

**MISSOURI DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE DIRECTOR**

**FINANCIAL AND ADMINISTRATIVE GUIDE**

DPS Grants Criminal Justice/Law Enforcement (CJ/LE) Unit  
Office for Victims of Crime (OVC) Unit

|       |   |    |
|-------|---|----|
| I.    | Subaward and Acceptance of Subaward ..... | 2  |
| II.   | Electronic Signature .....                | 3  |
| III.  | Post-Award Training.....                  | 3  |
| IV.   | Payment and Reporting Requirements .....  | 4  |
| V.    | Subaward Changes.....                     | 5  |
| VI.   | Procurement Policy.....                   | 7  |
| VII.  | Accounting/Financial Records .....        | 11 |
| VIII. | Property Standards .....                  | 12 |
| IX.   | Record Retention .....                    | 18 |
| X.    | Monitoring .....                          | 19 |
| XI.   | Audit Requirements .....                  | 21 |
| XII.  | Federal Civil Rights.....                 | 21 |
| XIII. | State Civil Rights.....                   | 25 |
| XIV.  | Faith-Based Organizations (FBOs).....     | 25 |
| XV.   | Other Subaward Requirements .....         | 26 |
| XVI.  | OMB Circulars .....                       | 28 |
| XVII. | OJP Financial Guide.....                  | 29 |

## **I. SUBAWARD AND ACCEPTANCE OF SUBAWARD**

### **A. Subaward**

Following completion of the application review phase, the Missouri Department of Public Safety subawards funds to approved applicants by issuing a document titled *Subaward*.

For federally-funded projects, the *Subaward* document identifies the following data elements: Subrecipient Name, Subrecipient DUNS Number, DPS Funding Opportunity Title, Project Period Start Date, Project Period End Date, Project Title, Subaward Number, Project Description, Subaward Total, CFDA Number and Name, Identification of whether the award is for Research and Development (R&D), Indirect Cost Rate for Federal Award, Name of Federal Awarding Agency, Federal Award Date, Name of State Administering Agency (SAA), and SAA Federal Award Number.

For state-funded projects, the *Subaward* document identifies the following data elements: Subrecipient Name, Subrecipient DUNS Number, DPS Funding Opportunity Title, Project Period Start Date, Project Period End Date, Project Title, Subaward Number, Project Description, Subaward Total, and CFDA Number and Name.

As applicable, certified assurances, special conditions, and/or any other program specific guidelines the Subrecipient must comply with if the subaward is accepted, are included either in hardcopy or by reference.

The *Subaward* document and any related documents, as applicable, will be made available to Subrecipients via the “Subaward Documents – Need Signature” grant component of the Missouri Department of Public Safety’s WebGrants system (herein after referred to as “WebGrants”).

All correspondence concerning the subaward shall reference the designated subaward number shown on the *Subaward* document.

### **B. Acceptance of the Subaward**

The *Subaward* constitutes an agreement between the Missouri Department of Public Safety and the Subrecipient for use of federal or state funds in the implementation of the project outlined in the approved Application. The *Subaward* may be terminated without further cause if the Subrecipient fails to confirm its acceptance of the subaward by signing and returning the *Subaward* document, and any other required documents, to the Missouri Department of Public Safety within 45 DAYS from the date of issuance of the *Subaward* document.

***No federal or state funds shall be disbursed to the Subrecipient until the Missouri Department of Public Safety has received the properly signed Subaward document, and any other required documents, and the Subaward document is fully executed by signature of the Authorized Official of the Missouri Department of Public Safety.***

### **C. Authorization of the Subaward**

A final, fully executed copy of the *Subaward* document and any related documents, as applicable, will be made available to Subrecipients via the “Subaward Documents – Final” grant component of

WebGrants following signature from the Authorized Official of the Missouri Department of Public Safety.

#### **D. Project Implementation**

If a project is not operational within 60 DAYS of the project period start date, the Subrecipient must email the Missouri Department of Public Safety through the “Correspondence” grant component of WebGrants to notify of the steps taken to initiate the project, the reason(s) for delay, and the expected starting date.

If a project is not operational within 90 DAYS of the project period start date, the Subrecipient must submit a second email to the Missouri Department of Public Safety through the “Correspondence” grant component of WebGrants explaining the implementation delay.

*Upon receipt of second said notification, the Missouri Department of Public Safety may decide whether to continue with the project or to terminate the subaward.*

## **II. ELECTRONIC SIGNATURE**

### **A. Veracity/Validity of Information**

The application and many of the grant documents submitted via the WebGrants system contain an electronic signature. This electronic signature, the typed name of the Subrecipient Authorized Official in lieu of an original signature, assures the veracity of all information provided in any such application or grant document.

### **B. Legally Binding**

In addition, the typed name of the Subrecipient Authorized Official represents the Subrecipient’s legally binding acceptance of the terms and conditions of the application and/or other grant documents.

By inserting such electronic signature, the Subrecipient acknowledges and understands that failure to comply with any of the grant guidelines could result in suspension of the subaward until corrective action is taken to rectify any incident(s) of non-compliance; or could result in the forfeiture of the grant funding.

## **III. POST-AWARD TRAINING**

### **A. Compliance Training**

As a recipient of funding from the Missouri Department of Public Safety, the Subrecipient or designee is required to participate in any Compliance Training hosted by the Missouri Department of Public Safety directly related to the subaward.

The Compliance Training may be hosted in-person or as a webinar to provide post-subaward information to include, but not limited to, subaward acceptance, project implementation, reporting

requirements, subaward changes, civil rights compliance, monitoring responsibilities, record retention, internal controls, procurement standards, and accounting responsibilities.

#### **IV. PAYMENT AND REPORTING REQUIREMENTS**

##### **A. Claim Reports**

Unless funds are advanced, Subrecipients must verify, on a monthly basis, actual cash expenditures and request reimbursement for such expenditures via the “Claims” grant component of WebGrants. The Claim report is used by the Missouri Department of Public Safety to process payment to the Subrecipient for reimbursement of expenditures.

The Claim report must be received by the Missouri Department of Public Safety no later than the date designated by each specific grant program. If said specified due date falls on a weekend or holiday, the deadline is extended to the first working day after the weekend or holiday.

Depending on the specific grant program, Claim reports are due each month of the project period whether or not the Subrecipient expended any subaward (or local match) funds. Claim reports received after the specified due date may not be processed, and any remaining funds will revert back to the Missouri Department of Public Safety and/or the U.S. Department of Justice.

*Refer to the specific grant program to determine if funds are advanced or if costs will be reimbursed. Also, refer to the specific grant program for more information regarding submission of Claims and a schedule of such report deadlines. Failure to submit the required Claim reports on time may be considered as failure to adhere to the certified assurances of the Subaward document and may result in the delay of reimbursement of Claims and/or termination of the subaward.*

##### **B. Obligation of Funds**

Funds are considered obligated by a Subrecipient when a legal liability to pay a determinable sum for services or goods is incurred and will require payment during the same or future period.

