application--
 - a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
 - b. the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
 - c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.
- (4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition--
 - a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
 - b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;
 - c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
 - d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.
- (5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22

(confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

- (6) I assure that the Applicant will assist the Department as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).
- (7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.
- (8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by the Department based on the application--
 - a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.
- (9) If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law—including, but not limited to, the Indian Self- Determination and Education Assistance Act—seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).
- (10) If the Applicant applies for and receives a DOJ award under the STOP School Violence Act program, I assure as required by 34 U.S.C. § 10552(a)(3), that it will maintain and report such data, records, and information (programmatic and financial) as DOJ may reasonably require.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

U.S. Department of Justice Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice ("Department") determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the Applicant certifies and assures (to the extent applicable) the following:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If the Applicant's request for Federal funds is in excess of \$100,000, and any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal grant or cooperative agreement, the Applicant shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities" in accordance with its (and any DOJ awarding agency's) instructions; and
- (c) The Applicant shall require that the language of this certification be included in the award documents for all subgrants and procurement contracts (and their subcontracts) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

- A. Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867, and to other related requirements, the Applicant certifies, with respect to prospective participants in a primary tier "covered transaction," as defined at 2 C.F.R. § 2867.20(a), that neither it nor any of its principals—
 - (a) is presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen

- property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects its (or its principals') present responsibility;
 - (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and/or
 - (d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.
- B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application. Where the Applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the Applicant also must disclose such felony criminal conviction in writing to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov), unless such disclosure has already been made.
3. FEDERAL TAXES
- A. If the Applicant is a corporation, it certifies either that (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov).
- B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.
4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)
- As required by the Drug-Free Workplace Act of 1988, as implemented at 28 C.F.R. Part 83, Subpart F, for grantees, as defined at 28 C.F.R. §§ 83.620 and 83.650:
- A. The Applicant certifies and assures that it will, or will continue to, provide a drug-free workplace by—
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an on-going drug-free awareness program to inform employees about—
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Applicant's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will—
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of the employee's conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

- (e) Notifying the Department, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of any such convicted employee to the Department, as follows:

For COPS award recipients - COPS Office, 145 N Street, NE, Washington, DC, 20530;

For OJP and OVW award recipients - U.S. Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected award;

- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

5. COORDINATION REQUIRED UNDER PUBLIC SAFETY AND COMMUNITY POLICING PROGRAMS

As required by the Public Safety Partnership and Community Policing Act of 1994, at 34 U.S.C. § 10382(c)(5), if this application is for a COPS award, the Applicant certifies that there has been appropriate coordination with all agencies that may be affected by its award. Affected agencies may include, among others, Offices of the United States Attorneys; State, local, or tribal prosecutors; or correctional agencies.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Appendix C. COPS Office Resources

The COPS Office's information resources, covering a wide range of topics—from school safety to gang violence—can be downloaded at <https://cops.usdoj.gov/RIC/ric.php>.

Appendix D. School Violence Prevention Program (SVPP) file management: Documents to maintain in SVPP award file

Records must be maintained throughout the two-year SVPP award period and for at least three years following the official closeout of the SVPP award.

AWARD PROGRAM ____ SVPP ____ AWARD # _____

AWARD START DATE _____ ORIGINAL AWARD END DATE _____

EXTENDED AWARD END DATE (if applicable) _____

COPY OF AWARD APPLICATION (You can access the final copy of your SVPP application through the COPS Office website at www.cops.usdoj.gov, using the Account Access link, print a copy of the application, and keep it with your agency's SVPP award records.)

____ COPY OF SVPP AWARD DOCUMENT

____ FINANCIAL CLEARANCE MEMORANDUM (FCM)

AWARD MODIFICATION APPROVAL LETTERS (w/ Revised Budget Information) AND/OR AWARD EXTENSION APPROVAL LETTERS (if applicable)

____ QUARTERLY FEDERAL FINANCIAL REPORT – SF-425 (for each quarter of the award period)

____ PROGRAMMATIC PROGRESS REPORTS

- SVPP Semiannual Progress Report(s) (for each quarter of the award period)
- Closeout Report

____ SUPPORTING DOCUMENTATION FOR DRAWDOWNS

- W2 Employee Forms (Copy)
- Records of salary / approved fringe benefits rates for each person hired under the award
- Records of hire dates for each person hired under the award
- Payroll records / Time & attendance records
- Postal receipts / Fax transmission reports (to prove submission dates)
- Log of reimbursement requests made via GPRS
- Copies of checks or wire transfer documents (if applicable)
- Copies of financial office journal entries (if applicable)

____ AWARD CORRESPONDENCE (All other general correspondence between COPS Office and recipient)

____ MEDIA REPORTS

[Newspaper clippings, magazine articles, certificates, and/or other noteworthy items should be included to illustrate achievements and successes of the award program, and other award-related accomplishments. In addition, any CDs, DVDs, electronic newsletters, brochures, website addresses, and/or other similar information published in connection with the award should be referenced.]

In the event of a COPS Office award monitoring review, the following information should be retained:

Excess cash review

- Identify the total amount of award funding drawn down from the award.
- Summary and supporting documentation of how the agency expended award funding.
- Revised Federal Financial Reports.

Unallowable/unsupported costs review

- Payroll ledgers for all expenses charged to the award.

Appendix E. Enhancement of contractor protection from reprisal for disclosure of certain information (41 U.S.C. § 4712)

(a) Prohibition of reprisals.--

- (1) In general.--**An employee of a contractor, subcontractor, grantee, or subgrantee or personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.
- (2) Persons and bodies covered.--**The persons and bodies described in this paragraph are the persons and bodies as follows:
 - (A)** A Member of Congress or a representative of a committee of Congress.
 - (B)** An Inspector General.
 - (C)** The Government Accountability Office.
 - (D)** A Federal employee responsible for contract or grant oversight or management at the relevant agency.
 - (E)** An authorized official of the Department of Justice or other law enforcement agency.
 - (F)** A court or grand jury.
 - (G)** A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.
- (3) Rules of construction.--**For the purposes of paragraph (1)--
 - (A)** an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and
 - (B)** a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

(b) Investigation of complaints.--

- (1) Submission of complaint.--**A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

(2) Inspector General action.--

(A) Determination or submission of report on findings.--Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

(B) Extension of time.--If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

(3) Prohibition on disclosure.--The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is--

(A) made with the consent of the person alleging the reprisal;

(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

(C) necessary to conduct an investigation of the alleged reprisal.

