LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 14, 2003** AGENDA ITEM NO.: **9**

CONSENT: **X** REGULAR: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Virginia Department Of Criminal Justice Services Grant Award For The Continuation Of The Virginia Exile Program (Office Of The Commonwealth's Attorney)**

RECOMMENDATION:
Approve the Office of the Commonwealth's Attorney's participation in this grant program and the appropriation of grant monies to the City/Federal/State Aid Fund. Approval of this grant award will allow the Exile program to continue for the remainder of FY03.

SUMMARY:
As a result of state budget cuts, the state appropriation supporting the Virginia Exile grant was eliminated effective 12/31/02. However, federal grant funds in the amount of $46,424 have been made available to the Virginia Department of Criminal Justice Services (DCJS) to sustain the Lynchburg Exile program through the end of FY 2003. The matching fund requirement for this grant award totals $15,475, for a total grant award of $61,899.

Monies from the Exile grant fund a full-time prosecutor and a legal assistant, who are responsible for the prosecution and management of all cases covered under the Exile statutes and the implementation of an Exile public awareness campaign.

PRIOR ACTION(S):
January 7, 2003: Review of agenda item summary by the Finance Committee; approval recommended.

BUDGET IMPACT:
The $46,424 grant award from DCJS is fully reimbursable. To accommodate the local match requirement, the Office of the Commonwealth's Attorney will use leftover local match monies from its previous Exile grant award ($11,850) and will meet its remaining match obligation by utilizing funds from the office's general fund account in the amount of $3,625.

Exit Strategy: The Office of the Commonwealth's Attorney was recently notified by DCJS that Byrne Formula Grant monies (federal funds) would be made available to those localities with Exile programs at the beginning of 2003, allowing for the continuation of the program for at least another year. The Office of the Commonwealth's Attorney intends to apply for continuation funding, once the application process for the grant opens. Should the grant application be denied for whatever reason, and no further funding options are available at any level (Federal/State/Local), the Office will have no choice but to terminate its Exile program.

CONTACT(S):
William G. Petty, Commonwealth's Attorney 847-1593, ext. 225

ATTACHMENT(S):
? Virginia Department of Criminal Justice Services grant award letter and statement of grant award acceptance

REVIEWED BY: lkp

Resolution

BE IT RESOLVED that $61,899 is appropriated to the City/Federal/State Aid Fund, with resources of $46,424 from the Virginia Department of Criminal Justice Services and $15,475 in local match monies from the Office of the Commonwealth's Attorney, for continued funding of the Virginia Exile program.

BE IT FURTHER RESOLVED that the Financial Services Director is authorized to make such transfer of funds from the General Fund to the City/Federal/State Aid Fund as are necessary to fund this action.

Introduced: Adopted:

Certified: _____
Clerk of Council

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DEC 04 2002
COUNCIL/MANAGER OFFICES

COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Leonard G. Cooke
Director

805 East Broad Street, Tenth Floor
Richmond, Virginia 23219
(804) 786-4000
FAX (804) 371-8981
TDD (804) 386-8732

November 15, 2002

Mr. L. Kimball Payne, III
City Manager
City of Lynchburg
P. O. Box 60
Lynchburg, Virginia 24505

Title: Project Exile

Dear Mr. Payne:

I am pleased to advise you that grant number **03-A3526AD02** for the above-referenced grant program has been approved in the amount of $46,424 in Federal Funds and $15,475 in Matching Funds for a total award of $61,899.

Enclosed you will find a Statement of Grant Award and a Statement of Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the award acceptance and return it to Janice Waddy, Grants Administrator, at the Department of Criminal Justice Services (DCJS). Please review the conditions carefully; as some require action on your part before we will disburse grant funds.

When we receive documentation showing that you have complied with the conditions, you will be eligible to request funds awarded under this grant. A **REQUEST FOR FUNDS** form is also included with this letter and should be used for this purpose. You may request funds at the same time you submit the documentation of compliance with the grant conditions or at any time thereafter. However, we cannot process your request until we have received and approved all required information.

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your project's success. If you have any questions, please call Elizabeth Mancano at (804) 786-0993.