All funds must be obligated by the project period end date. Any funds not properly obligated within the project period will lapse and revert to the Missouri Department of Public Safety and/or the U.S. Department of Justice.

For example:

1. When an appropriately signed purchase order is issued, funds are considered obligated.
2. Travel expenses will only be allowed for events, training, and other activities held during the project period. Funds cannot be obligated for an activity that will take place outside of the project period.

##### **C. Expenditure of Funds**

Funds are considered to be expended when payment is made. Only properly obligated and expended funds may be claimed for reimbursement.

Funds that have been properly obligated by the end of the project period will have 10 to 60 DAYS, depending on the specific program guidelines, in which to be expended. Any funds not expended at the end of the program specific designated due date will lapse and revert to the Missouri Department of Public Safety and/or the U.S. Department of Justice.

*Please refer to the specific grant program for information regarding the last date that properly obligated funds may be expended.*

#### **D. Status Reports**

Depending on the specific grant program, Subrecipients may be required to submit progress reports via the “Status Report” grant component of WebGrants detailing statistical and/or narrative information, as relative to the project and specific grant program.

The Status Report must be received by the Missouri Department of Public Safety no later than the date designated by each specific grant program. If said specified due date falls on a weekend or holiday, the deadline is extended to the first working day after the weekend or holiday.

*Refer to the specific grant program for more information regarding submission of Status Reports and a schedule of such report deadlines. Failure to submit the required Status Reports on time may be considered as failure to adhere to the certified assurances of the Subaward document and may result in the delay of reimbursement of Claims and/or termination of the subaward.*

### **V. SUBAWARD CHANGES**

#### **A. Contact Information Revisions**

Subrecipients shall submit a request, via the “Correspondence” grant component of WebGrants, for any changes in personnel that the Subrecipient agency experiences during the project period. Contact information revisions include, but are not limited to, changes as outlined below:

1. Change in or temporary absence of the Authorized Official, Project Director, Fiscal Officer, Officer in Charge, Contact Person, and/or Board Chair on the “Contact Information” grant component of WebGrants.
2. Change in mailing address or contact information of the Authorized Official, Project Director, Fiscal Officer, Officer in Charge, Contact Person, and/or Board Chair on the “Contact Information” grant component of WebGrants.
3. Change in project-funded staff on the “Budget” grant component of WebGrants.
4. Addition and/or removal of registered users associated to the Subrecipient’s organization within the “My Profile” module of WebGrants. *(Subrecipients are urged not to remove a registered user; please allow the Missouri Department of Public Safety to remove the individual so he/she can also be removed from other areas of WebGrants.)*

*Please refer to the specific grant program for any additional clarification and requirements regarding contact information revisions.*

## **B. Budget Revisions**

Subrecipients may make a request, via the “Subaward Adjustment” grant component of WebGrants, for approval from the Missouri Department of Public Safety for major budget revisions at least 30 days prior to the proposed change taking effect, and at least 30 to 60 DAYS (*depending on the specific grant program*) prior to the project period end date.

Budget revisions will not be retroactive unless there are extenuating circumstances presented. Prior approval in the form of a document titled *Subaward Adjustment Notice* must be received from the Missouri Department of Public Safety for certain changes in the budget as outlined below:

1. Changes that increase or decrease the cost and/or number of units of an item within a budget category.
2. Addition of a new line item in any budget category.
3. Change in expenditure amounts from budget category to budget category.

A copy of the *Subaward Adjustment Notice* document will be provided to the Subrecipient via the “Subaward Adjustment Notice” grant component of WebGrants following full execution by signature of the Authorized Official of the Missouri Department of Public Safety on the *Subaward Adjustment Notice* and by the WebGrants system.

*Please refer to the specific grant program for any additional clarification and requirements regarding budget revisions.*

## **C. Program Revisions**

Subrecipients may make a request, via the “Subaward Adjustment” grant component of WebGrants, for approval from the Missouri Department of Public Safety for any major program revisions at least 30 days prior to the proposed change taking effect, and at least 30 to 60 DAYS (*depending on the specific grant program*) prior to the project period end date.

Program revisions will not be retroactive. Prior approval in the form of a document titled *Subaward Adjustment Notice* must be received from the Missouri Department of Public Safety for certain program revisions as indicated, but not limited to below:

1. Change in project site or service area.
2. Change in scope of programmatic activities or purpose of the project.
3. Change in Subrecipient Name.
4. Other changes that may affect the approved program.

A copy of the *Subaward Adjustment Notice* document will be provided to the Subrecipient via the “Subaward Adjustment Notice” grant component of WebGrants following full execution by signature of the Authorized Official of the Missouri Department of Public Safety on the *Subaward Adjustment Notice* and by the WebGrants system.

*Please refer to the specific grant program for any additional clarification and requirements regarding program revisions.*

## **VI. PROCUREMENT POLICY**

### **A. Procurement Standards**

The Subrecipient assures that all procurement transactions whether negotiated or competitively bid and without regard to dollar value shall be conducted in a manner to provide maximum open and free competition. It must 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 approved project budget), that any necessary prior approval has been obtained, that no other item owned by the Subrecipient is available for the purpose, and that sufficient funds are in the budget to cover the cost of such item.

Local procurement practices of federally-funded Subrecipients must adhere to the procurement standards applicable to their organization as listed below:

1. **State and Local Governments** – Procurement Standards in the Uniform Guidance at [2 C.F.R. § 200.317 through 2 C.F.R. § 200.326](#).
2. **Non-Profit Organizations** – [OMB Circular A-110](#), “Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, relocated at [2 CFR, Part 215](#)

### **B. Methods of Procurement**

All Subrecipients of state and/or federal funds are encouraged to use their own procurement regulations provided that the procurement regulations conform to applicable federal and state laws and the standards identified in the Procurement Standards sections of the Uniform Guidance or *OMB Circular A-110*. At a minimum, the Subrecipient must meet the following procurement standards:

1. Procurement must avoid acquisition of unnecessary or duplicative items. Where applicable, lease versus purchase analysis should be performed as well as other appropriate analysis for determining the most economical method for obtaining items or services.
2. Have a process in place to ensure that contracts are not awarded to contractors or individuals on a federal and/or state debarment list.
3. 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.
4. 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.