(4) Time limitation.--A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

(c) Remedy and enforcement authority.--

(1) In general.--Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

(B) Order the contractor or grantee to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the contractor or grantee to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

(2) Exhaustion of remedies.--If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request

of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

- (3) Admissibility of evidence.**--An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.
- (4) Enforcement of orders.**--Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.
- (5) Judicial review.**--Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.
- (6) Burdens of proof.**--The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.
- (7) Rights and remedies not waivable.**--The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment.
- (d) Notification of employees.**--The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.
- (e) Construction.**--Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.
- (f) Exceptions.**--

 - (1)** This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. § 401a(4)).
 - (2)** This section shall not apply to any disclosure made by an employee of a contractor, subcontractor, or grantee of an element of the intelligence community if such disclosure--

 - (A)** relates to an activity of an element of the intelligence community; or
 - (B)** was discovered during contract, subcontract, or grantee services provided to an element of the intelligence community.

(g) Definitions.--In this section:

- (1)** The term “abuse of authority” means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.
- (2)** The term “Inspector General” means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.

(h) Construction.--Nothing in this section, or the amendments made by this section, 1 shall be construed to provide any rights to disclose classified information not otherwise provided by law.

Appendix F. 2 C.F.R. Appendix II to Part 200: Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

NOTE: The National Defense Authorization Act for fiscal year 2018 (NDAA), Public Law 115–91, Division A, Title VIII, Section 805, raised the simplified acquisition threshold to \$250,000 for all recipients. The OMB Memorandum M-18-18 entitled Implementing Statutory Changes to the Micro-purchase and the Simplified Acquisition Threshold for Financial Assistance granted an exception for recipients to use the higher simplified acquisition threshold of \$250,000 effective as of June 20, 2018, in advance of revisions to the Uniform Guidance.

In addition to other provisions required by the federal agency or nonfederal entity, all contracts made by the nonfederal entity under the federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$250,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

Appendix G. Remittance of Interest Earned Amounts

2 CFR § 200.305(b)(9) – Payment (remittance of interest earned)

1. *Interest earned amounts up to \$500 per year may be retained by the non-federal entity for administrative expense. Any additional interest earned on federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that will assist in the timely posting of interest earned on federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or Agency information if the payment originated from ASAP, NSF or another federal agency payment system. The remittance must be submitted as follows:*

- i. For ACH Returns:

Routing Number: 051036706

Account number: 303000

Bank Name and Location: Credit Gateway - ACH Receiver St. Paul, MN

- ii. For Fedwire Returns*:

Routing Number: 021030004

Account number: 75010501

Bank Name and Location: Federal Reserve Bank Treas NYC/Funds Transfer Division New York, NY

(* Please note organization initiating payment is likely to incur a charge from your Financial Institution for this type of payment)

- iii. For International ACH Returns:

Beneficiary Account: Federal Reserve Bank of New York/ITS (FRBNY/ITS)

Bank: Citibank N.A. (New York)

Swift Code: CITIUS33

Account Number: 36838868

Bank Address: 388 Greenwich Street, New York, NY 10013

Payment Details (Line 70): Agency

Name (abbreviated when possible) and ALC Agency POC: Michelle Haney, 301-492-5065

- iv. For recipients that do not have electronic remittance capability, please make check** payable to:
“The Department of Health and Human Services.”

Mail Check to Treasury approved lockbox:

HHS Program Support Center, P.O. Box 530231, Atlanta, GA 30353-0231

(** Please allow 4–6 weeks for processing of a payment by check to be applied to the appropriate PMS account)

- v. Any additional information/instructions may be found on the PMS Web site at

<https://www.dpm.psc.gov>.

Appendix H. Allowable and unallowable costs

Allowable Costs

All items requested will be considered on a case-by-case basis during the budget review process. Items under the program must be purchased using the legislative guidelines established by the STOP School Violence Act of 2018, Consolidated Appropriations Act, 2018, Public Law 115-141, Division S-Other matters, Title V. In addition, each item must programmatically link to the COPS Office School Violence Prevention Program (SVPP) activities described in your application. To the maximum practicable extent, all equipment and products purchased with these funds must be American-made.

The allowable use of funds under this program include the following:

- Acquisition and installation of technology for expedited notification (to law enforcement) during an emergency
- Coordination with local law enforcement
- Placement and use of metal detectors, locks, lighting, and other deterrent measures
- Training for local law enforcement officers to prevent school violence
- Any other measure that the COPS Office Director determines may provide a significant improvement in security

Budget requests may be made in the categories described in the following sections.

Coordination: Civilian/Nonsworn personnel (salaries and benefits)

Civilian staff must be hired on or after the award start date and positions must directly relate to the SVPP project. Examples of allowable personnel and fringe benefits costs include those for project coordinators, project managers, technology managers, emergency management coordinators, or trainers.

The COPS Office will only pay for the following fringe benefits:

- Health insurance
- Life insurance
- Medicare taxes (disability insurance taxes)
 - The current tax rate for Medicare is 1.45% for the employer's match portion
- Retirement pension
- Sick leave (if not included in base salary—calculate using 8-hour workday)
- Social Security taxes (old age, survivors, and disability insurance taxes)
 - The current tax rate is 6.2% for the employer's match portion
- Unemployment insurance
- Vacation (if not included in base salary—calculate using 8-hour workday)
- Workers' Compensation

Other fringe benefit costs (must be described in the Narrative field of section B Budget Detail Worksheet):

- 401(k) plan
- Accident insurance

- Accidental death and dismemberment insurance
- Bonding insurance
- Dental insurance
- Disability insurance
- Federal Unemployment Tax Act (FUTA) tax
- Holiday pay (if not included in base salary—calculate using 8-hour workday)
- Liability insurance
- Prescription drugs
- Professional liability insurance
- State funded retirement system
- Vision insurance

Please note: Allowable overtime costs, if requested, must be included within the “Other Costs” budget category.

