



MISSOURI



## Application Packet

for

# Enforcement of Underage Drinking Laws Grant (EUDL)

for the

Contract Period: January 1, 2011 – December 31, 2011

Administered by the

Missouri Department of Public Safety

Vicky Scott, Juvenile Justice Program Manager

*The EUDL Grant Program is federally funded and provides supplemental personnel funding exclusively for the innovative use of best practices by law enforcement agencies in the prevention and interdiction of underage drinking.*

*Program awards are made in conjunction with the Missouri Juvenile Justice Advisory Group and the United States Department of Justice – Office of Justice Programs and Office of Juveniles Justice and Delinquency Prevention.*

### **APPLICATION DEADLINE: September 24, 2010**

*Applicants must submit six (6) sets of the application – your original and five (5) copies. The application must be received by the Missouri Department of Public Safety, Office of the Director by no later than 4:00 p.m. on September 24, 2010. Applications sent by an **overnight** carrier on or before September 23, 2010, will be accepted, if delivery is delayed for reasons outside of the applicant's control; however, the applicant must provide documentation that the application was mailed on or before September 23, 2010.*

*Submit the signed and completed application and copies to:*

*Juvenile Justice Unit  
Department of Public Safety  
Office of the Director  
Truman State Office Building, Room 870  
301 West High Street  
PO Box 749  
Jefferson City, MO 65102-0749*

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**Questions regarding this application or the EUDL Program may be directed to:**

Vicky Scott  
573-526-2179  
Vicky.Scott@dps.mo.gov

## Program Description

**Introduction** - The Missouri Department of Public Safety is pleased to announce the availability of approximately \$300,000 in federal funding for local law enforcement agencies to conduct specialized activities and operations associated with enforcing Missouri's underage drinking laws. At the federal level, the Enforcing Underage Drinking Laws (EUDL) Program supports and enhances efforts by state and local jurisdictions to prohibit the sale of alcoholic beverages to minors and the purchase and consumption of alcoholic beverages by minors. (For purposes of this grant, minors are defined as individuals younger than age 21.)

**Funds Available** – An estimated total of \$300,000 is available. Individual agencies may apply for a **maximum amount of \$15,000 for the 12-month project period**. ***Decisions on levels of funding will be based on the extent of the problem identified in the Narrative Work Program section of the application. Funding levels must coincide with the number of retail liquor establishments within a jurisdiction. The Department of Public Safety reserves the right to offer funding at a reduced level from that requested. Federal funds cannot be utilized to take the place of local or other sources of funding that are normally available for the services.***

**Contract Period** – The contract period for projects funded is **January 1, 2011, through December 31, 2011**. Please make sure that your application reflects this time period.

**Eligible Applicants** – Eligible applicants for the EUDL funding are local units of government (municipalities and counties) and public safety departments located on college campuses. Agencies may apply individually or neighboring applicants may pool their enforcement resources and apply as a single **Regional Task Force**. Agencies cannot apply as both an individual agency and as a member of a task force.

**Regional Task Force** – A Regional Task Force may apply for up to \$15,000. If applying as a Regional Task Force, applicants must:

- Submit one application with one agency identified as the lead applicant for contractual purposes;
- Have the lead applicant's authorized official and project director sign and date all required application and reporting forms.
- Have the lead agency submit all reports and disburse funds to task force members.
- Execute a Memorandum of Understanding that states:
  - The intent of all task force member agencies to pool their enforcement resources;
  - All requested EUDL activities will be conducted specifically as stated in this application;
  - All member agencies will collect and maintain adequate documentation for audit and performance reporting purposes.

The Memorandum of Understanding must bear the signature of all task force member agencies. Signatures must be obtained from the Authorized Official (Mayor, City Manager, and/or Presiding Commissioner) and Police Chief or County Sheriff for each participating agency. The Memorandum of Understanding must include all of the elements and signatures noted above and must be submitted on the lead applicant's letterhead.

Task forces will be required to dispense their resources appropriately within the region so as to utilize EUDL funding in the most effective manner possible.

**Allowable Costs** – EUDL grant funds may only be used to pay for hours worked beyond an officer’s regular schedule. The grant funds will be used to reimburse subgrantees at the same hourly rate set by the department for hours worked beyond an officer’s normal schedule. Overtime pay must be based on an agency’s established policies and procedures regarding accrual of such pay by law enforcement officers, i.e., the number of regular hours that officers must work in a set period before receiving overtime pay.

An Underage Undercover Operative may be paid no more than \$12.00 per hour. The Underage Undercover Operative may be paid for time spent undercover, travel time, and time spent in court.

*\*Please note that EUDL funds may not be used to supplant (take the place of) existing regular salary funds. Additional regulations regarding supplanting may be found in the Missouri Department of Public Safety Financial and Administrative Guideline included with this packet.*

*In addition, EUDL funds are disbursed on a reimbursement basis only. Subgrantees must first expend local funds per contract guidelines and may then request reimbursement on a Monthly Report of Expenditures form.*

**Unallowable Costs** - FICA, fringe benefits, travel, equipment, supplies, and contractual expenses **will not** be covered by this grant for law enforcement operations.

**Allowable Activities** – The EUDL funding may be used for one or more of the following purpose areas:

- 1) Compliance Checks
- 2) Party Prevention Patrols and Controlled Party Dispersal
- 3) Bar Patrols
- 4) Special Events/Task Force Operations

**Purpose 1) Compliance Checks** - Compliance Checks utilize an underage buyer working under the direction of a law enforcement agency. The underage buyer enters a licensed liquor establishment and attempts to purchase alcoholic beverages. This operation may be conducted at on-premise sites (bars, restaurants, clubs, etc.) and at off-premise businesses (convenience stores, grocery stores, gas stations).

When conducting compliance checks, EUDL recipients must adhere to the following operational guidelines promulgated by the Missouri Division of Alcohol and Tobacco Control.

**DIVISION OF ALCOHOL AND TOBACCO CONTROL**  
**ALCOHOL COMPLIANCE BUY CHECKLIST**  
**11 CSR 70-2.280. Guidelines for Using Minors in**  
**Intoxicating Liquor or Non-Intoxicating Beer Investigations**

The minor shall be eighteen (18) or nineteen (19) years of age;

The minor shall have a youthful appearance and the minor, if a male, shall not have facial hair or a receding hairline; if a female, the minor shall not wear excessive makeup or excessive jewelry. The minor, male or female, shall not wear headgear that will obstruct a clear view of the face or hairline.

The minor shall carry his or her own identification showing the minor's correct date of birth and shall, upon request, produce such identification to the seller of the intoxicating liquor or non-intoxicating beer at the licensed establishment; and the state, county, municipal or other local law enforcement agency shall search the minor prior to the operation to ensure that the minor is not in possession of any other valid or fictitious identification;

The minor shall answer truthfully any questions about his or her age and shall not remain silent when asked questions regarding his or her age, nor misrepresent anything in order to induce a sale of intoxicating liquor or non-intoxicating beer.