5. When only one bid or positive proposal is received, it is deemed to be sole source procurement.
  - a. Sole source procurement on purchases to a single vendor totaling \$10,000 and over requires prior approval from the Missouri Department of Public Safety.
  - b. Sole source procurement on purchases to a single vendor totaling \$250,000 requires prior approval from the U.S. Department of Justice and/or Missouri Department of Public Safety before entering into a contract. *(Please contact the appropriate Program Manager at the Missouri Department of Public Safety for further information.)*
6. Purchases to a single vendor totaling less than \$10,000 may be purchased with prudence on the open market.
7. All purchases estimated to total between \$10,000 but less than \$100,000 to a single vendor, must be competitively bid, but need not be solicited by mail or advertisement.
8. All purchases with an estimated total expenditure of \$100,000 or over to a single vendor shall 1) be advertised for bid in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders (and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public) at least five days before bids for such purchases are to be opened; 2) post a notice of the proposed purchase in a public area of the Subrecipient's office; and 3) solicit bids by mail or other reasonable methods generally available to the public from prospective suppliers.

### **C. Contractual Requirements**

When a Subrecipient contracts for services, the following is required:

All consultant and contractual services shall be supported by written contracts stating the services to be provided/performed, rate of compensation, and length of time over which the services will be provided/performed, which shall not exceed the length of the project period (unless the specific program guidelines allow otherwise).

1. A copy of all written contracts for contractual or consultant services must be forwarded to the Missouri Department of Public Safety immediately upon request.
2. Payments must be supported by statements outlining the services rendered and supporting the period covered.
3. Any contract or agreement for services of \$10,000 or more, which is not entered into as a result of competitive bidding procedures (or if only one bid is received), is considered a sole source contract and consequently must receive prior approval from the Missouri Department of Public Safety.



## **D. Allowable Costs**

Allowable costs are those costs consistent with the principles set out in the Uniform Guidance 2 C.F.R. § 200, Subpart E, and/or those permitted by the grant program's authorizing legislation. To be allowable under a federal and/or state subaward, costs must be reasonable, allocable, and necessary to the project, and they must also comply with the funding statute and agency requirements.

For federally-funded projects, the U.S. Department of Justice, OJP Financial Guide and [Office of Management and Budget \(OMB\) Circular A-87](#), "Cost Principles for State, Local and Indian Tribal Governments" (relocated to 2 CFR, Part 225) and [OMB Circular A-122](#), "Cost Principles for Non-Profit Organizations" (relocated to 2 CFR, Part 230) provide the principles utilized in the establishment of the allowable and unallowable costs.

*Refer to the specific grant program for more information regarding allowable and unallowable costs.*

### **1. Limit on Use of Funds for Employee Compensation.**

Subrecipients may not use federal grant funds to pay cash compensation (salary plus bonuses) to an employee at a rate that exceeds 110 percent of the annual maximum 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.

Subrecipients may compensate an employee at a higher rate, provided the amount in excess of the limitation is paid with non-Federal funds. For employees who charge only a portion of their time to a subaward, the allowable amount to be charged to that subaward is equal to the percentage of time worked on the grant times the maximum salary limit (110% of SES salary).

Any additional compensation beyond 110 percent of the U.S. Government SES level will not be considered matching funds where matching requirements apply.

### **2. Support of Salaries, Wages, and Fringe Benefits.**

Charges made to federal and/or state subawards for salaries, wages, and fringe benefits must be based on records that accurately reflect the work performed and comply with the established policies and practices of the Subrecipient.

- a. Charges must be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated.
- b. Documentation for charges must be incorporated into the official records of the Subrecipient.
- c. Support must reasonably reflect the total activity for which the employee is compensated by the Subrecipient and cover both federally-funded and/or state-

funded and all other activities. The records may include the use of subsidiary records as defined in the Subrecipient's written policies.

- d. Where grant-funded personnel work on multiple grant programs or cost activities, documentation must support a reasonable allocation or distribution of costs among specific activities or cost objectives.

## **E. Unallowable Costs**

Unallowable costs are costs the government has categorized as unallowable costs or has considered to be an inappropriate cost relative to the federal and/or state grant or contract. An organization is not prohibited from incurring unallowable costs, but such costs cannot be recovered either directly or indirectly under federal and/or state grants, subawards, or contracts.

The following is a list of unallowable costs as identified by the U.S. Department of Justice:

1. Land Acquisition
2. Compensation of Federal Employees
3. Travel of Federal Employees
4. Bonuses or Commissions
5. Prohibited and Controlled Equipment pursuant to program statute
6. Lobbying
7. Fundraising
8. Corporate Formation
9. State and Local Sales Taxes
10. Cost Incurred Outside the Project Period
11. Certain Conference/Meeting Hosting Related Expenses to include: meeting room/audio-visual services (lesser of \$25 per day per attendee or \$20,000), logistical planners (lesser of \$50 per attendee or \$8,750), programmatic planners (lesser of \$200 per attendee or \$35,000), food and beverage (generally not allowed), and refreshments (generally not allowed).

In addition, the following is a list of unallowable costs as identified by the Missouri Department of Public Safety:

1. Aircraft
2. Confidential Funds (for drug task forces)
3. First Class Travel
4. Indirect Costs of conferences, symposia, and workshops including entertainment, sports, visas, passport charges, tips, bar charges, beverages, personal telephone calls, or laundry charges
5. Military-Type Equipment
6. Radios and Radio-Related Equipment not compliant with the Missouri Statewide Interoperability Network (MOSWIN)
7. Vessels
8. Weapons and Ammunition

*Refer to the specific grant program for more information regarding allowable and unallowable costs.*

## F. Travel Costs

Subrecipients, at a minimum, must follow the *DPS Subrecipient Travel Guidelines*. The *DPS Subrecipient Travel Guidelines* are in accordance with the travel policies for the state of Missouri.

Actual travel costs may be reimbursed only after travel has been completed. Approval must be obtained from the Missouri Department of Public Safety prior to attending any training/travel that is not specifically outlined in the approved budget.

*The DPS Subrecipient Travel Guidelines are posted on the Missouri Department of Public Safety website under each applicable grant program. Please be sure to check these policies regularly, changes occur from time to time without notice at the discretion of the State of Missouri, Office of Administration.*

## VII. ACCOUNTING/FINANCIAL RECORDS

### A. Accounting Systems

All Subrecipients are required to establish and maintain adequate accounting systems and financial records and to accurately account for funds awarded to them. Subrecipients must have a financial management system in place that is able to record and report on the receipt, obligation, and expenditure of grant funds, as well as the refunding of expenditures disallowed by audits. Subrecipients should keep detailed accounting records and documentation to track all of the following information:

1. Federal and/or state funds subawarded
2. Federal and/or state funds requested for reimbursement
3. Matching funds, where applicable
4. Program income
5. Contracts and Subcontracts (amount, purpose, award conditions, and current status)
6. Expenditures

### B. Accounting System Capabilities

The financial accounting system of Subrecipients should have all of the following capabilities:

1. **Internal Control.** The system should allow the Subrecipient to exercise effective control and accountability for all subaward cash, real and personal property, and other assets. Subrecipients must adequately safeguard all such property and assure that it is used solely for authorized purposes.
2. **Budget Control.** The system should let the Subrecipient compare actual expenditures or outlays with budgeted amounts for each subaward. It also must relate financial information to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the *Subaward* document.
3. **Allowable Cost.** The system should support the Subrecipient in making sure that it follows federal and/or state cost principles, agency program regulations, and the terms of the

*Subaward* document in determining the reasonableness, allowability, and allocability of costs.