Yours very truly,

Leonard G. Cooke

Leonard G. Cooke

Enclosures
cc: The Hon. William G. Petty, Commonwealth's Attorney
Mr. Michael Hill, Finance Director
Elizabeth Mancano, DCJS

Department of Criminal Justice Services

805 East Broad Street, 10th Floor, Richmond, VA 23219

Statement of Grant Award/Acceptance

Subgrantee--
Lynchburg City - Project Exile

Date: November 15, 2002

Grant Number--
03-A3526AD02

Grant Period--
From: 1/1/2003 **Through:** 6/30/2003

Project Director	Project Administrator	Finance Officer
The Hon. William G. Petty Commonwealth's Attorney City of Lynchburg P. O. Box 1539 Lynchburg, Virginia 24505 **Phone No:** (434) 847-1593 **Fax No:** (434) 846-5038 **Email Address:** wpetty@oca.ci.lynchburg.va.us	Mr. L. Kimball Payne, III City Manager City of Lynchburg P. O. Box 60 Lynchburg, Virginia 24505 **Phone No:** (434) 847-1443 **Fax No:** (434) 847-1536 **Email Address:** kpayne@lynchburgva.gov	Mr. Michael Hill Finance Director City of Lynchburg P. O. Box 60 Lynchburg, Virginia 24505 **Phone No:** (434) 847-1307 **Fax No:** (434) 847-1859 **Email Address:** michael.hill@lynchburgva.gov

GRANT AWARD BUDGET

Budget Categories	DCJS Funds Federal	DCJS Funds General	Subgrantee Match	TOTALS
A. Personnel	$ 0	$ 0	$ 0	$ 0
B. Consultants	$ 0	$ 0	$ 0	$ 0
C. Travel	$ 0	$ 0	$ 0	$ 0
D. Equipment	$ 0	$ 0	$ 0	$ 0
E Supplies & Other Expenses	$ 0	$ 0	$ 0	$ 0
TOTALS	$46,424	$ 0	$15,475	$61,899

This grant is subject to all rules, regulations, and criteria included in the grant application and the special conditions attached thereto.

Leonard G. Cooke

Leonard G. Cooke, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this _____day of _____, 20___.

Signature: _____

Title: _____

STATEMENT OF GRANT AWARD SPECIAL CONDITIONS

Department of Criminal Justice Services
805 East Broad Street
Richmond, Virginia 23219

For the Edward Byrne/Community Oriented Justice Grant Program – Localities	
Subgrantee: Lynchburg City	**Grant Number: 03-A3526AD02**
Federal Catalog Number: 16.579	
Title: Project Exile	**Date: November 15, 2002**

The following conditions are attached to and made a part of this grant award:

1. By signing the Statement of Grant Award/Acceptance, the grant recipient agrees:

   - to use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
   - to adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions;
   - and to comply with all terms, conditions and assurances either attached to this award or submitted with the grant application.

2. The subgrantee agrees to submit such reports as requested by DCJS on forms provided by DCJS. Funds from this grant will not be disbursed, if any of the required Financial or Progress reports are overdue by more than 30 days unless you can show good cause for missing the reporting deadline.

3. Grant funds, including state and local match, may be expended and/or obligated during the grant period. All legal obligations must be liquidated no later than 90 days after the end of the grant period. The grant recipient agrees to supply a final grant financial report and return all received and unexpended grant funds (exclusive of local match) to DCJS within 90 days after the end of the grant liquidation period.

4. By accepting this grant, the recipient assures that funds made available through it will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purposes.

5. Subgrantee may follow their own established travel rates if they have an established travel policy. If a subgrantee does not have an established policy, then they must adhere to state travel policy. The state allows reimbursement for actual reasonable expenses. The state allows $0.325 per mile for mileage. Transportation costs for air and rail must be at coach rates.

6. Within 60 days of the starting date of the grant, the subgrantee must initiate the project funded. If not, the subgrantee must report to the DCJS, by letter, the steps taken to initiate the project, the reasons for the delay, and the expected starting date. If the project is not operational within 90 days of the start date, the subgrantee must obtain approval in writing from the DCJS for a new implementation date or the DCJS may cancel and terminate the project and redistribute the funds.

7. **No amendment to the approved budget may be made without the prior written approval of DCJS. No more than one (1) budget amendment will be permitted during the grant period. Budget amendments must be requested using the enclosed budget amendment request form accompanied with a narrative. No budget amendments will be allowed after April 30, 2003.**

8. The subgrantee agrees to forward a copy to the DCJS of the scheduled audit of this grant award.

9. All purchases for goods and services must comply with the Virginia Public Procurement Act. Procurement transactions, whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. An exemption to this regulation requires the prior approval of the DCJS and is only given in unusual circumstances. Any request for exemption must be submitted in writing to the DCJS. Permission to make sole source procurements must be obtained from DCJS in advance.

10. Acceptance of this grant award by the local government applicant constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant funds are hired, supervised and evaluated in accord with the local government's established employment and personnel policies; and assuring that all terms, conditions and assurances—those submitted with the grant application, and those issued with this award—are complied with.

11. Any delegation of responsibility for carrying out grant-funded activities to an office or department not a part of the local government must be pursuant to a written memorandum of understanding by which the implementing office or department agrees to comply with all applicable grant terms, conditions and assurances. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award.

12. PROJECT INCOME: Any funds generated as a direct result of DCJS grant funded projects are deemed project income. Project income must be reported on forms provided by DCJS. The following are examples of project income: Service fees; Client fees; Usage or Rental fees; sales of materials; income received from sale of seized and forfeited assets (cash, personal or real property included).