Equipment/Technology

Equipment or technology items must be clearly linked to the enhancement or implementation of the SVPP project. Examples of such items may include the following:

Equipment

- Entry control equipment
 - Door locking mechanisms/access control doors
 - Peepholes for classroom doors
- School site alarm and protection systems
 - Motion detectors
- Metal detectors and X-ray machines (including portable)
 - Hand-held
 - Walk-through
- Lighting (on school grounds, not involving construction)

Technology

- Communication technology
 - Emergency call box
 - Intercom or public address (PA) system
 - Panic and alarm systems
 - Two-way radios
- Emergency alerts
 - Automated text messages or email
- Identification technology
 - ID scanning devices (and accompanying equipment)
- Laptops (directly related to SVPP)
- Maps of schools/bus routes
 - GIS software
- Printers (directly related to SVPP)

- Social media monitoring
 - Automated scans of online content
- Tracking systems
 - Smart phone applications
- Video surveillance technology
 - Surveillance cameras or systems (and accompanying equipment)
- Violence prediction technology
 - Data driven software

Supplies

Generally, supplies include any materials that are expended or consumed during the course of the SVPP project. Such costs may include training manuals, paper, printer ink, pens, postage, etc. All supply items must be directly related to the SVPP project.

Travel/Training

Travel/training costs include grant-related travel costs for the grantee to visit other jurisdictions engaged in similar programs or to attend conferences or trainings directly related to the goals of the project. Expenses for transportation, lodging, meals, and incidental expenses (if travel is more than 50 miles from the program location) will be reviewed in accordance with applicable guidelines as part of the application process. An example of such training would be school violence prevention training for law enforcement officers.

Contracts/Consultants

Consultant expenses and contracts include goods or services that directly contribute to the implementation or enhancement of the project. The use of a consultant should be more economical than direct employment. Contract/consultant costs may include costs to provide one-time training to staff for equipment operation or use and contracting/consulting services that provide such things as needs analysis, installation, and testing. Compensation for individual consultant services procured under a COPS Office award must be reasonable and allocable in accordance with OMB cost principles and consistent with that paid for similar services in the marketplace. Unless otherwise approved by the COPS Office, consultant rates will be based on the salary a consultant receives from his or her primary employer, as applicable, up to \$650 per day. For consultant or contractor rates that exceed \$650 per day, the COPS Office requires written justification if the consultants or contractors are hired through a noncompetitive bidding process and recipients must receive COPS Office approval of those rates before drawing down funds. Determinations will be made on a case-by-case basis.

Other costs

Other costs may include such items as software and prepaid warranties or maintenance agreements (not to exceed 36 months), overtime costs for civilian or law enforcement personnel engaging in SVPP-related activities, or other miscellaneous items that have a direct correlation to the overall success of a recipient's project objectives (such as awareness campaigns) and are necessary for the project to reach full implementation.

- Shipping costs (state of Alaska only)

Applicants must provide sufficient explanation for items requested via the "Budget Narrative" section of this application. Applicants will be notified of any points of clarification the COPS Office may require.

In addition, any publication materials developed or purchased with federal award funds must contain the following designation: "This project was supported by award number _____ awarded by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues."

Subawards

In addition, the awarded entity may use the funds to contract or make subawards (for the above purposes) to the following:

- Local educational agencies
- Nonprofit organizations (excluding schools)
- Units of local government or tribal organizations

Unallowable costs: Requests will not be funded

The items listed below are generally considered unallowable and will only be funded under *extremely limited and extenuating circumstances* and at the discretion of the COPS Office. Before including any of these items in your budget and application, please contact your COPS Office Grant Program Specialist at 800-421-6770.

This is not an exhaustive list and items not listed below will be reviewed on a case-by-case basis. The COPS Office reserves the right to deny funding for items that may not be included on this list. Applicants are expected to request items that show a direct link between the requested item and the applicant's SVPP project. All requests must contribute directly to the specific purpose of the award project and relate to the parameters stipulated in the STOP School Violence Act of 2018, Consolidated Appropriations Act, 2018, Public Law 115-141, Division S-Other matters, Title V, as amended in 34 U.S.C. § 10551(b)(5)-(9)

Requests for reimbursement of items purchased or expenses incurred prior to the award start date will not be funded.

Sworn personnel

- Salaries and benefits of sworn officers

Coordination: Civilian/Nonsworn personnel

- Salaries and benefits of civilian security guards
- Salaries and benefits of staff or other personnel who do not directly contribute to the implementation of the program

Please note: Restrictions on overtime costs are listed under "Other Costs."

Equipment/Technology

- Ammunition
- Armored vehicles
- Automatic license plate recognition software

- Bayonets
- Bikes and associated equipment
- Biometric technology
- Body armor
- Body wire equipment
- Body-worn cameras
- Bomb detection technology
- Bulletproof vests and accessories
- Buses/shuttles/transit vans
- Bunker shield(s)
- Camouflage uniforms
- Cellular or satellite phone airtime
- Closed-circuit televisions (CCTV)
- Communication boxes
- Communication towers
- Computer aided dispatch (CAD) systems/records management systems (RMS)
- Dictation systems
- Electronic control weapons (ECW) (Tasers)
- Explosives
- Firearms (including training firearms)
- Fitness equipment
- General law enforcement vehicles (including patrol cars and leased vehicles)
- Golf carts/motorized personal vehicles
- GPS devices
- Grenade launchers
- Handcuffs, weapons, and ammunition (including training ammunition)
- Incentives for research or participation in program activities
- Laser spectroscopy devices
- License plate readers (LPR)
- Manned aircraft
- Mobile data terminals (MDT)
- Non-motorized vehicles
- Office equipment (copiers, fax machines, etc.)
- Pagers (including service time)
- Phone lines and voicemail systems
- Prisoner transport vehicles
- Radar guns/equipment
- Recreation equipment (including tents and coolers)
- Robotic cameras
- Shared items between projects
- Simulators/augmented reality programs
- Standard issue police vehicle equipment (including light bars, cages, and siren packages)
- Stun guns or electroshock devices
- Televisions /VCRs/DVD players/projectors

