



WASHOE COUNTY

Integrity Communication Service
www.washoecounty.us

STAFF REPORT

BOARD MEETING DATE: March 28, 2017

CM/ACM JS
Finance LC/CH
DA KM
Risk Mgt NA
HR NA
Other GE

DATE: Monday, February 27, 2017

TO: Board of County Commissioners

FROM: Kerri Heward, Crime Lab Director
775-321-2851, KHeward@washoecounty.us

THROUGH: Sheriff Chuck Allen

Joan Schilling

SUBJECT: Recommendation to approve receipt of the Sexual Assault Kit Initiative 2016 funds (SAKI 2016), sub-granted through the Nevada Office of the Attorney General in the amount of [\$402,917.00, no County match required] for the DNA testing of un-submitted sexual assault kits from law enforcement agencies throughout northern Nevada for the retroactive grant period of 10/1/16 through 9/30/19. If approved, authorize Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)

SUMMARY

The Washoe County Sheriff's Office Forensic Science Division (WCSO-FSD) and the Attorney General's Office sought and were awarded grant funds through the Sexual Assault Kit Initiative Program to aid in the elimination of all un-submitted sexual assault kits that reside in law enforcement agencies throughout northern Nevada. These funds will be utilized to for pay for costs associated with the outsourcing of un-submitted sexual assault kits for DNA testing. Sorenson Forensics, LLC ("Sorenson") of Salt Lake City, Utah was awarded the competitive bid for Sexual Assault Kit Analysis Services. This bid was approved by the BCC on 2/23/2016. Sorenson will perform biological screening and DNA analysis on evidentiary items provided by WCSO, including sexual assault kits and other sources of DNA.

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities.

PREVIOUS ACTION

RFP for bid of un-submitted sexual assault kit analysis awarded to Sorenson Forensics LLC was approved by BCC on 2/23/2016.

AGENDA ITEM # 8

BACKGROUND

Many jurisdictions across the country are looking at the issue of sexual assault kits that have not been submitted to a forensic science laboratory for testing. It is unknown how many un-submitted sexual assault kits there are nationwide. A task force has been created to address this issue in Nevada. The task force consists of representatives from Nevada's Attorney General's Office, Law Enforcement Agencies, Forensic Science Laboratories, District Attorney's Offices, Legislators, Sexual Assault Response Team, Victim Advocate Groups, and Universities. Based on preliminary counts, it is estimated that between 1000 and 1500 un-submitted sexual assault kits exist in northern Nevada. The goal of this task force is to identify means by which all of the un-submitted sexual assault kits in Nevada are tested in the next 2-3 years.

The WCSO Forensic Science Division (WCSO-FSD) is coordinating the testing of the un-submitted sexual assault kits in northern Nevada. The plan is to outsource these kits to a private laboratory so as to not adversely affect the current caseload at the WCSO-FSD. All data obtained from the testing of these kits will be reviewed by the WCSO-FSD and appropriate DNA profiles entered into the DNA database by the WCSO-FSD.

Competitive Bid RFP was approved by Washoe County Board of County Commissioners on 2/23/2016 and awarded to Sorenson Forensics LLC.

Reason for Retroactive submittal: Item was submitted to the first available BCC meeting once all paperwork was received from the Attorney General's Office and processed.

GRANT AWARD SUMMARY

Project/Program Name: *Sexual Assault Kit Initiative 2016*

Scope of the Project: *DNA testing of un-submitted sexual assault kits in northern Nevada.*

Benefit to Washoe County Residents: *Un-submitted Sexual Assault Kits will be processed for DNA. DNA Profiles will be entered into the DNA database. It is expected that this DNA will help identify serial rapists.*

On-Going Program Support: *N/A*

Award Amount: *\$402,917.00*

Grant Period: *October 1, 2016 – September 30, 2019*

Funding Source: *Sexual Assault Kit Initiative*

Pass Through Entity: *Nevada Office of the Attorney General*

CFDA Number: *16.833*

Grant ID Number: *2016-AK-BX-K004 (sub-grant # 2016-SAKI-03)*

Match Amount and Type: *None*

Sub-Awards and Contracts: Any equipment will be purchased using Washoe County grant procurement processes compliant with 2 *CFR* 200.317-200.326. The existing contract with Sorenson Forensics, LLC will be used for DNA analysis of sexual assault kits.