The state, county, municipal or other local law enforcement agency shall make a photocopy of the minor's valid identification showing the minor's correct date of birth;

Any attempt by such minor to purchase intoxicating liquor or non-intoxicating beer products shall be videotaped or audio-taped with equipment sufficient to record all statements made by the minor and the seller of the intoxicating liquor or non-intoxicating beer product;

The minor shall not be employed by the state, county, municipal or other local law enforcement agency on an incentive or quota basis;

If a violation occurs, the state, county, municipal or other local law enforcement agency shall, within two (2) hours, make reasonable efforts to confront the seller, if practical, and further, within forty-eight (48) hours, contact or take all reasonable steps to contact the owner or manager of the establishment;

The state, county, municipal or other local law enforcement agency shall maintain records of each visit to an establishment where a minor is used by the state, county, municipal or other local law enforcement agency for a period of at least one (1) year following the incident, regardless of whether a violation occurs at each visit, and such records shall, at a minimum, include the following information:

A photograph of the minor taken immediately prior to the operation;

A photocopy of the minor's valid identification, showing the minor's correct date of birth;

An Information and Consent document completed by the minor in advance of the operation on a Division of Alcohol and Tobacco Control Form;

The name of each establishment visited by the minor, and the date and time of each visit;

The audiotape or videotape as specified above; and

A written Minor Report on a Division of Alcohol and Tobacco Control Form;

The state, county, municipal or other local law enforcement agency must provide prerecorded currency to the minor, to be used in the operation, and, if a violation occurs, must make all reasonable efforts to retrieve the pre-recorded currency. If a violation occurs, said agency shall further secure and inventory any intoxicating liquor or non-intoxicating beer products purchased; and

The state, county, municipal or other local law enforcement agency must, in advance of the operation, train the minor who will be used in the operation, which training shall, at a minimum, include

Instruction to enter the designated establishment and to proceed immediately to attempt to purchase intoxicating liquor or non-intoxicating beer products;

Instruction to provide the minor's valid identification upon a request for identification by the seller;

Instruction to answer truthfully all questions about age;

Instruction not to lie to the seller to induce a sale of intoxicating liquor or non-intoxicating beer products;

Instruction on the use of pre-recorded currency; and

Instruction on the other matters set out in regulation 11CSR **70-2.280**.

It is further suggested that the minor not have a prior alcohol offense, nor should he/she be working off a sentence for criminal charges.

The full text for these requirements may be found at <http://www.sos.mo.gov/adrules/csr/current/11csr/11c70-2.pdf>.

As a precaution, the age of the undercover operative may be "field tested". Ask ten random people how old they think the operative is and document each response on the form below. Then determine the average. This can eliminate problems in court if the defendant says that the kid looked 27. You have documentation that the operative was age tested by 10 reasonable people who thought that the child looked 17, 18, etc. *Don't use the operative if he/she looks older than 19.*

<b><u>AGE VERIFICATION FORM</u></b>				
1. _____	3. _____	5. _____	7. _____	9. _____
2. _____	4. _____	6. _____	8. _____	10. _____
Total _____ divided by 10 = _____ perceived age				
Location of Verification _____				
Officer _____			Date _____	

Audiovisual surveillance equipment required for compliance checks may be acquired through the Missouri Department of Public Safety Law Enforcement Equipment Program (LEEP). LEEP provides law enforcement the opportunity to borrow high quality equipment from the Missouri Highway Patrol Troops. The form for requesting equipment may be found at <http://www.dps.mo.gov/dir/programs/cjle/leep.asp>.

**Purpose Area 2) Party Prevention Patrol and Controlled Party Dispersal** - Party Prevention Patrol consists of officers patrolling communities at times when youth activities that may be a catalyst for underage drinking parties may occur. This may be youth activities such as prom, homecoming, graduation, school carnivals, etc. Generally, only one or two officers are involved in the Party Prevention Patrol.

Controlled Party Dispersal goes hand in hand with Party Prevention Patrols. If the patrol encounters an underage drinking party, the patrolling officers will need to call for backup and then use proper party dispersal protocol. *A Practical Guide to Preventing and Dispersing Underage Drinking Parties*, prepared by the Pacific Institute for Research and Evaluation in support of the OJJDP Enforcing Underage Drinking Laws Program provides information for preventing such parties and practical guidelines for dispersing such parties safely. These guidelines include, but are not limited to, the following:

Rather than responding directly to the alleged party house, surveillance should be initiated. Officers should park their patrol or other marked/unmarked vehicles on an adjacent road or a short distance from the party site and quietly approach by foot. The surveillance officer should monitor for alcohol, drugs, noise, and other violations, as well as note the party size, the general layout of the house or other party site, and other tactical considerations.

Patrolling officers may need to monitor traffic from the party and make traffic stops if probable cause exists. This will also help to ascertain the extent of the underage drinking taking place. Once there is enough probable cause, officers may establish outer and inner perimeters, secure the scene by gathering attendees in a secure area, and then begin the processing phase which includes:

- 1) the administration of a preliminary breath test and photograph of the subject;
- 2) processing of citations, if issued; and
- 3) arranging safe transportation from the party.

“Controlled party dispersal is a systematic operational plan using the concepts of zero-tolerance and education to safely and efficiently close the underage-drinking party”...  
“The proper implementation of the controlled dispersal plan will benefit your community and its youth by reducing the negative consequences associated with underage drinking.” (*A Practical Guide to Preventing and Dispersing Underage Drinking Parties*)

**Purpose Area 3) Bar Patrols** – Bar Patrols consists of utilizing officers to patrol on-site liquor establishments (bars, restaurants, clubs) to ensure that underage youth are not being served by the establishment. This operation may consist of officers checking ID’s of patrons to verify legal age has been attained. Law enforcement officers will want to maintain a good working relationship with the businesses, so certain protocol for such operations must be followed.

**Ways to Work with Retailers to Promote Good Will** - There are many ways in which law enforcement agencies can work with alcohol retailers to prevent sales of alcohol to underage

persons. Law enforcement agencies may send retailers periodic letters and notices designed to maintain high awareness of the issue. Officers often engage in a more informal training practice by stopping and talking to store employees during their patrol duties about issues such as sale to underage youth. One well-received practice to promote compliance is for officers to present retail clerks with encouragement cards, thanking them for their efforts in preventing the improper sale of alcohol. While not directly fundable by this grant program, agencies are encouraged to utilize this and other community oriented policing efforts.

**Purpose Area 4) Managing Special Events/Task Force Operations** – This purpose area consists of the implementation of procedures to address underage drinking at large scale events. These events may be concerts, holiday activities such as Mardi Gras or Fourth of July festivities, or other events that bring an influx of people into a local jurisdiction. The operations focus on limiting the time of the function, designating areas for consumption of alcohol, and training vendors on the laws concerning alcohol consumption. Enforcement techniques to spot underage drinkers and transactions are also utilized. Emphasis may be placed on developing multi-jurisdictional task forces to deal with these events since they generally draw attendees from several regions and the local law enforcement agencies are often not equipped to handle the increased population.

Please see [www.udetc.org](http://www.udetc.org) or <http://www.pire.org/topiclist2.asp?cms=50> for more information on the purpose areas of this EUDL Grant Application.