- Thermal imaging devices
- Tracked (armored) vehicles
- Trinkets and other conference takeaways
- Unmanned aerial vehicles (drones)
- Weaponized aircraft, vessels, and vehicles of any kind
- Equipment/technology not directly linked to the SVPP award

Supplies

- Entertainment, including amusement, diversion, social activities, and any associated costs (e.g., tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities)
- Standard office supplies not directly linked to the SVPP project

Travel/Training

- Bar charges/alcoholic beverages
- Catering
- Costs exceeding Federal Travel Regulations if no other organizational written policy is supplied that supersedes these established rates
- Credit card fees
- Entertainment, including amusement, diversion, social activities, and any associated costs (e.g., tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities)
- Firearms training
- Food and beverages at conferences, meetings, or trainings your organization is hosting
- Foreign travel
- GPS and Easy Pass rentals (when renting a car)
- Laundry services while on travel
- Local travel costs (lodging, meals, per diem, or transportation costs) within a 50-mile radius of the project location
- Mileage reimbursement, rental cars, parking fees, and/or taxi fare for local travel within a 50-mile radius of the project location
- Paying for meals other than your own
- Tips/gratuities
- Travel/training not directly related to the SVPP award

Contracts/Consultants

Any consultant fees in excess of \$650 per day must receive prior written approval from the COPS Office, contingent upon written justification by the recipient, if the consultant or contractor is hired through a noncompetitive bidding process

- Contractual agreements that cannot be directly linked to the SVPP award

Maintenance and/or service contracts that extend the life of the award period (multiyear contracts and extended warranties are allowable but must be paid in full within the initial award period and must not exceed the award period).

Other

- Advertising and public relations designed solely to promote the recipient
- Animals (including dogs and horses) including associated supplies, food, transportation, and veterinary expenses
- Construction and renovation costs
- Costs for audits not required or performed in accordance with the Office of Management and Budget (OMB) Circular A-133 or 2 C.F.R. Part 200 Subpart F – Audit Requirement are unallowable. If the applicant agency did not meet the applicable expenditure threshold during the organization's fiscal year, the cost of any audit performed may not be charged to the award.
- Costs incurred for intramural activities, student publications, student clubs, and other student activities
- Fringe benefits
- Fuel costs
- Severance pay
- Hazard pay
- Land acquisition including renting, leasing, or construction of buildings or other physical facilities
- Narcan
- Non-holiday premium pay
- Indirect costs
- Maintenance of vehicles and enhancements (such as mounts)
- Membership fees to organizations whose primary activity is lobbying
- Office rental/lease space
- Overtime for civilian personnel not directly involved in the department's project or that which exceeds 20 percent of the total award budget
- Other costs not directly related to the SVPP award
- Standard office furniture
- Standard or dress uniforms/uniform accessories

Appendix I. Program fact sheets

The following pages include fact sheets on Consultant/Contractor Rates, and Sole Source Justification.



Fact Sheet

www.cops.usdoj.gov

Consultant/Contractor Rate Information for FY 2020 Awards

Recipient guidelines on consultant rate approval requests

Compensation for individual consultant services procured under a COPS Office award must be reasonable and allocable in accordance with 2 C.F.R. Part 200, Subpart E—Cost Principles and consistent with that paid for similar services in the marketplace.

Unless otherwise approved by the COPS Office, approved consultant rates will be based on the salary a consultant receives from his or her primary employer, as applicable, up to \$650 per day. If individuals receive fringe benefits from their primary employer, such fringe benefit costs should not be included in the calculation of consultant rates. For consultant or contractor rates that exceed \$650 per day, the COPS Office requires written justification. **The recipient must provide justification for any consultant rate in excess of \$650 per day and receive COPS Office approval of that rate before drawing down award funds.** An organization may not expend award funds or drawdown reimbursements

for consultant rate increase requests until after the request has been approved by the COPS Office in writing. Any organization that does not provide sufficient written justification as outlined in the following section will be limited to \$650 per day for each consultant or contractor. Please note that this does not mean that the rate can or should be \$650 for all consultants.

NOTE: Consultant and contractor daily rates do not include travel or subsistence costs but may include preparation, evaluation, and travel time.

Compensation for individual consultant services procured under a COPS Office award must be reasonable, allocable, and consistent with that paid for similar services in the marketplace. The recipient must provide justification for any consultant rate in excess of \$650 per day and receive COPS Office approval of that rate before drawing down funds.

Guidance for requesting a consultant rate based on employment

- **Consultants associated with institutions of higher education (including state-run educational institutions).** If representing the academic institution, the maximum rate of compensation that will be allowed is the consultant's academic salary projected for 12 months, divided by 260. These individuals normally receive fringe benefits that include sick leave for a full 12-month period, even though they may only work 9 months per year in their academic positions. This does not apply to individuals

performing consultant work outside of their academic commitments. In such cases, the rate of compensation will be based on reasonable cost principles and requires documentation supporting the requested rate.

- **Consultants employed by state and local government.** Compensation for these consultants will be allowed only when the unit of government will not provide these services without cost. If a state or local government employee is providing services under a federal award and is representing his or her agency without pay from the respective unit of government, the rate of compensation

is not to exceed the daily salary rate for the employee paid by the unit of government. If the state or local government employee is providing services under a federal award and is not representing his or her agency, the rate of compensation is based on the necessary and reasonable cost principles. Please note that under the nonsupplanting requirement of the COPS Office statute, COPS Office funds may not be used to supplant (replace) local funding that otherwise would have been spent on consultants employed by state or local government. The statute bars federal funding of existing consultants and of newly hired consultants that a community is committed to fund in the absence of a COPS Office award.