4. **Source Documentation.** The system should require the Subrecipient to support accounting records with source documentation (e.g., cancelled checks, paid bills, payrolls, properly signed time and attendance records, and contract and subaward documents).
5. **Cash Management.** An adequate system will require the Subrecipient to follow procedures for minimizing the time between the transfer of funds from the Missouri Department of Public Safety and disbursement by the Subrecipient whenever advance payment procedures are used. Also, when advances are made by electronic funds transfer, or EFT methods, the system should help the Subrecipient to make requests for reimbursement of project costs as close as possible to the time of making disbursements.

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

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

### **D. Management and Control**

All Subrecipients receiving federal and/or state 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 maintenance of adequate financial records, and the refunding of expenditures disallowed by audits.

The Subrecipient is responsible for all aspects of the subaward 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.

## **VIII. PROPERTY STANDARDS**

### **A. Definitions**

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

1. **Real Property** means land, including land improvements, structures, and appurtenances thereto, but excludes moveable machinery and equipment.

2. **Personal Property** means property other than real property, which is classified as either equipment or supplies. It may be tangible (having physical existence) or intangible (having no physical existence, such as trademarks, copyrights, information technology systems and patents).
- a. **Equipment** is tangible, nonexpendable personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost of \$5,000 or more per unit.

*A Subrecipient may use its own definition of equipment provided that the definition would, at least, include all equipment described above.*

- b. **Supplies** are all other items of tangible personal property that are not equipment. This includes technology and mobile devices that cost less than \$5,000 per unit, or a useful life of one year or less.

*Subrecipients must ensure that equipment acquired under a state and/or federal subaward conforms to state laws and procedures regarding property. Refer to the specific grant program for any additional information regarding equipment.*

## **B. Title of Equipment**

Initially, title to equipment acquired in whole or in part with federal and/or state funds in accordance with an approved project budget shall be vested in the Subrecipient, as long as said property is used for the purposes of the approved project. When the property is no longer used for project purposes, the Subrecipient should refer to the guidance provided herein for disposition instructions.

## **C. Use of Equipment**

Subrecipients must use equipment acquired under a subaward for the authorized program or project purposes for which it was acquired as long as needed, whether or not the project or program continues to be supported by federal and/or state funds.

When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by the Missouri Department of Public Safety. If applicable, and where equipment is no longer needed for the original program or project, the Subrecipient may be directed to make the equipment available to other Subrecipients for projects or programs currently or previously supported by the Missouri Department of Public Safety, provided the use does not interfere with the work on the projects or programs for which it was originally acquired. First preference for other use will be given to other programs or projects supported by the Missouri Department of Public Safety.

User fees should be considered and treated as program income to the project, when appropriate. During the time the Federal or State government retains an interest in the equipment, the Subrecipient must not use equipment acquired under a federal and/or state subaward to provide services for a fee that is less than private companies charge for equivalent services, unless doing so is specifically authorized by law.

When acquiring replacement equipment, Subrecipients may use the equipment to be replaced as a trade-in, or may sell the equipment and use the proceeds to offset the cost of the replacement equipment, subject to the written approval of the Missouri Department of Public Safety.

#### **D. Management of Equipment**

Subrecipients must use procedures for managing equipment (including replacement equipment) acquired in whole or in part under a federal and/or state subaward, until disposition takes place, that, at a minimum, meet the following requirements:

1. **Property Records** must be maintained by Subrecipients that include all of the following information:
  - a. Description of the property
  - b. Serial number or other identification number
  - c. Source of the property, including the subaward number
  - d. Identification of the title holder
  - e. Acquisition date
  - f. Cost of the property
  - g. Percentage of state and/or federal participation in the cost of the property
  - h. Location of the property
  - i. Use and condition of property
  - j. Disposition data, including the date of disposal and sale price (*Refer to "H. Disposition of Equipment" for more information.*)
2. **Inventory** should be completed by Subrecipients and be made available to the Missouri Department of Public Safety upon request. This entails a physical inventory of the property and reconciliation of the results with the property records at least once every two (2) years.
3. **Maintenance Procedures** should be established by Subrecipients and adequately used to keep the property in good condition.
4. **Control System** should be established by Subrecipients with adequate safeguards to prevent loss, damage, and theft of the property.
  - a. Subrecipients must promptly and properly investigate and fully document any loss, damage, or theft, and make the documentation part of the official project records.
  - b. Subrecipients should provide at a minimum, the equivalent insurance coverage for equipment acquired with state and/or federal funds that the Subrecipient owns.
  - c. Subrecipients are responsible for replacing or repairing property that is willfully or negligently lost, stolen, damaged, or destroyed.
5. **Proper Sales Procedures** should be established by Subrecipients, if authorized or required to sell the property, to ensure the highest possible return.

## E. Replacement of Equipment

When an item of property is no longer efficient or serviceable but a Subrecipient continues to need the property in the program or project for which it was acquired, or other permitted programs permitted, a Subrecipient may replace the property through trade-in or sale and subsequent purchase of new property. In this case, the following conditions must be met:

1. **Same function and character.** Replacement property must serve the same function as the original property and be of the same nature or character, although not necessarily of the same grade or quality.
2. **Timing.** Purchase of replacement property must take place soon enough after the sale of the property to show that the sale and the purchase are related.
3. **Trade-ins.** When acquiring replacement property, a Subrecipient may use the property to be replaced as a trade-in. Value credited for the property, if the property is traded in, must be related to its fair market value. A Subrecipient also may use the proceeds from the sale of the property to offset the cost of the new property.
4. **Approval.** A Subrecipient must obtain the written permission of the Missouri Department of Public Safety to use the provisions of this section prior to entering into negotiation for the replacement or trade-in of property.

## F. Supplies

For supplies acquired under a federal and/or state subaward, the title to the supplies vests with the Subrecipient upon acquisition.

Subrecipients must compensate the U.S. Department of Justice and/or Missouri Department of Public Safety for its share of residual inventory of unused supplies if both of the following apply:

1. The residual inventory of unused supplies exceeds \$5,000 in total aggregate fair market value upon termination or completion of the funding support.
2. The supplies are not needed for any other state or federal-funded program or project.

*The compensation amount is computed in the same manner as for nonexpendable personal property or equipment. Refer to "H. Disposition of Equipment" for more information.*

## G. Real Property

Real property means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment. (Federal funds generally cannot be used for land acquisition unless specifically permitted under the awarding program.)

1. **Title.** For real property acquired under a federal and/or state subaward, the title to the real property vests with the Subrecipient upon acquisition, as applicable.