# Application and Instructions

## Application for Funding

**Section 1** - This application must be typewritten.

**Section 2** – Check the box for the EUDL Grant Program.

**Section 3** – Applicant Agency – Enter the name and address of the organization that has the authority to legally bind the agency in a contract. For a police department, this must be the city in which the police department is located. For a sheriff's department, this must be the county.

**Section 4** – Applicant Authorized Official – This person cannot be the same person named as the Project Director in Section 5. The Applicant Authorized Official is the individual who has the authority to legally bind the applicant agency in a contract and must be one of the following:

**City Government** – The Authorized Official is the **mayor/city administrator**.

*Exceptions to this requirement are the St. Louis Metropolitan Police Department and the Kansas City Police Department.*

**County Government** – The Authorized Official is the **presiding county commissioner/administrator**.

**College or University** – The Authorized Official must be the person who can legally bind the college or university in a contract.

**Section 5** –The Project Director shall be the chief or sheriff of that agency.

*For the St. Louis Metropolitan Police Department and the Kansas City Police Department, the Project Director is the person who will have direct oversight of the proposed project.*

**Section 6** – Applicant Fiscal Officer - Enter the contact information for the treasurer or comptroller for the applicant agency.

**Section 7** – Contact Person – Enter the identifying information for the person responsible for the project's accounting, reporting, and closeout. This is the person that DPS will contact if there are any questions concerning the grant.

**Section 8** – Project Title – Enter a carefully chosen, brief descriptive title of your program.

**Section 9** – Type of Application – Indicate that this is a “NEW” application.

**Section 10** – Current Contract Number(s) – Indicate the DPS Contract Number if the applicant agency currently has a contract through the EUDL Grant Program.

**Section 11** – Applicant's Federal Tax I.D. Number – Enter the applicant agency's Federal Tax Identification Number. This number **must** be included in order to document receipt of this application.

**Section 12** – Program Category – This section is not required for the EUDL Grant Program.

**Section 13** – Contract Period – Enter the contract period of January 1, 2011, through December 31, 2011.

**Section 14** – Type of Project – Check the appropriate box.

**Section 15** – Program Income – Check “No” since EUDL activities do not generate program income.

**Section 16** – Budget – For the EUDL Grant Program, only use the Personnel Budget section. No other costs will be allowed.

**Section 17** – Authorized Official’s Signature – This application must bear the original signature of the Authorized Official identified in Section 4 of the Application for Funding.

**Personnel Budget Sheet** – Complete the Personnel Budget sheet based on the instructions at the top of that page. A sample is included with this application packet. Remember, the maximum amount of funding available per application is \$15,000, but this may be prorated based on the size of the jurisdiction, extent of the problem indicated in the Narrative Work Program, and the type of project for which funding is requested. Also, the hourly rate of pay for the Underage Undercover Operative cannot exceed \$12.00.

Make sure that the Total Personnel Costs shown on the Personnel Budget Sheet matches the Total Project Costs on the Application for Funding page.

**Narrative Work Program** – The purpose of the Narrative Work Program is to justify the need for grant funding, to outline the objectives of the grant funded project, to describe the project in detail, and to explain how the project will be evaluated. This section must be completed in its entirety. Instructions are included for each section of the Narrative Work Program. *(Please do not reduce the font to less than 12 pt.)*

**Audit Requirements** – If you are awarded funds through this grant, you may be required to submit a copy of your agency’s audit for the period covered by the contract. Please complete the Audit Requirements form in its entirety.

**Report of Expenditures and Check Payee Information** – If funding is awarded through this grant program, a Monthly Report of Expenditures must be submitted each month so that payment to reimburse expenses for the previous month may be made. Please complete the Report of Expenditures and Check Payee Information form in its entirety. The reports are due each month whether or not there are program activities or expenditures to report.

**Non-Supplanting Certification** – Enforcing Underage Drinking Laws Program funds may not be used to supplant (or replace) existing local funds. Therefore, the Non-Supplanting Certification must be completed.

**Applicant Pay Policy Statement** – Complete the Applicant Pay Policy Statement form. Be sure to outline the policy set by your agency to pay for hours worked beyond an officer’s regular schedule.

**JJDP Certified Assurances** – Signatures on this form certify that the applicant will comply with the requirements of the EUDL Grant Program.

**Federal – Standard Assurances** - Be sure to read these guidelines since the signature on this application certifies that the applicant will comply with these requirements.

**Certification Regarding Debarment** – This form must be completed by all agencies applying for federal funds to certify that the agency is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

**Missouri Department of Public Safety Financial and Administrative Guidelines** – Be sure to read these guidelines since the signature on this application certifies that the applicant will comply with these requirements.





<b>PERSONNEL</b>	<b>PROJECT TITLE:</b> EUDL Compliance and Party Patrol Project
	<b>APPLICANT AGENCY:</b> City of ABC

**INSTRUCTIONS**

<p>8. Include all personnel to be employed on the proposed project.</p> <p>9. Under <b>Title or Position</b>, list each proposed position.</p> <p>10. Under <b>Name of the Individual</b>, list the name of the person who will fill each proposed position (if known).</p> <p>11. Show <b>Hourly Overtime Pay Rate</b> for each individual to be devoted to this grant-funded project.</p>	<p>12. Show the <b>Number of Hours on This Project</b> for each individual to be devoted to this grant-funded project.</p> <p>13. Multiply the <b>Hourly Overtime Pay Rate</b> by the <b>Number of Hours on This Project</b> to get the <b>Total Cost</b> for each individual to be devoted to this grant-funded project.</p> <p>14. Enter the total of the <b>Total Cost</b> column in the Total Personnel Costs at the bottom of the page.</p>
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TITLE OR POSITION	NAME OF INDIVIDUAL	HOURLY OVERTIME PAY RATE	X	NUMBER OF HOURS ON THIS PROJECT	TOTAL COST
Detective(s)	To Be Determined	\$28.00	X	120	3,360.00
Underage Operative	To Be Determined	\$12.00	X	120	\$1,440.00
Patrol Officer(s)	To Be Determined	\$25.00	X	120	\$3,000.00
			X		
			X		
			X		
			X		
			X		
			X		
			X		
			X		
			X		
			X		
<b>SUBTOTAL</b>					<b>\$7,800.00</b>

SAMPLE

FRINGE BENEFITS	BASIS FOR COST ESTIMATE	
F.I.C.A. & Medicare (.0765)	<p style="font-size: 36px; font-weight: bold; transform: rotate(-15deg);">Do Not Complete the Fringe Benefits Section.</p>	
PENSION/RETIREMENT		
LIFE INSURANCE		
MEDICAL INSURANCE		
UNEMPLOYMENT COMPENSATION		
WORKER'S COMPENSATION LIAB.		
OTHER (PLEASE IDENTIFY)		
<b>TOTAL PERSONNEL COSTS</b>		<b>\$</b>

# Narrative Work Program

On a separate sheet of paper, please provide the following information. Be sure to show each heading, i.e., 1) Statement of the Problem, 2) Goals and Objectives, 3) Methodology, etc., at the beginning of each section of the Narrative Work Program. Include all information requested. Also make sure that this section of the application is written in a narrative format and not as a list. Failure to provide such information could preclude your application from being considered for funding.