- **Consultants employed by commercial and nonprofit organizations.** These organizations are normally subject to competitive bidding procedures. Thus, if consultants have been selected through competitive bidding, they are not subject to the per-day maximum compensation threshold. Otherwise, the rate of compensation will be approved based on the salary a consultant receives from his or her primary employer, as applicable, up to \$650 per day.

To request approval of a consultant rate in excess of \$650 per day, please submit the signed request on recipient department letterhead and include the agency ORI number and the award number for which the approval is being sought.

Please include the following:

- Description of the services to be provided by the consultant or contractor, including the following:
 - The number of days and hours to be worked by each consultant and contractor
 - The daily rate of each consultant and contractor that exceeds \$650 per day (indicate fringe benefits if applicable)

- A resume or curriculum vitae for each consultant or contractor whose rate exceeds \$650 per day
- Documented prior instances when a similar rate has been charged by or paid to the consultant or contractor
- If the consultant is not self-employed and has a primary employer, documentation showing that the requested daily rate is proportionate to the consultant's regular salary (e.g., pay stubs, letter from employer)

You may optionally submit other important information about the consultant or contractor at this time, such as letters of reference; lists of any relevant publications, papers, or honors; advanced experience as a practitioner or academic in the subject area; advanced training relating to the focus of your project; or any unique circumstances that you feel should be considered as the COPS Office reviews your proposed consultant/contractor rates.

To request approval of a consultant/contractor rate in excess of \$650 per day, please return this information to your Grant Program Specialist or Program Manager as soon as possible to expedite the consultant/contractor rate review process.

Contact the COPS Office

For more information about COPS Office programs and resources, please call the COPS Office Response Center at 800-421-6770 or visit the COPS Office website at www.cops.usdoj.gov.



Fact Sheet

www.cops.usdoj.gov

Sole Source Justification

What is “sole source” justification?

Sole source procurement or procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source. Sole source procurements must adhere to the standards set forth in 2 C.F.R. § 200.320(f) in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101.

When is sole source approval required by the COPS Office?

A recipient must request written approval from the COPS Office for sole source procurements in excess of \$250,000 prior to purchasing equipment, technology, or services; obligating funding for a contract; or entering into a contract with award funds. For the purchase of equipment, technology, or services under a COPS Office award, recipients must use their own documented procurement procedures that reflect applicable state and local laws and regulations, as long as those requirements conform to the federal procurement

An award recipient must request written approval from the COPS Office for sole source procurements in excess of \$250,000 prior to purchasing equipment, technology, or services; obligating funding for a contract; or entering into a contract with award funds.

standards set forth in 2 C.F.R. § 200.318. A sole source justification should be submitted to the COPS Office if a recipient determines that the award of a contract through

a competitive process is infeasible. Recipients may conduct noncompetitive proposals (or “sole source” procurement) by procurement through solicitation from only one source when one or more of the following circumstances apply:

- The item or service is available from only one source.
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- The COPS Office authorizes noncompetitive proposals in response to a written request from the recipient.
- Competition is determined inadequate after solicitation of a number of sources.

Sole source procurement should be used only when competitive solicitation procedures like sealed bids or competitive proposals are not applicable to the requirements or are impractical.

What documentation must be submitted to the COPS Office for approval of a sole source procurement?

Requests for sole source procurements of equipment, technology, or services in excess of \$250,000 must be submitted to the COPS Office in writing certifying that the award of the contract through full and open competition is infeasible. An organization may not expend award funds or drawdown reimbursements for sole source justification requests until after the sole source request has been approved by the COPS Office in writing.

The outline that follows may be helpful in preparing your agency’s sole source procurement request (which should include your sole source justification) and ensuring that all of the necessary information is included.

The sole source procurement request must be signed and submitted on the recipient's organization letterhead and must include the organization's ORI number and the award number for which approval is being sought.

The request should also include the following information.

- **Section I.** A brief description of the project, the amount to be designated for the sole source procurement, and the purpose of the contract
- **Section II.** (a) An explanation as to why it is necessary to contract in a noncompetitive manner and (b) which one (or more) of the four circumstances identified here applies to the procurement transaction (include supporting information as identified under the applicable section(s)).

1. The item or service is available from only one source.

Please include the following:

- Uniqueness of items or services to be procured from the proposed contractor or vendor (compatibility, patent issues, etc.)
- How the organization determined that the item or service is available from only one source (market survey results, independent agency research, patented or proprietary system, etc.)
- Explanation of need for contractor's expertise linked to the current project (knowledge of project management, responsiveness, experience of contractor personnel, prior work on earlier phases of project, etc.)
- Any additional information that would support the case

2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.

Please include the following:

- When the contractual coverage is required by your department and why
- Impact on project if deadlines or dates are not met
- How long it would take an alternate contractor to reach the same required level of competence (equate to dollar amounts if desired)
- Any additional information that would support the case

3. The COPS Office authorizes noncompetitive proposals in response to a written request from the recipient.

4. Competition is determined to be inadequate after solicitation of a number of sources.

Please include the following:

- Results of a market survey to determine competition availability; if no survey is conducted, please explain why not
- Any additional information that would support the case

- **Section III.** A budget breakdown for the subcontract (see the Award Owner's Manual for budget requirements)

- **Section IV.** A declaration that this action or choice is in the best interest of the organization

Failure to provide all of the necessary information will delay the processing of your request. Your organization will be contacted if any of the identified information is missing or if additional supporting information is required. If the COPS Office determines that the request does not meet the standards set forth here, the request will be denied.

Please be advised that conflicts of interest are prohibited under the federal procurement standards set forth in 2 C.F.R. § 200.318(c). In addition, program funds should not be awarded to any party that is debarred or suspended from participation in federal assistance programs.