FISCAL IMPACT

Should the board accept this grant award and approve these amendments, the adopted FY17 budget will be increased by \$402,917.00 in both revenues and expenditures in the following accounts:

Increase Revenues

TBD - 431100 (SAKI 16 – Federal Grants)	\$402,917.00
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Increase Expenditures

TBD– 711210 (SAKI 16– Travel)	\$ 1,874.00
TBD- 711504 (SAKI 16-Overtime)	\$ 67,811.00
TBD – 710200 (SAKI 16 – contract svcs)	\$ 329,050.00
TBD- 710361 (2016 DNA Backlog Reduction –shipping costs)	\$ 4,182.00

- No Match
- Grant will be drawn as a reimbursement
 - Source of up front funds will be general funds
- No indirect costs will be included with this grant budget

RECOMMENDATION

It is recommended that the Board of County Commissioners approve receipt of the Sexual Assault Kit Initiative 2016 funds (SAKI 2016), sub-granted through the Nevada Office of the Attorney General in the amount of [\$402,917.00, no County match required] for the DNA testing of un-submitted sexual assault kits from law enforcement agencies throughout northern Nevada for the retroactive grant period of 10/1/16 through 9/30/19. If approved, authorize Comptroller's Office to make the necessary budget amendments.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: Move to approve receipt of the Sexual Assault Kit Initiative 2016 funds (SAKI 2016), sub-granted through the Nevada Office of the Attorney General in the amount of [\$402,917.00, no County match required] for the DNA testing of un-submitted sexual assault kits from law enforcement agencies throughout northern Nevada for the retroactive grant period of 10/1/16 through 9/30/19. If approved, authorize Comptroller's Office to make the necessary budget amendments.

**NEVADA OFFICE OF THE ATTORNEY GENERAL
NEVADA 2016 SAKI GRANT**

GRANT AWARD

SUBGRANTEE:	Washoe County Sheriff's Office 911 E. Parr Blvd. Reno, Nevada 89512	SUBGRANT NO.:	2016-SAKI-03
		CFDA No.:	16.833
		FEDERAL AWD.#	2016-AK-BX-K004
PROJECT TITLE:	Sexual Assault Kit Initiative 2016	FEDERAL FUNDS:	\$402,917.00
GRANT PERIOD:	October 1, 2016 to September 30, 2019	MATCHING FUNDS:	\$0.00
		TOTAL GRANT AWD:	\$402,917.00

APPROVED BUDGET FOR PROJECT

CATEGORY:	TOTAL PROJECT COSTS:
Personnel	\$66,842.00
Fringe	\$969.00
Travel-Federal	\$1,874.00
Equipment	\$0.00
Supplies/Operating	\$0.00
Construction	\$0.00
Consultants/Contracts	\$329,050.00
Other	\$4,182.00
Total	\$402,917.00

This award is subject to the federal guidelines established by the Department of Justice Office of the Justice Programs.

SPECIAL CONDITIONS: This project is approved subject to such special conditions or limitations as set forth on the attached page(s).

AGENCY APPROVAL	SUBGRANTEE ACCEPTANCE	
Adam Paul Laxalt, Attorney General <i>Name and title of Appointing Official</i>	<i>Project Director Name/Title</i> Lise Smyth-Roan 2/9/17	<i>President - Board of Directors, or Equivalent</i> Paul Allen
By: Debbie Tanaka, NV OAG Grants Manager	Signature/Date	Signature/Date
x <i>Debbie Tanaka, 4/26/17</i>	CCR#/SAM Expiration Date: 10/18/2017	
Signature of Approving Official/Date	DUNS # 602-973-8455	

**NEVADA OFFICE OF THE ATTORNEY GENERAL
2016 SAKI GRANT SUBAWARD
TERMS AND CONDITIONS**

TERMS & ACRONYMS:

BJA - Bureau of Justice Administration	NRS - Nevada Revised Statutes
CBO - Community Based Organization	NVOAG - Nevada Office of the Attorney General
CFR - Code of Federal Regulations	OIP - Office of the Inspector General
DOJ - (U.S.) Department of Justice	OJP - Office of Justice Programs
DUNS - (Dun & Bradstreet) Data Universal Numbering System	OMB - (White House) Office of Management & Budget
EEOP - Equal Employment Opportunity Plan	OVW - Office on Violence Against Women
FFATA - Federal Funding Accountability & Transparency Act	PL - Public Law
FSRS - FFATA Sub-award Reporting System	SAK - Sexual Assault Kit
GPRA - Government Performance & Results Act	SASP - Sexual Assault Service Providers
In-kind Match - Added value contributed to project from personnel, supplies, and operational expenses	SMART - Office of Sex Offender Sentencing Monitoring Apprehending Registering and Tracking
MOA - Methods of Administration	VAWA - Violence Against Women Act
NPO/NGO - Non-profit Organization/Non-governmental Organization	USC - United States Code

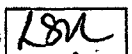
Award Conditions include all Federal Flow Through (those grayed out are specific to NVOAG as the prime recipient), State of Nevada/NVOAG and any sub-recipient/sub-grantee specific conditions that are required to ensure full grant compliance. It is the responsibility of the sub-recipient/sub-grantee to know and comply with all applicable award conditions.