- 1) **Statement of the Problem** – Please provide information and statistics supporting the need for this project in your jurisdiction. If baseline data is available, please be sure to include same. This section must explain the problems with and prevalence of underage drinking you are experiencing in your jurisdiction that indicate there is a need for this funding. Be sure to include the
  - a) number of liquor establishments,
  - b) number of stores that sell liquor in your jurisdiction,
  - c) a breakdown of the demographics for your city, county, and/or campus (provide a clear description of your community, its size, population, layout, etc.),
  - d) the number of youth under 21 years of age in your jurisdiction,
  - e) information about the size of your department,
  - f) number of officers employed by your department,
  - g) the number of underage drinking incidents in the past three years,
  - h) statistics on underage drinking charges, and
  - i) any anecdotal information or other statistics that support the need for this program.

If you are asking for funding for Purpose Areas 2 and 3, be sure to tell about

- a) the youth activities or special event(s),
- b) incorporate the number of attendees,
- c) number of youth who may be attending,
- d) staffing needs,
- e) problems you have experienced in the past, and
- f) any anecdotal information or other information that may support this request for funding.

If you have an existing subgrant or have conducted operations in the past, you may want to include some historical information about your operations, successes, obstacles, etc. Websites you may find useful for this section include:

<http://quickfacts.census.gov/qfd/states/29000.html> and  
<http://www.dss.mo.gov/re/jcsar.htm>.

- 2) **Goals and Objectives** – In this section, explain the expectations for the proposed project. Start with the Goals, which are broad statements that clearly and realistically describe the desired results of the program. Then give one to three measurable objectives for each goal.

Example:

Sample Goal: The ABC Department will make alcohol less available to minors in the city of ABC.

Sample Objectives: Compliance Checks will be conducted at least two times each month at no fewer than five liquor establishments each month.

The number of establishments selling to minors will decrease by at least 50% during the course of this project.

To assist in developing measurable goals and objectives, ask yourself the following questions:

- a) Does the goal directly relate to the problems identified in the Statement of the Problem and the project activities for which funds are being requested?
  - b) Do the objectives relate to the overall goal for this project?
  - c) What statistical data will be gathered to prove that the project is working?
  - d) Are the objectives directly related to the problem included in the Statement of the Problem?
- 3) **Methodology** – In this section, describe the project for which funds are being requested. List each purpose area separately and provide a brief description of the anticipated operations. A clear understanding of the operational model must be purveyed in this section of the narrative. Therefore, for each purpose area, be as specific as possible and be sure to include, at a minimum,
- a) the locations of operations,
  - b) coordination efforts,
  - c) who will be involved in the project (the number of officers, undercover operatives, etc.)
  - d) how the project will be set up and implemented,
  - e) estimated dates and times of operations, etc.

**Budget Justification** – Justify the need for the overtime hours requested in this proposal.

**Example:** Detective Joe Smith and Officer Dennis Weaver will be working with an underage undercover operative to conduct five compliance checks each month. It is **estimated** that each officer will have a total of ten hours of overtime each month. The underage undercover operative will also have eight hours undercover plus drive time of two hours. This amounts to:

\$300 each month for Detective Joe Smith (12 months x \$25),  
\$300 each month for Officer Weaver (12 months x \$25), and  
\$144 each month for the operative (12 months x \$12)  
\$744 (\$744 x 12 months)

Approximately \$744 each month will be spent on Purpose Area 1) Compliance Checks for a total of \$8,928 for the 12 month time period of this grant.

- 4) **Evaluation** – Each month, you will be required to submit an Operational Performance Report. This report must be submitted with the Monthly Report of Expenditures. In addition, you may be required to submit an annual report outlining the success of your project. In this section, please describe the intended outcome of this project and how you plan to evaluate its success. Base the evaluation on the Goals and Objectives that you set for the project.

## AUDIT REQUIREMENTS

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If you are awarded funds through the Missouri Department of Public Safety, you **ARE** required to submit a copy of your agency's audit for the period covered by this contract.

- ⇒ An audit is required for the agency fiscal year, when **State** financial assistance, (which consists of funds received directly from the State of Missouri, but does not include federal pass-through funds), of **\$100,000** or more is expended by the applicant agency.
  - ⇒ An audit is required for the agency fiscal year, when **Federal** financial assistance, (which consists of funds received from the Federal Government or federal funds passed through state agencies), of **\$500,000** or more is expended by the applicant agency.
  - ⇒ No audit of any type is required when **STATE** financial assistance of less than \$100,000 or **FEDERAL** financial assistance of less than \$500,000 is expended. However, the recipient must maintain detailed records on grant activity required for such grants.
- 

This section must be completed **even if your agency is not required** to submit an audit to the Missouri Department of Public Safety.

1. Date of last audit: \_\_\_\_\_
2. Date(s) covered by last audit: \_\_\_\_\_
3. Last audit performed by: \_\_\_\_\_  
Phone number of auditor: \_\_\_\_\_
4. Date of next audit: \_\_\_\_\_
5. Date(s) to be covered by next audit: \_\_\_\_\_
6. Next audit will be performed by: \_\_\_\_\_  
Phone number of auditor: \_\_\_\_\_
7. Total amount of funds received from **ALL** entities **INCLUDING** the Department of Public Safety: Federal Amount: \$\_\_\_\_\_ State Amount: \_\_\_\_\_
8. Applicant Agency: \_\_\_\_\_ Phone: \_\_\_\_\_

**NOTE:** The State Auditor of Missouri audits all state agencies, third class counties, and all judicial circuits. First, second, and fourth-class counties and other local political subdivisions and not-for-profit agencies must make arrangements with a private CPA firm to perform an audit.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
**(Authorized Official)**

# Report of Expenditures and Check Payee Information

If an applicant receives a subgrant award, the payment method for the contract will be a monthly reimbursement of expenses. "Start-up" funding is not allowed.

All monthly reimbursements will be transmitted via automated check handling (ACH). Should your agency receive an award and ACH creates an undue burden for your agency, please contact Carol Willhite, Accountant, with the Department of Public Safety at 573-522-9576.

The following information is necessary if your agency receives a contract from the Missouri Department of Public Safety. Please complete the entire form.

---

## Report Mailing Information:

Name and address of individual who will be responsible for completing the **Monthly Report of Expenditures and Request for Reimbursement**.

Name:

Agency:

Address:

City, State, Zip:

Telephone:

Fax Number:

Email address:

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## Check Payee Information:

List the name and address of the check payee. Do not include an individual's name, only the name and address of the agency to which the check must be made payable.