13. Prior to DCJS disbursing funds, the Subgrantee must comply with the following special conditions:

    a) Submit to us a revised itemized budget to equal the amount of the award.

    b) Submit to us the following: 1) Grant Conditions and Assurances - Attachment A (5 pgs.) , and 2) Lobbying and Debarment Status (2 pgs.) signed by the Project Administrator (forms are enclosed).

GENERAL GRANT CONDITIONS AND ASSURANCES

The applicant, for federal funds administered by DCJS, gives assurances and certifies with respect to the grant that it will comply with the following requirements:

1. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Department of Criminal Justice Services shall prescribe shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this grant.

2. REPORTS: Each applicant shall submit such reports as the DCJS shall reasonably request. Financial and progress reports shall be submitted to the DCJS on the **12th working day** following the close of each quarter.

3. INSPECTION AND AUDIT: The applicant agrees to comply with the organizational audit requirements of OMB Circular A-128, "Audits of State and Local Governments." In conjunction with the beginning date of the award, the audit report period of the local government entity to be audited under the single audit requirement is the start-date of the project through the end-date of the project as noted on the Statement of Grant Award/Acceptance. The audit report shall be submitted no later than one (1) year from the end-date of the grant award as stated on the Statement of Grant Award/Acceptance, and for each audit cycle thereafter covering the entire award period as originally approved or amended. The management letter must be submitted with the audit report. A copy of all audits must be forwarded to the DCJS.

4. The applicant will comply, where applicable, with the following:

- National Environment Policy Act (28 CFR 61)
- Flood Plain Management and Wetland Protection Procedures (28 CFR 63)
- National Historic Preservation Act (16 USC 470)
- Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. (28 CFR 52)
- Clean Air Act, P. L. 88-206, 42 USC 1857, et. seg.
- Safe Drinking Water Act, P. L. 93-523, 42 USC 3001, et. seg.
- Endangered Species Act of 1973, P. L. 93-205, 16 USC 1531, et. seg.
- Wild and Scenic Rivers Act, P. L. 90-542, 16 USC 1271, et. seg.
- Fish and Wildlife Coordination Act, P. L. 85-624, 16 USC 661, et. seg.
- Historical and Archaeological Data Preservation Act, P. L. 93-291, 16 USC 2469, et. seg.
- Coastal Zone Management Act of 1979, P. L. 92-583, 16 USC 1451, et. seq. and the Coastal Barrier Resources Act of 1982 (P.L. 97-348)
- Animal Welfare Act of 1970, P. L. 91-579, 7 USC 2131, et. seg.
- Impoundment Control Act of 1974, P. L. 93-344, 31 USC 1401, et. seg.

- The Fair Labor Standards Act, if applicable.

5. POLITICAL ACTIVITY: The restrictions of the Hatch Act, Pub. L. 93-433, 5 USC Chapter III, (as amended), concerning the political activity of government employees are applicable to applicant staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns except they may not be candidates for office.

6. DISCRIMINATION PROHIBITED: No person shall, on the grounds of race, religion, color, national origin, sex, or handicap be excluded from participation in, be denied the benefits or be otherwise subjected to discrimination under or denied employment in connection with, grants awarded pursuant to the Justice Assistance Act of 1984, and the implementing regulations 28 CFR Part 42, Subparts C, D, E, and G, or any project, program, activity, or subgrant supported or benefiting from the grant. The applicant must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and its implementing regulations 28 CFR 41.101 et. seq.. The applicant must further comply with Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations; the Age Discrimination Act of 1973, as amended, and its implementing regulations and Title IX of the Education Amendments of 1972; Title 11 of the Americans with Disabilities Act (ADA)(1990); (42 USC. 12131-12134 & 28 CFR 35)

7. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM: Each applicant certifies, that it has executed and has on file, an Equal Employment Opportunity Program which conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E, or that in conformity with the foregoing regulation, no Equal Employment Opportunity Program is required.

   The applicant organization having 50 or more employees who would receive amounts of $500,000 or more, or grants which in the aggregate exceed $500,000 or more, in any fiscal year must submit a copy of their Equal Employment Opportunity Plan (EEOP) to the DCJS for review. For continuation grant funding that exceed these amounts in any fiscal year the applicant must submit a statistical update from the previous year's plan.

8. The applicant assures that 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 or sex against a recipient of funds, the recipient will forward a copy of the finding to the DCJS.

9. RELEASE OF INFORMATION: All records, papers and other documents kept by recipients of DCJS funds, and their contractors, relating to the receipt and disposition of such funds, are required to be made available to the DCJS. These records and other documents submitted to DCJS and its applicants pursuant to other provisions of the Act, including plans and application for funds, are required to be made available to DCJS under the terms and conditions of the Federal Freedom of Information Act, 5 USC 552.