2. **Use.** Subrecipients may use real property acquired, in whole or in part, with federal and/or state funds for the authorized purposes of the original subaward as long as needed for that purpose.
  - a. Subrecipients should maintain an inventory report which identifies real property acquired, in whole or in part, with state and/or federal funds.
  - b. Subrecipients should not dispose of or encumber its title or other interests.
3. **Disposition.** When real property is no longer needed for the original subaward purposes, the Subrecipient should obtain disposition instructions from the Missouri Department of Public Safety.

#### **H. Disposition of Equipment**

Subrecipients shall dispose of equipment when original or replacement equipment acquired under the subaward is no longer needed for the original project, or for other activities currently or previously supported by the Missouri Department of Public Safety as follows:

1. Items 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 U.S. Department of Justice and/or Missouri Department of Public Safety.
2. Items with a current per-unit fair market value of more than \$5,000 may be retained or sold but the U.S. Department of Justice and/or Missouri 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 U.S. Department of Justice's and/or Missouri Department of Public Safety's share of the equipment. The seller is also eligible for limited sale and handling costs of \$500 or 10% of the proceeds, whichever is less.
3. In cases where a Subrecipient fails to take appropriate disposition actions, the Missouri Department of Public Safety may direct the Subrecipient to make retribution for such equipment to the Missouri Department of Public Safety.

#### **I. Retention of Property Records**

Records for equipment acquired with federal and/or state funds shall be retained for FIVE (5) YEARS after final disposition of property per the Missouri Secretary of State, *Agency Records Disposition Schedule*.

If any litigation, claim, or audit of the property is started before the expiration of the 5-year period, Subrecipients must retain the records until all litigation, claims, or audit findings involving the property records have been resolved.

#### **J. Intangible Property**

Intangible property means property having no physical existence, such as trademarks, copyrights, patents, and patent applications and property, such as loans, notes, or other debt instruments, lease



agreements, stock and other instruments of property ownership (whether the property is tangible or intangible).

1. **Title.** Intangible property acquired under a federal and/or state subaward vests upon acquisition in the Subrecipient.
2. **Use.** The Subrecipient must use the property for the originally-authorized purpose, and must not encumber the property without approval of the U.S. Department of Justice and/or Missouri Department of Public Safety.
3. **Disposition.** When no longer needed for the originally authorized purpose, intangible property is treated similarly to equipment for disposition purposes. Disposition must occur in accordance with [2 C.F.R. § 200.313\(e\)](#). In general, intangible property with a per-unit fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the U.S. Department of Justice and/or Missouri Department of Public Safety; while intangible property valued above \$5,000 may be retained or sold, but the U.S. Department of Justice and/or Missouri Department of Public Safety is entitled to compensation for its share of participation in the cost of the original purchase, minus some selling and handling expenses. (*Refer to "H. Disposition of Equipment" for more information.*)
4. **Copyrights.** If federal and/or state-funded programs produce original books, manuals, films, or other material that may be copyrighted, the Subrecipient may copyright such, but the U.S. Department of Justice and/or Missouri Department of Public Safety reserve a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, translate, or otherwise use, and to authorize others, to publish and use such materials.
5. **Data Produced.** With respect to data produced under a federal and/or state subaward, the U.S. Department of Justice and/or Missouri Department of Public Safety has the right to do the following:
  - a. Obtain, reproduce, publish, or otherwise use the data produced under a subaward; and
  - b. Authorize others to receive, reproduce, publish, or otherwise use such data for federal and/or state purposes.
6. **Patents.** If any discovery or invention arises or is developed in the course of or as a result of work performed on a federal and/or state-funded project, the Subrecipient shall refer the discovery or invention to the U.S. Department of Justice and/or Missouri Department of Public Safety, which is subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce [27 C.F.R. Part 401](#), "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements." [2 C.F.R. § 200.315\(c\)](#).

## **IX. RECORD RETENTION**

### **A. Coverage**

Records of the Subrecipient including, but not limited to, books of original entry, source documents (copies of all awards, applications, and required Subrecipient financial and narrative reports), 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 FIVE (5) YEARS pursuant to the Missouri Secretary of State, *Agency Records Disposition Schedule* and the following:

1. The 5-year retention period starts from the date of closeout by the Missouri Department of Public Safety or from the date of submission of the audit for the project period covered, whichever comes later. The date of closeout can be found on the “Closeout” grant component of WebGrants.
2. Personnel and payroll records shall include the properly signed time and attendance reports for all full-time and/or part-time individuals reimbursed under the subaward. Time and effort reports are also required for consultants.
3. Records must be retained beyond a 5-year period if any litigation, claim, audit, or other action involving the records has started before the expiration of the 5-year period. The records must be retained until all issues involving the records have been resolved and final action taken. If the final action is taken prior to the 5-year period, records will be retained until the end of the 5-year period.
4. If local law requires a longer period of retention, access to the records shall be allowed for purposes of audit.
5. The 5-year retention period may be extended if notified by the U.S. Department of Justice, Missouri Department of Public Safety, or any other cognizant agency for oversight or audit to extend the retention period.

### **B. Maintenance of Records**

Subrecipients must maintain and separately identify all records for each fiscal year period so that information desired may be readily located.

1. Subrecipients are obligated to protect the records adequately against fire or other damages.
2. Subrecipients may store the records away from its principal office; however, a list of the documents must be available if needed.
3. Whenever practicable, information should be collected, transmitted and stored in open and machine readable formats rather than in closed formats or on paper.
4. Records may be retained in an electronic format.

### **C. Access to Records**

The U.S. Department of Justice, the DOJ Office of the Inspector General, the Comptroller General of the United States, the Missouri Department of Public Safety, the Office of Missouri State Auditor, or any of their authorized representatives must have access to any documents, papers, or other records of Subrecipients which are pertinent to the subaward, in order to make audits, examinations, excerpts, and transcripts.

1. The right of access is not limited to the required retention period; it will last as long as the records are retained.
2. However, only under extraordinary and rare circumstances would such access include review of information that would personally identify confidential informants or victims of crime. Routine monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the information that could personally identify victims of a crime is determined to be necessary, appropriate steps to protect this sensitive information must be taken by both the Subrecipient and U.S. Department of Justice and/or Missouri Department of Public Safety. Any such access, other than under a court order or subpoena pursuant to a bona fide confidential investigation, must be approved by the authorized official of the U.S. Department of Justice (federal-funded) or Missouri Department of Public Safety (state-funded).

## **X. MONITORING**

### **A. Monitoring Requirements**

All pass-through entities, including the Missouri Department of Public Safety, are required to monitor their Subrecipients. Subsequently, the Missouri Department of Public Safety has developed systems, policies, and procedures to ensure that Subrecipient monitoring is conducted in accordance with federal and/or state program and grant requirements, laws, and regulations. Monitoring is conducted through desk monitoring and/or site visit monitoring as set forth in the procedures established by the Missouri Department of Public Safety and generally includes at least one site visit during the project period, unless stated otherwise.