**AGENCY:**

**ADDRESS:**

(include city, state, and zip)

*\* As directed by the Missouri State Office of Administration, each applicant agency receiving a contract will be set up to receive all reimbursements via electronic transfer (ACH) rather than paper check if capable.*

**Non-Supplanting Certification Form**

By signing below, we certify that our agency has reviewed the non-supplanting requirements of the Enforcement of Underage Drinking Laws (EUDL) program. Specifically, we acknowledge that federal EUDL funds will be used to supplement existing funds and not substitute or replace local or state funds that have been appropriated or would otherwise be spent for the same purpose. We also indicate by signature that we understand if supplanting of state or local funds occurs, the Missouri Department of Public Safety may take corrective action as it deems necessary, up to and including the termination of our agency's EUDL contract and the requiring our repayment of all or a portion of EUDL funds reimbursed to our agency during the EUDL contract period.

**Applicant's Signatures:**

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**Authorized Official**                      **Date**                      **Project Director**                      **Date**

# Applicant Pay Policy Statement

Provide a brief statement below outlining the policy your agency currently has in place regarding the accrual of hourly overtime pay for law enforcement officers. This statement must be detailed enough so that if funded, the Department of Public Safety can effectively audit all EUDL expenditures reported by your agency. Additionally, the statement **must** provide **the number of hours an officer must work in a given work period before receiving hourly overtime pay**. Additionally, **the overtime rate must also be included**, such as time and one-half or a flat rate of a specific dollar amount.

\_\_\_\_\_

**Applicant's Signatures:**

\_\_\_\_\_  
**Authorized Official**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Project Director**

\_\_\_\_\_  
**Date**

## JJDP CERTIFIED ASSURANCES

Agency Name: \_\_\_\_\_

Project Title: \_\_\_\_\_

Contract Period: \_\_\_\_\_

In conjunction with the requirements of the state of Missouri and the Federal Office of Justice Programs, the applicant agrees to comply with the following assurances:

1. The applicant agrees to maintain the records necessary to evaluate the effectiveness of the project.
2. The applicant agrees to submit the Monthly Report of Expenditures and Monthly Operational Progress Report by the 10<sup>th</sup> of each month.
3. Personnel – The applicant assures that any personnel costs shall be supported by time and attendance records and that proper records shall be maintained to adequately substantiate time spent to carry out the specific objectives for which this contract may be approved.
4. The applicant agrees to fully coordinate all activities in the performance of the project with those of the Missouri Department of Public Safety, Office of the Director.
5. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Missouri Department of Public Safety, Office of the Director, may prescribe will be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this contract.
6. Audit - The applicant agrees to provide an annual audit of their organization, if required, in accordance with the provisions of Office and Management and Budget Circulars applicable to the organization.
7. The applicant assures that it shall maintain such data and information and submit such reports in such form at such time and containing such information as the Missouri Department of Public Safety, Office of the Director, may require. This includes any additional information that may be necessary in follow-up to monitoring and/or audit issues, and in response to requests from the Department of Justice.
8. If the applicant is a law enforcement agency, the applicant assures that the agency is in compliance with sections 590.100 to 590.180, RSMo. Section 590.180, subsection 2, states that “any law enforcement agency which employs a peace officer who is not certified as required by sections 590.100 to 590.180 shall not be eligible to receive state or federal funds which would otherwise be paid to it for purposes of training and certifying peace officers or for other law enforcement, safety, or criminal justice purposes.”
9. If the applicant is a law enforcement agency, the applicant assures that the agency is in compliance with the provisions of Section 43.505, RSMo, relating to uniform crime reporting and Section 590.650, RSMO, relating to racial profiling.
10. The Missouri Department of Public Safety, Office of the Director reserves the right to terminate any contract entered into as a result of this application at its sole discretion and without penalty or recourse by giving written notice to the contractor. In the event of termination pursuant to this paragraph, all documents, data, and reports prepared by the contractor under the contract shall,

at the option of the Missouri Department of Public Safety, become property of the state of Missouri. The contractor shall be entitled to receive just and equitable compensation for that work completed prior to the effective date of termination.

11. An award of contract, entered into as a result of this application, shall not bind or purport to bind the Department of Public Safety for any contractual commitment in excess of the original contract period contained in such an award of contract. However, the Department of Public Safety shall have the right, at its sole discretion, to renew any such award of contract on a year to year basis. Should the Department of Public Safety exercise its right to renew the contract, the renewal shall be subject to the terms set forth by the Department of Public Safety in the documents developed for such renewal. Failure to comply with such terms set forth by the Department of Public Safety will result in the forfeiture of such a renewal option.
12. Media – When discussing the Enforcing Underage Drinking Laws Program in print or electronic media, the subgrantee must include an acknowledgement of the funding source similar to the following:

“This project was supported by funding made available through a Juvenile Justice and Delinquency Prevention Act Grant Program administered by the U.S. Department of Justice and the Missouri Department of Public Safety, Office of the Director, and the Juvenile Justice Advisory Group.”

13. It is understood and agreed upon that, in the event funds from state and/or federal sources are not appropriated and continued at an aggregate level sufficient to cover the contract costs, or in the event of a change in federal or state laws relevant to these costs, the obligations of each party hereunder shall thereupon be terminated immediately upon receipt of written notice.

Failure to comply with any of the foregoing certified assurances could result in funds being withheld until such time as the contractor takes appropriate action to rectify the incident(s) of non-compliance.

The applicant hereby certifies, by signature, acceptance of the terms and conditions specified or incorporated by reference herein, including those stated in the application packet, the Missouri Department of Public Safety Financial and Administrative Guidelines, and the Federal – Standard Assurances.

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Authorized Official

Date

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Project Director

Date

**OMB APPROVAL NO. 1121-0140**  
**FEDERAL – STANDARD ASSURANCES**

The Applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information may be required.

2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted projects.

3. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.)

4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act .

5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

6. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.

7. It will comply with all requirements imposed by the Federal-sponsoring agency concerning special requirements of law, project requirements, and other administrative requirements.

8. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal

grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under Consideration for listing by the EPA.

9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

10. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of Investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

11. It will comply, and assure the compliance with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Projects Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.

12. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Projects and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act;

Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Projects.

13. It will comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C,D,E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

14. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Projects.

15. It will provide an Equal Employment Opportunity Project if required to maintain one, where the application is for \$500,000 or more.

16. It will comply with the provisions prohibits of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.), which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

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Authorized Official

Date

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Project Director

Date

## **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. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### **1. LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If 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 undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### **2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered

transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

- (a) Are not 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) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### **3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies 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 the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness project to inform employees about—
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance projects; 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 grant 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 grant, the employee will—OJP FORM 4061/6 (3-91) REPLACES OJP FORMS 4061/2, 4061/3 AND 4061/4 WHICH ARE OBSOLETE.

(1) Abide by the terms of the statement; and  
(2) Notify the employer in writing of his or her 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 agency, 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, to:

Department of Justice, Office of Justice Projects, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(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 project approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(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).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code).

Check  if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7. Check if the State has elected to complete OJP Form 4061/7.