10. INFORMATION SYSTEMS: With respect to programs related to criminal justice information systems, the applicant agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of the integrity and accuracy of data collection. The applicant further agrees:

- That all computer programs (software) developed with funds provided by this grant will be made available to the DCJS for transfer to authorized users in the criminal justice community

without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.

- To provide a complete copy of the computer programs and documentation, upon request, to the DCJS. The documentation will include but not be limited to system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.

- That whenever possible all application programs will be written in standardized programming languages (i.e., ANSI, Cobol, FORTRAN, Basic, etc.) for use on general operating systems (e.g., DOS, CP/M, UNIX, etc.) that can be utilized on at least three different manufacturers computers of similar size and configuration.

- To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Department of Criminal Justice Services should be contacted to determine availability of software prior to any development effort.

11. CONFIDENTIALITY OF RESEARCH INFORMATION.- Research information identifiable to an individual, which was obtained though a project funded wholly or in part with DCJS grant funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).

12. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES: The applicant agrees to be in compliance with all policies as expressed under the Code of Federal Regulations, 28 CFR 23, concerning the operation of criminal intelligence systems funded with DCJS funds.

13. COPYRIGHT: Except as otherwise provided in the conditions of the award, the author is free to arrange for copyright without approval when publication or similar materials are developed from work under a DCJS supported project. Any such copyright materials shall be subject to the DCJS's right to reproduce them, translate them, publish them, use and dispose of them, and to authorize others to do so for government purposes. In addition, communications in primary scientific or professional journals publishing initial reports or research or other activities and supported in whole or in part by the DCJS project funds may be copyrighted by the journal with the understanding that individuals are authorized to make or have made by any means available to them, without regard to the copyright of the journal, and without royalty, a single copy of any such article for their own use. State employees who develop copyrights during work hours, or within the scope of their employment, or when using state-owned or state-controlled facilities, the copyrights vest in the Commonwealth.

14. PATENTS: If any discovery or invention arises or is developed in course of or as a result of work performed under this grant, the applicant shall refer the discovery or invention to DCJS. The applicant hereby agrees that determination of rights to inventions made under this grant shall be made by the DCJS or its duly authorized official representative, who shall have the sole and exclusive powers to determine whether or not and where patent application should be filed and to determine the disposition of all rights in such inventions, including title which may issue thereon. The determination of the DCJS, or its duly authorized representative shall be accepted as final. In addition, the applicant hereby agrees and otherwise recognizes that the DCJS shall acquire at least an irrevocable non-exclusive royalty-free license to practice and have practiced throughout the world for governmental purposes any invention made in the course of or under this grant. The grant shall include provisions appropriate of

effectuating the purpose of this condition in all contract of employment, consultant's agreements, or contracts.

15. The applicant assures that funds made available under this grant will not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would be, in the absence of these funds, made available for drug law enforcement activities.

16. Confidential expenditures for services, evidence and/or information must comply with the requirements stated in the Administrative Guide and Application Procedures Manual.

17. BIO MEDICAL EXPERIMENTATION: The applicant assures that no grant funds will be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation.

18. The applicant agrees to complete a Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, prior to finalizing any financial agreements pursuant to 28 CFR 67.510 (Code of Federal Regulations). This includes consultants under any award.

19. The applicant must state the percentage of the total cost of this program supported by federal funds and the dollar amount of federal funds for this program. This statement shall be on all press releases, requests for proposals, bid solicitation and other documents describing the program whether funded in-whole or in-part with federal funds.

20. The grantee agrees that any publication (written, visual, or sound, but excluding press releases newsletters, and issue analyses) issued by the grantee or by any Applicant describing programs or projects funded in-whole or in-part with Federal Funds, shall contain the following statement:

    This project was supported by Department of Criminal Justice Services (DCJS) Grant # _____, with funds made available to Virginia from the Office of _____, U.S. Department of Justice.

    Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of DCJS or the U.S. Department of Justice.

    The applicant also agrees that one copy of any such publication will be submitted to the DCJS to be placed on file and distributed as appropriate to other potential applicants or interested parties. DCJS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the applicant.

21. Applicants with federal grants that procure goods or services that have an aggregate value of $500,000 or more must:

    specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition-,

    and expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition.

    This complies with Public Law 102-141, section 623 (formally the Stevens Amendment).

CERTIFICATION

I certify that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with the provisions of all other federal and state laws and rules and regulations that apply to this award.

_____ _____

Authorized Official Date
(Project Administrator)

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

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 Restriction's 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 grantor 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 agreements1 and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBIUTY 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 Parts 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 program 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 programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace:

(c) Making it a requirement that each employee to be engaged in the performance of the 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---

(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 Programs, 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 program 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.

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 Programs. ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

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

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date