1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this 2016 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded in 2014 or earlier years), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2016 award.

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




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

2. Compliance with DOJ Grants Financial Guide

The recipient and subrecipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide"), including any updated version that may be posted during the period of performance.

3. Required training for Point of Contact and all Financial Points of Contact

Both the NVOAG Point of Contact (POC) and all NVOAG Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <http://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection

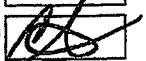
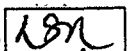
The NVOAG should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

4. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

5. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be



used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

6. Requirements related to System for Award Management and Unique Entity Identifiers

The NVOAG must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <http://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The NVOAG also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the NVOAG's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <http://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

7. All subawards ("subgrants") must have specific federal authorization

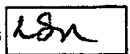
The NVOAG and any subrecipient must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that – for purposes of federal grants administrative requirements – OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <http://ojp.gov/funding/Explore/SubawardAuthorization.htm>, and are incorporated by reference here.

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

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

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




<http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm>, and are incorporated by reference here.

9. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

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

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm>, and are incorporated by reference here.

10. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

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

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").

11. Requirement for data on performance and effectiveness under the award

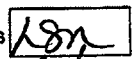
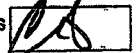
The recipient must collect and maintain data that measure the performance and effectiveness of activities under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.

12. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

13. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ

awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

14. The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "highrisk" for purposes of the DOJ high-risk grantee list.

15. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

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

16. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

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

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

17. Restrictions on "lobbying"

Federal funds may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government.

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

18. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2016)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2016, are set out at <http://ojp.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>, and are incorporated by reference here.

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

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

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax). Subrecipient may report to NVOAG at:

The Office of the Attorney General/Grants Unit
100 North Carson Street
Carson City, Nevada 89701-4717
Fax: 775-684-1102; AGgrants@ag.nv.gov

Additional information is available from the DOJ OIG website at <http://www.usdoj.gov/oig>.

20. Restrictions and certifications regarding non-disclosure agreements and related matters

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

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the NVOAG and subrecipient--

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a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the NVOAG and subrecipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both—

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

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

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

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

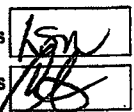
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Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

22. Encouragement of policies to ban text messaging while driving

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

- 23. NVOAG and subrecipient agrees to participate in a data collection process measuring program outputs and outcomes. The data elements for this process will be outlined by the Office of Justice Programs.**
- 24. NVOAG and subrecipient agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.**
- 25. NVOAG and subrecipient agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.**
- 26. NVOAG and subrecipient agrees that assistance funds awarded under this grant will not be used to support any inherently religious activities, such as worship, religious instruction, or proselytization. If the grantee refers participants to, or provides, a non-Federally funded program or service that incorporates such religious activities, (1) any such activities must be voluntary for program participants, and (2) program participants may not be excluded from participation in a program or otherwise penalized or disadvantaged for any failure to accept a referral or services. If participation in a non-Federally funded program or service that incorporates inherently religious activities is deemed a critical treatment or support service for program participants, the grantee agrees to identify and refer participants who object to the inherently religious activities of such program or service to, or provide, a comparable secular alternative program or service.**
- 27. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.**
- 28. Recipient agrees that funds provided under this award may not be used to operate a "pay-to-stay" program in any local jail. Recipient further agrees not to subaward funds to local jails which operate "pay-to-stay" programs.**
- 29. The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier**



"subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <http://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

30. Award recipients must verify Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
31. **IPVOMG** and subrecipient acknowledges that the Office of Justice Programs (OJP) reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

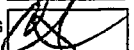
The **IPVOMG** and recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

32. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service: "This Web site is funded in whole or in part through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)." The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