### **B. Monitoring Purpose**

The purpose of Subrecipient monitoring is to ensure that the subaward funds are being used for the authorized purpose, in compliance with the federal and/or state program and grant requirements, laws, and regulations, and the subaward performance goals are achieved.

Monitoring of programs funded through the Missouri Department of Public Safety is designed to provide assistance to the Subrecipient 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 Subrecipient's compliance with federal and/or state guidelines.

### **C. Monitoring Information**

The information and records that will be required and reviewed during Subrecipient monitoring varies per program area but generally includes, and is not limited to, the following:

1. Performance/progress reports identifying milestones achieved/to be achieved and any significant problems, issues, or concerns;
2. Project expenditures including both the local match and federal and/or state funds spent along with copies of applicable invoices and travel vouchers;
3. A copy of any local travel or procurement policy, which may be used to determine adherence to the most restrictive guidelines in terms of project expenditures;
4. Copies of bid records to verify compliance with local and/or state procurement policies;
5. An inventory listing including equipment with a unit cost of \$5,000 or more, or a useful life of more than one year, purchased under the subaward;
6. Copies of time records for any personnel funded by the subaward and/or for volunteers used as local match under the subaward;
7. Copies of written contracts for contractual or consultant services;
8. Copies of any written operational procedures developed for the project;
9. Review of internal controls;
10. Review of compliance with federal and/or state civil rights requirements; and
11. Other information pertinent to the federal and/or state funded project.

### **D. Issues of Noncompliance**

If a Subrecipient fails to comply with federal and/or state statutes, regulations, or terms and conditions of the subaward, the Missouri Department of Public Safety may impose additional conditions. However, if it is determined that noncompliance cannot be remedied by imposing additional conditions, the Missouri Department of Public Safety may take one or more of the following actions:

1. Withholding of disbursements or further subawards;
2. Disallowance of cost;
3. Suspension/termination of subaward;
4. Suspension/Debarment;
5. Civil lawsuit, or
6. Criminal prosecution.

## **XI. AUDIT REQUIREMENTS**

### **A. Federal Audit Responsibilities**

Subrecipients that receive funding through a federal award (or subaward from a state administering agency) are required to comply with the applicable audit requirements. A required audit may be conducted on an organization-wide basis as opposed to a grant-by-grant basis. All Subrecipients are further required to include in the audit report a Schedule of Expenditures of Federal Awards (SEFA) for the period covered by the auditee's financial statements. The SEFA must include the following:

1. Name of Federal Administering Agency
2. Subaward Amount
3. Project Period
4. Expenditure Activity during the Audit Period

### **B. Federal Audit Threshold**

For federal awards received on or after December 26, 2014, if a Subrecipient expended \$1,000,000 or more in federal funds (from all sources including pass-through subawards) in the organization's fiscal year (12-month turnaround reporting period), the Subrecipient must have an audit performed in accordance with the provisions of [Title 2 C.F.R. Subpart F \(§ 200.500 et seq.\)](#). *Please refer to the specific grant program to determine which federal audit threshold is in effect for the subaward.*

#### ***Audit***

*If a Subrecipient expended less than the applicable audit threshold a year in Federal awards, the Subrecipient is exempt from Federal audit requirements for that year. However, the Subrecipient must keep records that are available for review or audit by appropriate officials including, but not limited to, the U.S. Department of Justice, Missouri Department of Public Safety, Office of Missouri State Auditor, and U.S. Government Accountability Office (GAO).*

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

If the Subrecipient is required to have an audit, a copy of such audit shall be forwarded to the Missouri Department of Public Safety immediately upon request.

## **XII. FEDERAL CIVIL RIGHTS**

Subrecipients receiving a federal award (or subaward from the Missouri Department of Public Safety) are required to adhere to the following:

### **A. Federal Civil Rights Laws**

Subrecipients must comply with applicable federal civil rights laws, including the Civil Rights Act of 1964, (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683 and 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); U.S. Department of Justice Regulations - Non-Discrimination; Equal Employment Opportunity; Policies

and Procedures (28 C.F.R. pt. 42); U.S. Department of Justice Regulations - Equal Treatment for Faith-Based Organizations (28 C.F.R. pt. 38); Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

Depending on the funding source, a Subrecipient must also comply with the non-discrimination provisions within the applicable program statutes, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d), the Victims of Crime Act (42 U.S.C. § 10604e), or the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672b).

Collectively, these federal laws prohibit a recipient of Office of Justice Programs funding from discriminating either in employment (subject to the exemption for certain faith-based organizations discussed below; see *XIV. Funding to Faith-Based Organization*) or in the delivery of services or benefits on the basis of race, color, national origin, sex, religion, or disability. In addition, Office of Justice Program recipients may not discriminate on the basis of age in the delivery of services or benefits.

#### **B. Limited English Proficiency (LEP)**

Subrecipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), which entails taking reasonable steps to ensure that persons with LEP have meaningful access to funded programs or activities. An LEP person is one whose first language is not English and who has a limited ability to read, write, speak, or understand English.

For more information on LEP services and requirements, visit <http://ojp.gov/about/ocr/lep.htm>.

#### **C. Equal Employment Opportunity Plan (EEO)**

Subrecipients will comply with the U.S. Department of Justice Regulations as related to the EEO.

An EEO is a comprehensive document that analyzes a Subrecipient's relevant labor market data, as well as the Subrecipient's employment practices, to identify possible barriers to the participation of women and minorities in all levels of a recipient's workforce. Its purpose is to ensure the opportunity for full and equal participation of men and women in the workplace, regardless of race, color, or national origin.

In December 2016, the Office for Civil Rights (OCR) developed an Equal Employment Opportunity (EEO) Reporting Tool to streamline the EEO reporting process. The development of the EEO Reporting Tool changed the reporting requirements for recipients of funding from the Office of Community Oriented Policing Services (COPS), the Office on Violence Against Women (OVW), or the Office of Justice Programs (OJP). The reporting requirements, and subsequent forms, dating prior to December 2016 are coined as "Legacy Tool" reporting. The reporting requirements and related forms dated December 2016 and after are coined as "EEO Reporting Tool" reporting.

The following guidelines pertain to "Legacy Tool" reporting and remain in effect until such prepared documents expire:

If the Subrecipient's organization is a state or local government agency or a business; AND has received a federal award (or subaward from a state administering agency) for \$500,000 or more

from the Office of Community Oriented Policing Services (COPS), the Office on Violence Against Women (OVW), or the Office of Justice Programs (OJP), AND has 50 or more employees (counting both full and part-time employees but excluding seasonal employees, political appointees, and elected officials), then it must prepare an “EEO Utilization Report” and submit it to the Office for Civil Rights (OCR) for review within 60 DAYS of receipt of a federally-funded subaward. In addition, the Subrecipient’s organization must complete Section C of the “Certification Form” and return it to the OCR within 60 DAYS of receipt of a federally-funded subaward.