#### **4) DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Projects, ATTN: Control Desk, 810 Seventh Street NW., Washington, DC 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project Director

\_\_\_\_\_  
Date

# Application Checklist

- Application for Funding**
  - Personnel Budget**
- Narrative Work Program**
  - Statement of the Problem
  - Goals and Objectives
  - Methodology
  - Budget Justification
  - Evaluation
- Audit Requirements**
- Report of Expenditures and Check Payee Information**
  - Non-Supplanting Certification**
  - Applicant Pay Policy Statement**
  - JJDP Certified Assurances**
  - Federal – Standard Assurances**
  - Certification Regarding Debarment**

This application must be **received in the Office of the Director**, Missouri Department of Public Safety by no later than 4:30 p.m. on September 24, 2010. Applications will not be accepted after 4:30 p.m. on September 24, 2010.

Submit the original and five copies of the application (six total) to

**Juvenile Justice Unit  
Department of Public Safety  
301 West High Street, Room 870  
P.O. Box 749  
Jefferson City, MO 65102**

# Application Review and Award Process

**Application Review** – A competitive bid process is utilized by the Missouri Department of Public Safety to award funding through the Enforcing Underage Drinking Laws Grant funding. An independent panel of reviewers will be convened, and each eligible proposal will be reviewed and scored based on a 100 point scale. Applications scoring less than 75 points will not be recommended for funding. The following point system will be utilized by the reviewers:

**Technical Merit . . . . . 20 pts**

The application is in the format requested, is complete, all signatures are correct, and the budget is correct.

**Statement of the Problem . . . . . 40 pts**

The applicant thoroughly described the problems and issues faced in this jurisdiction as related to underage drinking and the purpose areas for which the funding is requested. All statistical data and information requested in this portion of the Narrative Work Program has been included.

**Methodology (Planned EUDL Operations) . . . . 40 pts**

Planned operations and activities are allowable under one or more the EUDL purpose areas outlined by the Department of Public Safety. The applicant has tailored a plan of operations and activities to address the problem described in the Statement of the Problem. The plan of operations and activities has been fully described and pertinent details regarding who, what, when, where, and why have been included.

Scores will be assigned and the applications will be ranked accordingly. Funding will be awarded based on the highest scores proceeding down until the funds have been awarded or the score of 75 has been reached. The review panel’s recommendations for funding will be presented to the Missouri Juvenile Justice Advisory Group and the Director of the Department of Public Safety for final approval. Subsequently, the Director will issue an Award of Contract.

It is anticipated that applicants selected to receive funds will be provided with the necessary paperwork to accept the award prior to January 1, 2011. Questions regarding the award and paperwork may be directed to Vicky Scott at the e-mail address and/or telephone number noted on the front of this application.

***No award information will be given out over the telephone or via e-mail.***

**Training Seminars** – Applicants chosen for funding may be required to attend a mandatory 1-2 day training seminar that will provide purpose area specific classroom and practical field training to officers on the use of operation best practices. This training will be POST certified. (Agencies who attended this training in the last three years will not be required to attend again, but may be able to send at least one officer to the training.)

**Award Seminar** - Recipients may also be required to send the person responsible for oversight of this project to special training on the program and record keeping requirements.

**Missouri Department of Public Safety  
Financial and Administrative Guidelines**

## I. AWARD AND ACCEPTANCE OF CONTRACT

### A. **Award of Contract**

After completion of the review process, the Missouri Department of Public Safety in the form of the Award of Contract document formally awards contract applications designated for approval. This award identifies the Missouri Department of Public Safety (Administrative Agency), the Contractor, the contract period, amount of federal funds, and the contract number. As appropriate, special conditions are included which the Contractor must meet if the award is accepted. All correspondence concerning the award shall refer to the designated contract number shown on the ***Award of Contract*** document.

### B. **Acceptance of Award**

The ***Award of Contract*** constitutes a contractual agreement between the Missouri Department of Public Safety and the Contractor for use of federal funds in the implementation of the project covered by the award as outlined in the Application for Contract and the Project Narrative. This contractual agreement may be terminated without further cause if the Contractor fails to affirm its acceptance of the award by signing and returning the ***Award of Contract*** to the Missouri Department of Public Safety **WITHIN 45 DAYS** from the date of award. No federal funds shall be disbursed to the Contractor until the Missouri Department of Public Safety has received the signed acceptance.

### C. **Cancellation Conditions**

If a project is not operational within **60 DAYS** of the contract starting date, the Contractor must report by letter to the Missouri Department of Public Safety the steps taken to initiate the project, the reasons for delay, and the expected starting date.

If a project is not operational within **90 DAYS** of the contract starting date, the Contractor must submit a second statement to the Missouri Department of Public Safety explaining the implementation delay. Upon receipt of the 90 day letter, the Missouri Department of Public Safety may decide to cancel the project.

## II. PAYMENT AND REPORTING OF FUNDS

### A. **Report of Expenditures and Request for Reimbursement**

Contractors will be required to verify, on a monthly basis, actual cash expenditures and request reimbursement for expenditures. The ***Monthly Report of Expenditures and Request for Reimbursement*** is mailed to the Contractor on a monthly basis with the due date being the tenth (10th) day of each month. The ***Monthly Report of Expenditures and Request for Reimbursement*** is used by the Missouri Department of Public Safety to process checks sent out to the Contractor for reimbursement of expenditures. Failure to submit the required forms on time shall be taken as failure to adhere to the Acceptance of the Contract, and may result in termination.

### B. **Obligated Funds**

Funds are considered obligated by a Contractor when a legal liability to pay determinable sums for services or goods is incurred, which will require payment during the same or future period. When a purchase order is issued, funds are considered obligated. All funds must be obligated by the contract period ending date. Any funds not properly obligated within the contract period will lapse and revert to the Missouri Department of

Public Safety. Travel Expenses will only be allowed for events, training, and other activities held during the time period of the contract. Funds cannot be obligated for an activity that will take place outside of the contract period.

**C. Expended Funds**

Funds are considered to be expended when payment is made. Funds that have been properly obligated by the end of the contract period will have **60 days** in which to be expended. Any funds not expended at the end of that 90-day period will lapse and revert to the Missouri Department of Public Safety.

**III. PROCUREMENT POLICY**

**A. Allow Ability of Costs**

The Missouri Department of Public Safety has included unallowable costs in **VIII. GENERAL CONTRACT REQUIREMENTS, A. Unallowable Costs**. The U.S. Department of Justice Financial Guide and **Office of Management and Budget (OMB) Circular A-87**, "Cost Principles for State and Local Governments" and **OMB Circular A-122**, "Cost Principles for Nonprofit Organizations" provide the principles utilized in the establishment of the allowable and unallowable costs. OMB Circulars are guides for all federal grants.

If the Contractor is uncertain as to the allow ability of a cost, please contact the respective Program Specialist with the Missouri Department of Public Safety for clarification.

**B. Procurement of Costs**

It should be determined that the item to be purchased is an approved budget item (approved by the Missouri Department of Public Safety and shown in the application), that any necessary prior approval has been obtained, that no other item owned by the Contractor is available for the purpose, and that sufficient funds are in the budget.