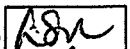





33. Subrecipient agrees to submit to NVOAG (who will then submit to BJA) for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. 2016-AK-BX-K004 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.
34. All program authority and responsibility inherent in the Federal stewardship role shall remain with the Bureau of Justice Assistance (BJA). BJA will work in conjunction with the recipient to routinely review and refine the work plan so that the program's goals and objectives can be effectively accomplished. BJA will monitor the project on a continual basis by maintaining ongoing contact with the recipient and will provide input to the program's direction, in consultation with the recipient, as needed.
35. Within 45 calendar days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:
- 1) name of event;
 - 2) event dates;
 - 3) location of event;
 - 4) number of federal attendees;
 - 5) number of non-federal attendees;
 - 6) costs of event space, including rooms for break-out sessions;
 - 7) costs of audio visual services;
 - 8) other equipment costs (e.g., computer fees, telephone fees);
 - 9) costs of printing and distribution;
 - 10) costs of meals provided during the event;
 - 11) costs of refreshments provided during the event;
 - 12) costs of event planner;
 - 13) costs of event facilitators; and
 - 14) any other costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;

- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
 4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

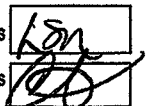
Further instructions regarding the submission of this data, and how to determine costs, are available in the OJP

Financial Guide Conference Cost Chapter.

36. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

37. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
38. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to OJP all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).
39. Recipient understands and agrees that it must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>), and that it must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other requirements, refer to BJA's website. Failure to submit required reports by established deadlines may result in the freezing of grant funds and High Risk designation.
40. Recipient may not obligate, expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received and approved the required application attachment(s) and has issued a Grant Adjustment Notice (GAN) releasing this special condition.

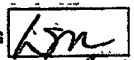



41. Recipient may not obligate, expend, or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Budget Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
42. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <http://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

43. The recipient is authorized to incur obligations, expend, and draw down funds for travel, lodging, and per diem costs only, in an amount not to exceed \$15,000, for the sole purpose of attending a required OJP conference associated with this grant award. The grantee is not authorized to incur any additional obligations, or make any additional expenditures or draw downs until the awarding agency and the Office of the Chief Financial Officer (OCFO) has reviewed and approved the recipient's budget and budget narrative, and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.
44. The recipient agrees not to obligate, expend, or draw down any funds until the program office has verified that the recipient has submitted all necessary documentation required to comply with the Department of Justice Procedures for Implementing the National Environmental Policy Act found at 28 CFR Part 61 and a Grant Adjustment Notice has been issued removing this condition.
45. The recipient may not obligate, expend or draw-down more than 25% of the total eligible award amount until a completed inventory and/or certification of a completed inventory has been provided to BJA. BJA will review the inventory documentation to ensure that it contains a detailed and descriptive list of Sexual Assault Kits (SAKs), containing information such as, but not limited to: item identifiers, quantity, and location of the item. Once BJA has reviewed and approved the grant recipient's certification or certificate thereof, a Grant Adjustment Notice (GAN) will be issued removing this special condition.
46. Sub-recipient agrees to provide NVOAG with a Semi-Annual Narrative Report detailing progress made on stated goals. The first report is due no later than July 15, 2017, with each subsequent report due in six-month increments. Specific program report formats will be provided prior to July 1, 2017.
47. This is a cost-reimbursable award. Sub-recipient agrees to submit Monthly Financial Reports (MFR: AG-013) to NVOAG with all back-up documentation to justify expenditures. MFR is to be submitted no later

the end of the month following a claim period (i.e. March 2017 MFR is due by April 30, 2017). An MFR must be submitted monthly even if no reimbursement funds are requested. Signed MFR and backup may be scanned and submitted electronically, faxed or mailed to NVOAG. NVOAG reserves the right to refuse MFR claims submitted past the due date. NVOAG also reserves the right to alter MFR due dates at the end of the grant period or in response to unforeseen circumstances upon electronic notification to sub-recipient.

All reports must be submitted to:

The Office of the Attorney General/Grants Unit
100 North Carson Street
Carson City, Nevada 89701-4717
Fax: 775-684-1102; AGgrants@ag.nv.gov

47. If applicable, recipient must provide NVOAG Grant Administrator an electronic and/or hard copy of their most current agency audit and annual reports no later than December 15 during their grant period.
48. The recipient agrees to comply with applicable requirements regarding CCR and applicable restrictions on sub-awards to first-tier sub-recipients. The details of recipient obligations are posted on the OVW web site at <http://www.ovw.usdog.gov/docs/ccr-award-term.pdf> (Award condition: CCR and Universal Identifier Requirements (DUNS)), and are incorporated by reference here.
49. The recipient agrees to comply with applicable requirements to report first-tier sub-awards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier sub-recipients of award funds. Such data will be submitted to the FFATA Sub-award Reporting System (FSRS). The details of recipient obligations, which derive from the FFATA of 2006, are posted on the OVW web site at: <http://ovw.usdoj.gov/docs/ffata-award-term.pdf> (Award condition: Reporting Sub-awards and Executive Compensation), and are incorporated by reference here