If the Subrecipient’s organization is a state or local government agency or a business; AND has received a federal award (or subaward from a state administering agency) between \$25,000 and \$500,000 from the Office of Community Oriented Policing Services (COPS), the Office on Violence Against Women (OVW), or the Office of Justice Programs (OJP), AND has 50 or more employees (counting both full and part-time employees but excluding seasonal employees, political appointees, and elected officials), the Subrecipient’s organization must prepare an “EEO Utilization Report” within 60 DAYS of receipt of a federally-funded subaward, but the organization is not required to submit the “EEO Utilization Report” to OCR for review. Instead, the Subrecipient’s organization must maintain the “EEO Utilization Report” on file and make it available for review upon request. In addition, the Subrecipient’s organization must complete Section B of the “Certification Form” and return it to the OCR within 60 DAYS of receipt of a federally-funded subaward.

If the Subrecipient’s organization received a federal award (or subaward from a state administering agency) for less than \$25,000 from the Office of Community Oriented Policing Services (COPS), the Office on Violence Against Women (OVW), or the Office of Justice Programs (OJP); OR if your organization has less than 50 employees (counting both full and part-time employees but excluding seasonal employees, political appointees, and elected officials), regardless of the amount of the award; OR if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then the Subrecipient’s organization is exempt from the EEO requirement. However, the Subrecipient’s organization must complete Section A of the “Certification Form” and return it to OCR within 60 DAYS of receipt of a federally-funded subaward.

The following guidelines pertain to “EEO Reporting Tool” reporting for federally-funded subawards made December 2016 and after:

If the Subrecipient’s organization received a federal award (or subaward from a state administering agency) from the Office of Community Oriented Policing Services (COPS), the Office on Violence Against Women (OVW), or the Office of Justice Programs (OJP) (regardless of the organizational type, award/subaward amount, or number of individuals employed by the organization), the Subrecipient must use the online EEO Reporting Tool to prepare and submit the “Certification Form” within 60 DAYS of receipt of a federally-funded subaward. The “Certification Form” is due each calendar year for which COPS, OVW, or OJP funding is received and may require being updated if a new award/subaward is received by the organization within the same calendar year that changes the reporting status of the organization.

If the Subrecipient’s organization is a state or local government agency or business; AND received a federal award (or subaward from a state administering agency) for \$25,000 or more from the Office of Community Oriented Policing Services (COPS), the Office on Violence Against Women (OVW), or the Office of Justice Programs (OJP); AND has 50 or more employees (counting both full and part-time employees but excluding seasonal employees, political appointees, and elected officials), the

Subrecipient's organization must prepare and submit an "EEO Utilization Report" within 60 DAYS of receipt of a federally-funded subaward.

For more information and access to the EEO Reporting Tool, visit <http://ojp.gov/about/ocr/eeop.htm>.

#### **D. Complaints of Discrimination**

The Subrecipient must have written policies or procedures in place to notify program beneficiaries and/or employees how to file complaints alleging discrimination if the Subrecipient's organization has received a federal award (or subaward from a state administering agency) for \$25,000 or more from the Office of Community Oriented Policing Services (COPS), the Office on Violence Against Women (OVW), or the Office of Justice Programs (OJP) AND has 50 or more employees (counting both full and part-time employees but excluding seasonal employees, political appointees, and elected officials)

In the event a member of the public believes the Subrecipient receiving funding (directly or indirectly) from the U.S. Department of Justice has discriminated against them, either in employment or in the delivery of services or benefits, the individual may file a civil rights complaint directly to the Office for Civil Rights, Office of Justice Programs. The Office for Civil Rights, Office of Justice Programs has jurisdiction to investigate agencies that receive funding, either directly or indirectly, from the Office of Community Oriented Policing Services (COPS), the Office on Violence Against Women (OVW), and the Office of Justice Programs (OJP) and its components. The individual shall download the *Complaint Verification Form (CVF)* and *Identity Release Statement (IRS)* form, which can be found at <http://ojp.gov/about/ocr/complaint.htm> and mail the completed forms to the agencies listed below:

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 7<sup>th</sup> Street, NW  
Washington, DC 20531

AND

MO Department of Public Safety  
ATTN: Director of Public Safety  
PO Box 749  
1101 Riverside Drive  
Jefferson City, MO 65102-0749

Upon receipt, the Director of the Missouri Department of Public Safety or his/her designee will coordinate with the appropriate Grant Program Manager(s) and act as the liaison in all civil rights matters with the Office for Civil Rights, Office of Justice Programs. The Director of the Missouri Department of Public Safety or his/her designee will follow up with the Office for Civil Rights, Office of Justice Programs.

#### **E. Findings of Discrimination**

In the event of an adverse finding of discrimination against the Subrecipient's organization (after a due process hearing) on the ground(s) of age, race, color, religion, national origin or sex, the Subrecipient must submit a copy of the court judgment, along with a cover letter identifying any related Missouri Department of Public Safety subaward number(s), within 30 DAYS of the court judgment date to the address listed below:

Missouri Department of Public Safety



ATTN: Director of Public Safety  
PO Box 749  
1101 Riverside Drive  
Jefferson City, MO 65102-0749

Upon receipt, the Director of the Missouri Department of Public Safety or his/her designee will coordinate with the appropriate Grant Program Manager(s) and act as the liaison in all civil rights matters with the Office for Civil Rights, Office of Justice Programs. The Director of the Missouri Department of Public Safety or his/her designee will forward a copy of the court judgment to the Office for Civil Rights, Office of Justice Programs.

### **XIII. STATE CIVIL RIGHTS**

All Subrecipients, regardless of the funding source, are required to adhere to the following:

#### **A. Non-Discrimination in Employment Practices**

Subrecipients must comply with [Section 213.055 RSMo](#) in regards to non-discrimination in employment practices as it relates to race, color, religion, national origin, sex, ancestry, age, and disability.

#### **B. Non-Discrimination in Public Accommodations**

Subrecipients must comply with [Section 213.065 RSMo](#) in regards to non-discrimination in public accommodations as it relates to accommodations, advantages, facilities, services, or privileges made available in place of public accommodations

### **XIV. FAITH-BASED ORGANIZATIONS (FBOs)**

Subrecipients must comply with Executive Order 13279 and the U.S. Department of Justice Regulation - Equal Treatment for Faith-Based Organizations (28 C.F.R. pt. 38). In general, the Executive Order and Regulation require funding organizations to treat faith-based organizations (FBOs) the same as any other applicant or recipient of U.S. Department of Justice funding, neither favoring nor discriminating against FBOs in making and administering grant awards, and require that FBOs be allowed to retain their independence, autonomy, expression, and religious character when competing for U.S. Department of Justice financial assistance used to support social service programs and participating in the social service programs supported with U.S. Department of Justice financial assistance.