If you have any questions regarding the federal requirements that guide procurement procedures, please contact your Grant Program Specialist or Program Manager at 800-421-6770.

Contact the COPS Office

For more information about COPS Office programs and resources, please call the COPS Office Response Center at 800-421-6770 or visit the COPS Office website at www.cops.usdoj.gov.

Appendix J. ACH templates with instructions

The following pages contain ACH templates and instructions for completing these financial documents.



U.S. Department of Justice

Office of Justice Programs

Office of the Chief Financial Officer

Washington, D.C. 20531

April 28, 2020

In the normal course of grant operations, there are situations in which grantees must make refunds to the Office of Justice Programs (OJP), Community Oriented Policing Services (COPS), or Office on Violence Against Women (OVW), all of which are processed by OJP's OCFO. Due to workplace disruptions caused by COVID-19, OJP recognizes that some entities and individuals may have difficulty providing refunds through hard copy mail using paper negotiable instruments such as money orders, paper checks, bank drafts, and cashier checks.

In order to avoid disruptions and delays in the refund process, OJP is strongly encouraging grantees to submit deposits electronically (using Automated Clearing House (ACH) or Fed wire). This will eliminate a delay in reflecting the refund on grant or vendor account balances.

To that end, if situations arise that require a grantee to return funds, please advise the grantee to submit their refund electronically using ACH or Fed wire. Templates with instructions are attached. Upon notification to the grantee to return funds, please email OCFO/FAAD/ACRB at ACRBelectronictransfer@ojp.usdoj.gov. ACRB will assign an accountant to assist the grantee with the process.

We aim to continue providing the best customer service in the midst of many changes.

ACH TEMPLATE INSTRUCTIONS

UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS

ACH Credit Instructions

Please provide the following instructions to your Financial Institution for the remittance of Automated Clearing House (ACH) credits to the US Department of Justice, Office of Justice Programs. The grantee (remitter) is responsible for completing the **highlighted lines**. Instructions to help populate each line are on page 2. **The information for all other lines have been pre-populated and cannot be changed. All National Automated Clearing House Association (NACHA) Data Element Lines are required.**

	NACHA Record Type Code	NACHA Field	NACHA Data Element Name	Required Information
1	5	3	Grantee Name	(Grantee)
	5	6	Standard Entry Class Code	CCD
2	5	9	Date of Payment	(Date of Payment; similar to check date)
	6	2	Transaction Code	22
	6	3 & 4	Receiving DFI Identification (ABA routing #)	051036706
	6	5	DFI Account Number	815040001003
3	6	6	Amount	(Refund Amount)
4	6	8	Office of Justice Programs	(enter grant number – up to 22 characters)

***ACH debits are not permitted to this ABA routing number. All debits received will be automatically returned.**

Questions regarding these instructions should be directed to ACRBelectronictransfer@ojp.usdoj.gov or (800) 458-0786.

ACH Credit Instructions

1. Grantee Name – Enter the grantee name exactly as it is assigned on your grant award document.
2. Effective Date - Enter the payment date (similar to the check date).
3. Amount - Enter the refund dollar amount.
4. Receiving Company Name – Office of Justice Programs – Enter the grant number.

FEDWIRE TEMPLATE INSTRUCTIONS

UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS

Please provide the following instructions to your Financial Institution for the remittance of Fedwire payments to the US Department of Justice, Office of Justice Programs. The grantee (remitter) is responsible for completing the **highlighted lines**. Instructions to help populate each line are on page 2. **The information for all other lines have been pre-populated and cannot be changed. All Fedwire Field Lines are required.**

	Fedwire Field Tag	Fedwire Field Name	Required Information
	{1510}	Type/Subtype	1000
1	{2000}	Refund Amount	
	{3400}	Receiver ABA routing number *	021030004
	{3400}	Receiver ABA short name	TREAS NYC
	{3600}	Business Function Code	CTR
	{4200}	Beneficiary Identifier (account number)	815040001003
	{4200}	Beneficiary Name	Office of Justice Programs
2	{5000}	Grantee Name	
3	{6000}	Grant Number	
3	{6000}	Grant Number/Grant Information	
3	{6000}	Grant Number/Grant Information	
3	{6000}	Grant Number/Grant Information	

***The financial institution address for Treasury's routing number is 33 Liberty Street, New York, NY 10045**

Questions regarding these instructions should be directed to ACRBelectronictransfer@ojp.usdoj.gov or (800) 458-0786.

FEDWIRE TEMPLATE INSTRUCTIONS

1. For Fedwire Field Tag {2000} Amount - Enter the refund dollar amount
2. For Fedwire Field Tag {5000} Grantee name - Enter the grantee name assigned to the grant
3. For Fedwire Field Tag {6000} Originator to Beneficiary Information – Lines 1 through 4 –
 - Line 1- Includes the grant number associated with refund. **This line is mandatory.**
 - Lines 2-4- Include any other identifying or pertinent information for the refund. i.e. reason, split between grant refund or interest income. **There is a 22 character limit per line.**

[Type here]

FEDWIRE TEMPLATE INSTRUCTIONS

**UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

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	{4200}	Beneficiary Identifier (account number)	815040001003
	{4200}	Beneficiary Name	Office of Justice Programs
2	{5000}	Grantee Name	
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3	{6000}	Grant Number/Grant Information	
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UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS

ACH Credit Instructions

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Appendix K. Civil rights memorandum

MEMORANDUM

TO: COPS Office Award Recipients

FROM: Michael L. Alston
Director, Office for Civil Rights, Office of Justice Programs

DATE: June 1, 2020

RE: Federal Civil Rights Statutes and Regulations

Congratulations on your recent award! The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a non-discriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

We at the OCR are available to help you and your organization meet the civil rights requirements that are associated with OJP and other DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to let us know.