All Contractors must adhere to the procurement standards contained in the OMB Circulars applicable to their organization as listed below:

- 1) **State and Local Governments – Common Rule** – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 28 CFT Part 66.
- 2) **Nonprofit Organizations – OMB Circular A-110**, Uniform Administration Requirements and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

All contractors are encouraged to use their own procurement regulations provided that the procurement regulations conform to applicable federal law and the standards identified in the Procurement Standards Sections of the Grant Common Rule or OMB Circular A-110. At a minimum, the contractor must meet the following procurement standards:

- 1) All procurement transactions whether negotiated or competitively bid and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition.

- 2) All quotations and the rationale behind the selection of a source of supply must be retained, attached to the purchase order copy, and placed in the accounting files.
- 3) Where only one bid or positive proposal is received, it is deemed to be sole source procurement. Sole source procurement on amounts \$3000 and over require prior approval from the Missouri Department of Public Safety. Sole source procurement of items costing \$100,000 or more requires prior U.S. Department of Justice approval
- 4) Items costing less than \$3,000 may be purchased with prudence on the open market.
- 5) All purchases estimated to cost between \$3,000 but less than \$24,999, must be competitively bid, but need not be solicited by mail or advertisement.
- 6) All purchases with an estimated expenditure of \$25,000 or over shall be advertised for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders at least five days before bids for such purchases are to be opened.

### C. **Contract Requirements**

When a Contractor subcontracts for work or services, the following is required:

- 1) All consultant and contractual services shall be supported by written contracts stating the services to be performed, rate of compensation and length of time over which the services will be provided which shall not exceed the length of the contract period.
- 2) A copy of all written contracts for contractual or consultant services must be forwarded to the Missouri Department of Public Safety upon their ratification.
- 3) Payments must be supported by statements outlining the services rendered and supporting the period covered.
- 4) Any contract or agreement for service of \$3,000 or more which is not entered into as a result of competitive bidding procedures (or if only one bid is received) must receive prior approval from the Missouri Department of Public Safety.

## IV. **PROPERTY**

### A. **Definitions**

The following definitions apply for the purpose of these policies and procedures:

- 1) **Real Property** means land, land improvements, and appurtenances thereto, excluding movable machinery and equipment.
- 2) **Personal Property** means property of any kind except real property. It may be tangible (having physical existence) or intangible (having no physical existence, such as patents, inventions, and copyrights).
- 3) **Equipment** is tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of \$250 or more per unit.
- 4) **Non-expendable Personal Property** means tangible personal property having a useful life of more than one year and an acquisition cost of \$250 or more per unit.

### B. **Title**

Initially, title to property acquired in whole or in part with federal funds in accordance with an approved project budget shall be vested in the Contractor, as long as said property is used for the purposes of the Title V funds. When the property is no longer used for project purposes, the Contractor shall notify the Missouri Department of Public Safety for final disposition instructions.

### **C. Record Requirement**

The Contractor will be required to maintain property management records. At a minimum, property management records maintained by the Contractor must meet the following requirements:

- 1) Records shall contain copies of the purchase order and invoice.
- 2) The records shall include an inventory control listing for non-expendable property. The inventory control list must be reasonably current. The system may be manual or automated, centralized or decentralized. The record must contain:
  - a. Item description;
  - b. Source of property;
  - c. Manufacturer's serial number and, if applicable, a control number;
  - d. Federally funded cost equity at time of acquisition;
  - e. Acquisition date and cost;
  - f. Location, use, and condition of property;
  - g. Ultimate disposition data including sale price or the method used to determine current fair market value.
- 3) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of non-expendable property shall be investigated, fully documented, and made part of the contract file.
- 4) Adequate maintenance procedures shall be established to keep the property in good condition.

### **D. Inventory Record Retention**

Records for non-expendable property acquired with federal funds shall be retained for three years **after final disposition of property.**

### **E. Disposition of Personal Non-expendable Property**

Contractors shall dispose of the personal non-expendable property when original or replacement equipment acquired under the award or sub-award is no longer needed for the original project or program or for other activities currently or previously supported by a federal agency. Disposition of the equipment will be made as follows:

- 1) Items with a current per unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the Department of Public Safety.
- 2) Items with a current per unit fair market value in excess of \$5,000 may be retained or sold and the Department of Public Safety shall have a right to an amount calculated by multiplying the current market value or proceeds from the sale by the Department of Public Safety's share of the equipment. The seller is also eligible for sale costs.
- 3) In cases where a contractor fails to take appropriate disposition actions, the Department of Public Safety may direct the contractor to take other disposition actions.

### **F. Intangible Property**

**Copyrights** – Where Department of Public Safety programs produce original books, manuals, films or other material that may be copyrighted, the Contractor may copyright such, but the administration reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to publish and use such materials.

**Patents** – If any discovery or invention arises or is developed in the course of or as a result of work performed in a Contractor’s project, the Contractor shall refer the discovery or invention to the U.S. Department of Justice which will determine whether or not patent protection will be sought, how any rights therein, including patent rights, will be disposed of and administered, and the necessity of other action required to protect the public interest in work supported with federal funds, all in accordance with the “Government Patent Policy” (President’s Memorandum for Heads of Executive Departments and Agencies, February 18, 1983.)

## **V. ACCOUNTING SYSTEM AND FINANCIAL RECORDS**

### **A. Accounting Systems**

All Contractors must establish and maintain accurate financial records and an adequate accounting system to account for funds awarded to them. These records shall include both federal funds and all matching funds. An acceptable and adequate accounting system is considered to:

1. Present and classify costs of the contract as required for budgetary and evaluation purposes;
2. Provide cost and property control to assure optimal use of federal funds;
3. Control funds and other resources to assure that the expenditure of funds and use of property are in compliance with any general or special conditions of the contract;
4. Meet the deadlines for submission of financial reporting information, as needed for control and evaluation of all contract costs.

### **B. Total Cost Budgeting and Accounting**

Accounting for all contract funds shall be structured and executed on a “total program cost” basis. That is, total program costs, including federal funds and local matching funds, and any other sources included in the approved project budget, shall be the foundation for fiscal administration and accounting. Contract applications and financial reports require budget and cost estimates on the basis of total costs.

### **C. Contractor Responsibilities**

All Contractors receiving federal funds through the Missouri Department of Public Safety are responsible for the management and fiscal control of all funds. Responsibilities include the accounting of receipts and expenditures, the maintaining of adequate financial records and the refunding of expenditures disallowed by audits.

The Contractor is responsible for all aspects of the contract including proper accounting and financial record keeping. These responsibilities include:

- 1) Reviewing Financial Operations;
- 2) Recording Financial Activities;
- 3) Budgeting and Budget Review;
- 4) Accounting for Non-state Contributions and Non-federal contributions;
- 5) Audit Requirements;
- 6) Reporting Irregularities.

### **D. Record Retention**

Records of the Contractor, including books of original entry, source documents, supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll

records, cancelled checks, and related documents and records are to be retained for a period of three years pursuant to the following:

- 1) The retention period starts from the date of submission of the final Report of Expenditures or from the submission of the audit for the contract period covered.
- 2) Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under a contract or subcontract, whether they are employed full-time or part-time.
- 3) Records must be retained beyond a three-year period if an audit is in progress and/or the findings of a completed audit have not been resolved. If an audit is completed and the findings are resolved prior to the three-year period, records will be retained until the end of the three-year period.
- 4) If state or local law requires a longer period of retention, access to the records will be allowed for purposes of audit.
- 5) The financial records must be kept in an orderly manner and be available for audit purposes to the Missouri Department of Public Safety.
- 6) Contractors are responsible for protecting their records against fire, theft, or other possible damages.