The Executive Order and Regulation also prohibit Subrecipient FBOs from using U.S. Department of Justice funding to engage in inherently religious activities, such as proselytizing, scripture study, or worship. Funded FBOs may, of course, engage in inherently religious activities; however, these activities must be separate in time or location from the federally assisted program. Moreover, funded FBOs must not compel program beneficiaries to participate in inherently religious activities. Funded FBOs must also not discriminate on the basis of religion in the delivery of services or benefits.

In addition, the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, prohibit discrimination on the basis of religion in employment.

## **A. Missouri - Faith Based Organizations**

Article IX, Section 8, of the Missouri Constitution states:

Neither the general assembly, nor any county, city, town, township, school district or other municipal corporation shall ever make an appropriation or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university, or other institution of learning controlled by any religious creed, church or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the state, or any county, city, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever.

This language is more restrictive than language found in the United States Constitution. However, to comply with the Code of Federal Regulations (C.F.R. pt. 38), which provides the policy of the Office of Justice Programs (OJP) for allowable faith-based and community organizations that statutorily qualify as eligible applicants under OJP programs to apply for funding, the Missouri Department of Public Safety will accept applications from faith-based organizations under the following guidelines:

1. Faith-based organizations may not use OJP grant funds to fund any inherently religious activity, such as prayer or worship.
2. Faith-based organizations must separate any inherently religious activities in time or place from any OJP funded program activities.
3. Faith-based organizations may not use any portion of their OJP funds to promote, encourage, enlist, advocate, or urge any individual to participate in any religious creed, sectarian purpose, or church.
4. If funded, a faith-based organization must be able to establish and document 501(c)(3) or other non-profit status before receiving funding.

## **XV. OTHER SUBAWARD REQUIREMENTS**

### **A. Printing and Publicity**

Subrecipients 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."

*Please refer to the specific grant program for information regarding the language to be utilized for printing and publicity.*

## **B. Non-Supplanting**

Federal and/or state funds cannot be used to supplant, or take the place of, a Subrecipient's existing state or local funding. Federal and/or state funds must be used to supplement existing funds and not substitute local or state funds that have been appropriated or would otherwise be spent for the same purpose. Federal and/or state funds cannot be utilized to cover existing costs that would otherwise be paid through other sources of funding.

## **C. Grant Fraud, Waste, and Abuse**

The Subrecipient assures to formally report to the Missouri Department of Public Safety within 48 HOURS of notification if a grant-funded individual is arrested for or formally charged with a misdemeanor or felony regardless if the criminal offense is related to the individual's employment. The Missouri Department of Public Safety reserves the right to suspend or terminate grant funding pending the adjudication of the criminal offense.

In addition, the Subrecipient shall not make false statements or claims in connection with any Office of Justice Programs or Missouri Department of Public Safety funded grant. The result of such false statements or claims includes fines, imprisonment, and debarment from participating in state and federal grants or contracts, and/or other remedy by law. The Subrecipient must promptly refer to the U.S. Department of Justice, Office of Inspector General and the Missouri Department of Public Safety any credible evidence that a principal, employee, agent, contractor, sub-contractor, or other person has either:

- a. Submitted a false claim for grant funds under the False Claims Act or
- b. Committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds

For Subrecipients of federal grant funding, potential fraud, waste, abuse, or misconduct must be reported to the U.S. Department of Justice, Office of Inspector General and the Missouri Department of Public Safety by one of the following methods:

Office of Inspector General  
U.S. Department of Justice Investigations Division  
1425 New York Avenue,  
N.W., Suite 7100  
Washington, D.C. 20530

<https://oig.justice.gov/hotline/contact-grants.htm>

DOJ OIG Fax: (202) 616-9881

MO Department of Public Safety  
Office of the Director  
Attention: [Insert Grant Program]  
P.O. Box 749  
1101 Riverside Drive  
Jefferson City, MO 65102-0749

AND

Email: [dpsinfo@dps.mo.gov](mailto:dpsinfo@dps.mo.gov)

DPS Fax: (573) 751-5399

For Subrecipients of state grant funding, potential fraud, waste, abuse, or misconduct must be reported to the Missouri Department of Public Safety by mail at:

Missouri Department of Public Safety  
Office of the Director  
Attention: [Insert Grant Program]  
P.O. Box 749  
1101 Riverside Drive  
Jefferson City, MO 65102-0749

The Missouri Department of Public Safety reserves the right to suspend or terminate grant funding pending the adjudication of the criminal offense.

#### **D. Termination of Subawards**

In the event that the Missouri Department of Public Safety determines that a Subrecipient is operating in a manner inconsistent with the provisions of the approved project or is failing to comply with the applicable regulations, the Missouri Department of Public Safety may permanently or temporarily terminate the subaward.

In the event a subaward is permanently terminated, the Missouri Department of Public Safety may take action as deemed appropriate to recover any portion of the grant funds remaining or an amount equal to the portion of the grant funds wrongfully used.

#### **XVI. OMB CIRCULARS**

The following Office of Management and Budget (OMB) Circulars have been referenced herein and copies may be obtained from the address shown below. It is the responsibility of federally-funded Subrecipients to comply with the federal guidelines contained in the Circulars.

For additional information on grants management and to obtain copies of current Circulars, please visit the OMB site at <https://www.whitehouse.gov/omb/information-for-agencies/circulars/>.

##### **Administrative Requirements:**

- **OMB Circular A-102:** "Grants and Cooperative Agreements with State and Local Governments". This circular establishes standards for the administration of grants to state and local governments.
- **OMB Circular A-110:** "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." This Circular establishes standards for the administration of grants to institutions of higher education, hospitals, and other nonprofit organizations.

##### **Cost Principles:**

- **OMB Circular A-21:** "Cost Principles for Educational Institutions." This Circular establishes principles and standards for determining costs applicable to grants and contracts with educational institution.

- **OMB Circular A-87:** "Cost Principles for State, Local and Indian Tribal Governments". This Circular establishes principles and standards for determining costs applicable to grants and contracts with state, local, and tribal units of government.
- **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.

**Audit Requirements:**

- **OMB Circular A-133:** "Audits of States, Local Governments and Non-Profit Organizations". This Circular establishes the policy to be followed in the audits of the states and local units of government and institutions of higher education and other nonprofit organizations in accordance with the Single Audit Act.

**XVII. OJP FINANCIAL GUIDE**

The U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide has been referenced herein. It is the responsibility of federally-funded Subrecipients to comply with the federal guidelines contained in the OJP Financial Guide.

Copies of the OJP Financial Guide may be obtained at <https://ojp.gov/financialguide/doj/index.htm>.