Glossary of Terms

allowable costs. Allowable costs are expenses that may be funded by this award program. The COPS Office SVPP award must be limited to funding for equipment, services, personnel, and other costs purchased or hired on or after the award start date. Upon review of your submitted budget, any unallowable costs were removed. The Financial Clearance Memorandum (FCM) included in your award package specifies your allowable costs, contains the final budget category amounts for which your agency was approved, and notes any relevant revisions that were made to your original budget submission.

audit. Work done by auditors, including both the Office of the Inspector General (OIG) and state or local auditors, to examine financial statements and to review

- compliance with laws and regulations;
- economy and efficiency of operations;
- effectiveness in achieving program results;
- allowability of costs claimed against the award.

authorized officials. The authorized officials are the individuals in your organization who have final authority and responsibility for all programmatic and financial decisions regarding this award. At the time of award application, your agency listed the law enforcement executive (usually the chief of police, sheriff, etc.) and the government executive (usually the mayor, board president, etc.) for your agency. For non-law enforcement agencies (institutions of higher education, private organizations, etc.), the authorized officials are the programmatic and financial officials who have the ultimate signatory authority to sign contracts on behalf of your organization. These executives are listed on your award document and are understood to be your authorized officials. If any of the executive information is incorrect, please submit the correct information to the COPS Office by completing an official Change of Information form available online at www.cops.usdoj.gov.

award end date. This is the date until which your agency is authorized to purchase items or hire positions that were approved by the COPS Office. The award end date is found on your award document. Recipients may not make any purchases or hire any positions after this date without written approval from the COPS Office.

award number. The award number identifies your agency's specific SVPP award and can be found on your award document. This number should be used as a reference when corresponding with the COPS Office. Your award number is in the format 2020-SVWX-0000 for awards made in FY 2020. The COPS Office tracks award information based upon this number.

award start date. This is the date on or after which your agency is authorized to purchase or hire any allowable equipment, services, personnel, or other costs that were approved by the COPS Office. The award start date is found on your award document. Recipients may not expend funds prior to this date without written approval from the COPS Office.

Catalog of Federal Domestic Assistance (CFDA). The CFDA is an annual government-wide publication that contains a description and index of all forms of federal assistance. Each program is assigned a CFDA number, which is used by auditors to track award revenues under the Single Audit Act. It is also used in participating states by State Single Points of Contact in conducting the required intergovernmental reviews under Executive Order 12372. The CFDA number for the COPS Office SVPP Program award is 16.710.

closeout. This is the process in which the awarding agency, the COPS Office, determines that all applicable administrative actions and all required work and conditions of the award have been completed and met by the recipient and awarding agency.

cognizant federal agency. Your cognizant federal agency is generally the federal agency that provides your agency with the most federal money. The Office of Management and Budget (OMB) may have already assigned your cognizant federal agency to you. If this is the first federal award that your organization has received, the U.S. Department of Justice (DOJ) is your cognizant federal agency.

computing devices. Computing devices are machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting, and receiving, or storing electronic information.

COPS Office. The Office of Community Oriented Policing Services (COPS Office) is the office within the U.S. Department of Justice that is the grantor or awarding agency for your award. The COPS Office is responsible for assisting your agency with the administration and maintenance of your award for the entire award period. You can reach the COPS Office at 800-421-6770.

COPS Office finance staff. The COPS Office finance staff handles your agency's financial and budgetary needs related to this award. A staff accountant has been assigned to your state, and is available to answer any questions that you may have concerning the financial aspects of your award. To identify your staff accountant, please call the COPS Office Customer Care Center at 800-421-6770, or visit the COPS Office website at www.cops.usdoj.gov.

COPS Office Grant Program Specialist. COPS Office Grant Program Specialist s are trained to assist you with implementing and maintaining your SVPP award. A Grant Program Specialist is assigned to your state and is available to answer any questions that you may have concerning the administrative, programmatic, and substantive aspects of your award. Your Grant Program Specialist can assist you with such matters as requesting an extension on your award or modifying the award, and reviewing outlines for project deliverables. The name and phone number of your COPS Office Grant Program Specialist is provided on the award congratulatory letter and available by contacting the COPS Office Customer Care Center at 800-421-6770.

Data Universal Numbering System (DUNS) number. Since FY 2004, the Office of Management and Budget (OMB) has required all agencies applying for federal funding to obtain this number prior to application. The DUNS number is a unique nine- or thirteen-digit identification number that is assigned upon request to agencies by Dun & Bradstreet (D&B). This number will be used by the Federal Government to better track award recipient information throughout the award cycle and to provide consistent name and address data for electronic award application systems. To obtain a DUNS number, visit the Dun & Bradstreet website at www.dnb.com or call 866-705-5711.

disallowed costs. Disallowed costs means those charges that are determined to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the federal award.

Employer Identification Number (EIN) / OJP vendor number. This number is usually your agency's nine-digit federal tax identification number as assigned to you by the Internal Revenue Service (IRS). Your accounting/bookkeeping department should have this number. In some cases, the EIN has been previously assigned to another agency within your jurisdiction. In this instance, a new vendor number will be assigned to you by the Office of the Chief Financial Officer. The newly assigned number is to be used for COPS Office administrative purposes only and should not be used for IRS purposes.

equipment. Equipment is tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds \$5,000.

evidence-based. A program practice, technology, or equipment that

- (A) demonstrates a statistically significant effect on relevant outcomes based on
 - (i) strong evidence from not less than 1 well-designed and well-implemented experimental study;
 - (ii) moderate evidence from not less than 1 well-designed and well-implemented quasi-experimental study; or
 - (iii) promising evidence from not less than 1 well-designed and well-implemented correlational study with statistical controls for selection bias;
- (B) demonstrates a rationale based on high-quality research findings or positive evaluation that such program, practice, technology, or equipment is likely to improve relevant outcomes, and includes ongoing efforts to examine the effects of the program, practice, technology, or equipment; or
- (C) in the case of technology or equipment, demonstrates that use of the technology or equipment is
 - (i) consistent with best practices for school security, including
 - (I) applicable standards for school security established by a Federal or State government agency; and
 - (II) findings and recommendations of public commissions and task forces established to make recommendations or set standards for school security; and
 - (ii) compliant with all applicable codes, including building and life safety codes.

federally recognized tribe. Tribal entities that are recognized and eligible for funding and services from the Bureau of Indian Affairs (BIA) by virtue of their status as Indian tribes. They are acknowledged to have the immunities and privileges available to other federally recognized Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, power, limitations, and obligations of such tribes. Only federally recognized tribes are eligible to apply for COPS Office tribal award funds. For further information, contact BIA, Division of Tribal Government Services, MS-4631 – MIB, 1849 C Street NW, Washington, DC 20240, 202-208-2475.

grant. A legal instrument of financial assistance between a federal awarding agency and a non-federal entity to carry out a public purpose authorized by a law of the United States that, consistent with 31 U.S.C. § 6302-6305, does not provide for substantial involvement between the federal awarding agency and the non-Federal entity in carrying out the activity contemplated by the federal award.