## **VI. MONITORING**

### **A. Monitoring Requirements**

The Missouri Department of Public Safety is required to complete a monitoring report at least once during the contract period. Additional monitoring will be conducted as needed.

Any findings as a result of the monitoring report will be reviewed and final determination made by the Director of the Missouri Department of Public Safety consistent with applicable state and federal laws, regulations, and guidelines.

### **B. Monitoring Purpose**

Monitoring of all programs funded through the Missouri Department of Public Safety is designed to provide assistance to the Contractor both from a technical and programmatic standpoint, as well as, to provide the Missouri Department of Public Safety with the necessary information to ensure the Contractor's compliance with state and federal guidelines. This monitoring report will also be used as a tool for determining the progress of the project in achieving its stated objectives and outcomes.

### **C. Monitoring Information Required**

The following information and records will be required and reviewed at the time the monitoring report is conducted:

- 1) A brief summary of project activities to measure the performance of the project to date;
- 2) A list of project expenditures including both the local match and federal funds spent along with copies of invoices and travel vouchers;
- 3) Copies of bid records to verify compliance with local and/or state procurement policies;
- 4) An inventory listing including items with a unit cost of \$250 or more, or a useful life of more than one year, purchased under the contract;
- 5) Copies of time records for any personnel funded by the contract or used as local match under the contract;

- 6) A copy of any written operational procedures developed for the project; and
- 7) Other information pertinent to the federally funded project.

## **VII. AUDIT REQUIREMENTS**

### **A. Audit Responsibilities**

All Contractors are required to comply with the audit requirements contained in **OMB Circular A-133**, "Audits of States, local governments, and non-profit organizations". The required audits are to be on an organization wide basis as opposed to a grant-by-grant basis. All Contractors are further required to include in the audit report a schedule of federal assistance showing the total expenditures of each grant program. The schedule should include:

- 1) Name of federal agency;
- 2) Award amount;
- 3) Contract Period;
- 4) Expenditure activity during the audit period.

### **B. State and Local Units of Government**

If an organization expends \$300,000 or more in federal funds in a year, the organization must have an audit performed in accordance with **OMB Circular A-133**, as amended.

The required audits are to be on an organization-wide basis, independently performed, and must be in accordance with "Government Auditing Standards" covering financial audits.

Audits under **OMB Circular A-133** shall be conducted with reasonable frequency, usually annually, but not less frequently than every two years.

### **C. Technical Assistance**

The Office of Inspector General, Department of Justice, is available to provide technical assistance to contractors in implementing the audit requirements.

The assistance is available for areas such as:

- 1) Review of the audit arrangements and/or negotiations;
- 2) Review of the audit program or guide to be used for the conduct of the audit.

## **VIII. GENERAL CONTRACT REQUIREMENTS**

### **A. Unallowable Costs**

The following is a list of costs generally unallowable for all projects funded through the Missouri Department of Public Safety.V

- 1) Travel of Federal Employees;
- 2) Real property acquisition;
- 3) Honoraria;
- 4) Indirect cost of conferences, symposia, and workshops including entertainment, spots, visas, passport charges, tips, bar charges, beverages, personal telephone calls, or laundry charges;
- 5) Military type equipment;
- 6) Bonuses or commissions;
- 7) Lobbying;

- 8) Cost of fund raising;
- 9) Compensation of federal employees;
- 10) Indirect cost to the agency/organization receiving funds such as a percentage of the grant funding to administer the grant;
- 11) Construction or purchasing buildings;
- 12) Service revolvers for law enforcement personnel.

**B. Printing and Publicity**

Contractors are encouraged to make the results and accomplishments of their activities available to the public through printed publication or media release.

All printed materials, however, must include an acknowledgement of the funding source similar to the following:

**“This project was supported by funding made available through the Juvenile Justice and Delinquency Prevention Formula Grants Program administered by the U.S. Department of Justice and the Missouri Department of Public Safety, Office of the Director.”**

**C. Termination of Contracts**

In the event that the Missouri Department of Public Safety determines that a Contractor is operating in a manner inconsistent with the provisions of the application or is failing to comply with the applicable regulations, the Missouri Department of Public Safety may permanently or temporarily terminate the contract. Should this occur, the Contractor has the right to an appeal hearing. In the event a contract is permanently terminated, the Missouri Department of Public Safety may take action as deemed appropriate to recover any portion of the contract funds remaining or an amount equal to the portion of the contract funds wrongfully used.

**D. Criminal Penalties**

Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance, whether received directly or indirectly from the Missouri Department of Public Safety or the U.S. Department of Justice shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance shall be subject to prosecution under the provisions of Section 1001 of Title 18, United States Code. This applies to any justice program or project underwritten, in whole or in part, by any grant or contract or other form of assistance, whether received directly or indirectly from the Missouri Department of Public Safety or U.S. Department of Justice shall be subject to the provisions of Section 371 of Title 18, United States Code.

## Office of Management and Budget (OMB) Circulars

The following Office of Management and Budget (OMB) Circulars have been referenced herein and copies may be obtained from the addresses shown below. It is the responsibility of the recipient agency to comply with the federal guidelines contained in the circulars.

**OMB CIRCULAR A-87:** "Cost Principles for State and Local Governments". This circular establishes principles and standards for determining costs applicable to grants and contracts with states and local units of government.

**OMB CIRCULAR A-102:** "Uniform Administrative Requirement for Grants-in-Aid to State and Local Governments". This circular establishes standards for the administration of grants to state and local governments.

**OMB CIRCULAR A-122:** "Cost Principles for Non-Profit Organizations". This circular establishes principles for determining costs of grants, contracts, and other agreements with non-profit organizations.

**OMB CIRCULAR A-128:** "Audits of State and Local Governments". This circular establishes the policy to be followed in the audits of the states and local units of government under the Single Audit Act.

**OMB CIRCULAR A-133:** "Audits of Institutions of Higher Education and Other Non-Profit Organizations". This circular establishes standards for the administration of grants to institutions of higher education and other nonprofit organizations.

Copies of these circulars may be obtained from any U.S. Government Printing Office bookstore or by writing to the **Office of Administration, Publications Unit, Room G 236, New Executive Office Building, Washington, D.C. 20503.**

### **OJP GUIDELINE MANUAL**

The **OJP Guideline Manual**, OJP M 7100.1C, "Financial and Administrative Guide for Grants" has been referenced herein. It is the responsibility of the Contractor to comply with the federal guidelines contained in this manual.

A copy of this manual can be obtained from any **U.S. Government Printing Office Bookstore** or by writing to the **Office of Administration, Publications Unit, Room G 236, New Executive Office Building, Washington, D.C. 20503.**