Grant Monitoring Specialist. COPS Office Grant Monitoring Specialists are trained and available to assist you in addressing any compliance-related questions regarding your award. Grant monitoring specialists plan and conduct site visits and office-based grant reviews. During the life of your award, you may be selected for a monitoring site visit to assess your compliance with the terms and agreements of the award program, to review your implementation of evidence-based school safety strategies and programs and to provide technical and administrative support for your award. Please contact the COPS Office Customer Care Center at 800-421-6770 if you have any compliance-related questions.

Indian tribe. For purposes of COPS Office awards, Indian tribe means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. See 34 U.S.C. § 10389(3).

local budget cycle. Your agency's fiscal year. Some common examples include January 1 to December 31, October 1 to September 30, and July 1 to June 30. Some local budget cycles may extend up to 24 months.

matching funds. What a locality must contribute as a cash match toward total allowable project costs over the life of the program.

mobile data computer/laptop. A Mobile Data Computer (MDC) is a computer terminal mounted in a vehicle that is linked via wireless communication to a network that is often integrated with a CAD system. MDCs enable officers to complete previously handwritten reports on a computer. This often eliminates the need to enter duplicate information on multiple reports.

nonfederal entity. Nonfederal entity means a state, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a federal award as a recipient or subrecipient.

nonprofit organization. Nonprofit organization means any corporation, trust, association, cooperative, or other organization, not including institutions of higher education, that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operations of the organization.

obligation of funds. The COPS Office obligates federal funds when the award document is signed by the COPS Office Director or his or her designated official. For the recipient, award funds are obligated when monies are spent or orders are placed for purchasing approved technology or services under your SVPP award. The term "encumbrance" is often used at the local and state levels to describe this type of transaction. Liquidated obligations are considered cash outlays or monies actually spent. Unliquidated obligations are obligations incurred and recorded but not yet paid (accrual basis of accounting) or not yet recorded and not yet paid (cash basis of accounting).

OJP vendor number/EIN number. This is your agency's nine-digit federal tax identification number assigned to you by the IRS. Your accounting/bookkeeping department should have this number.

If your EIN previously has been assigned to another agency within your jurisdiction, the Office of the Comptroller will assign a new OJP vendor number to you. The new assigned number is to be used for administrative purposes only, in connection with this award program, and should not be used for IRS purposes.

Originating Agency Identifier (ORI) number. This number is assigned by the FBI, and it is your agency's unique identifier. The first two letters are your state abbreviation, the next three numbers are your county's code, and the final two numbers identify your jurisdiction within your county. If your agency does not have an ORI number assigned by the FBI, the COPS Office assigns a nonofficial ORI code to use as an agency identifier (in such cases, the last two characters will be "ZZ"). It can be found on your award document. When you contact the COPS Office with a question, please reference your ORI number (or your award number).

program income. Program income means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance.

recipient. The Uniform Guidance defines it as “Recipient means a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include subrecipients. See also § 200.69 Non-Federal entity.” 2 C.F.R. § 200.86.

SAFECOM guidance. The U.S. Department of Homeland Security Office of Emergency Communications, in coordination with various stakeholder groups, develops the annual SAFECOM Guidance on Emergency Communications Grants. The guidance provides recommendations to recipients seeking funding for interoperable emergency communications projects, including allowable costs, items to consider when funding emergency communications projects, awards management best practices for emergency communications awards, and information on standards that ensure greater interoperability. The guidance is intended to ensure that federally funded investments are compatible and support national goals and objectives for improving interoperability nationwide. Recipients (including sub-recipients) that are using SVPP funds to support emergency communications activities should comply with the latest version of SAFECOM Guidance, including provisions on technical standards that ensure and enhance interoperable communications. The most recent version of SAFECOM guidance is available at www.safecomprogram.gov/grant/Default.aspx.

school. An elementary or secondary school, including a Bureau-funded school (as defined in section 2021 of title 25.

simplified acquisition threshold. Simplified acquisition threshold means the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. Non-Federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold. The simplified acquisition threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. § 1908. Currently, the simplified acquisition threshold is \$250,000.

subaward. Subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

subrecipient. Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

supplies. Supplies means all tangible personal property other than those described under equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life.

System for Award Management (SAM). The SAM database is the repository for standard information about federal financial assistance applicants, recipients, and sub-recipients. Organizations that have previously submitted applications via Grants.gov are already registered with SAM, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their SAM at least once per year to maintain an active status. Information about registration procedures can be accessed at www.sam.gov.

tribal organization. Has the same meaning given the term in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(1)).

unit of local government. County, municipality, town, township, village, parish, borough, or other unit of general government below the state level.

2020 COPS Office School Violence Prevention Program (SVPP) Award Owner's Manual

This manual was created to assist COPS Office School Violence Prevention Program (SVPP) recipients with the administrative and financial matters associated with their award.

For more information about your SVPP award, please contact your COPS Office Grant Program Specialist. If you do not know the name or telephone number of your SVPP Grant Program Specialist, please contact the COPS Office Customer Care Center at 800-421-6770.



U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs,
call the COPS Office Customer Care Center at 800-421-6770.
Visit the COPS Office online at **cops.usdoj.gov**.
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