

APPLICATION FOR

| | | | | |
|--|----------------------------|--|------------------------------|---------------------------------------|
| 1. TYPE OF SUBMISSION Application Non-Construction | | 2. DATE SUBMITTED 06/11/2009 | APPLICATION IDENTIFIER | |
| | | 3. DATE RECEIVED BY STATE | STATE APPLICATION IDENTIFIER | |
| | | 4. DATE RECEIVED BY FEDERAL AGENCY | FEDERAL IDENTIFIER | |
| 5. APPLICANT INFORMATION | | | | |
| Legal Name City of Lexington | | Organizational Unit Lexington Police Department | | |
| Address (city, state, and zip code) 106 North Main Street Lexington, North Carolina 27292-3416 | | Name and telephone number of the person to be contacted on matters involving this application Christopher Leonard (336) 243-6717 | | |
| 6. EMPLOYER IDENTIFICATION NUMBER (EIN) 56-6000233 | | 7. TYPE OF APPLICANT Municipal | | |
| 8. TYPE OF APPLICATION New | | 9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance | | |
| 10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE Number: 16.804 CFDA Title: 16.804 - Recovery Act - Justice Assistance Grants - Localities | | 11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Technology advances for public and officer safety | | |
| 12. AREAS AFFECTED BY PROJECT City of Lexington | | | | |
| 13. PROPOSED PROJECT | | 14. CONGRESSIONAL DISTRICT(S) OF | | |
| Start Date: 07/01/2009 | Ending Date: 07/01/2013 | a. Applicant NC12 | b. Project NC12 | |
| 15. ESTIMATED FUNDING | | 16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? | | |
| a. Federal | \$94,004 | Program is not covered by E.O. 12372 | | |
| b. Applicant | \$0 | | | |
| c. State | \$0 | | | |
| d. Local | \$0 | | | |
| e. Other | \$0 | | | |
| f. Program Income | \$0 | | | |
| g. Total | \$94,004 | 17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? N | | |
| 18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED. | | | | |
| a. Typed Name of Authorized Representative John Gray | | b. Title City Manager | | c. Telephone number (336) 243-2489 |
| d. Signature of Authorized Representative | | | | e. Date Signed |

Previous Editions Not Usable

Standard Form 424 (Rev 4-88)
Prescribed by OMB Circular A-102

Lexington Police Department

Project Narrative

(Attachment 1)

The equipment we propose to purchase with the JAG funds is intended to increase officer safety and help in the detection of criminal activities. The Lexington Police Department proposes to purchase three separate pieces of equipment that will include (8) In-Car Video camera systems, an automatic license plate reader system and a Live Scan fingerprint system to help officers process fingerprint images used in the identification of individuals involved in criminal behavior.

This project helps to address three separate issues. The In-Car video camera systems are used by patrol and interdiction officers as documentation for court so they spend less time testifying. They also provide evidence in use of force cases and officer complaints. The Automatic License Plate Reader technology can be a great tool in removing suspended and revoked drivers from the road, recovery of stolen vehicles, drug interdiction and highway safety in general. The third issue is Live Scan fingerprint technology. The Live Scan system can provide real time recognition of individuals from electronically captured fingerprint impressions. It also makes the prints more reliable and gets the officer back on the street faster.

All these technologies will help the Lexington Police Department decrease the time spent on investigating officer complaints, testifying in court, searching for stolen cars and identifying suspects, which will put officers back on the street faster where they are needed.

Lexington Police Department
 Budget Summary and Review
 (Attachment 2)

| <u>Equipment</u> | <u>Total Cost</u> |
|--|-------------------------|
| 1. Motorola Printrak LiveScan Station | \$ 29,000.00 |
| 2. (8) WatchGuard DV-1 Digital In-Car Camera Systems | \$ 40,004.00 |
| 3. ELSAG North America MPH900 Automatic License Plate Reader | \$ 25,000.00 |
| Project Grand Total | \$ 94,004.00 |
| Federal Request | \$ 94,004.00 |

Budget Review

The JAG funds will be used to purchase three pieces of equipment. Any additional funds needed, will be provided by the Lexington Police Department.

The use of these items will help officers to get back on the street faster and aid in the apprehension of criminals. They will be purchases as the funds become available during the grant period.

Lexington Police Department

Review Narrative (Attachment 3)

The JAG application was made public for review on April 13, 2009 by public notice to the Lexington City Council and Mayor John T. Walser during the council meeting. Public notice was also placed in "The Dispatch", a local newspaper on April 16, 2009 as well.

By established practice, an opportunity was given to the public to comment on the grant application in person and or by email. No public comment was made about the JAG application at that meeting. Copies of the announcement and newspaper articles were made for documentation. See next page for documentation.

(Attachment 3)
Continued

STATE OF NORTH CAROLINA
COUNTY OF DAVIDSON
CITY OF LEXINGTON

PUBLIC NOTICE

**PUBLIC NOTICE OF ELIGIBILITY AND ACCEPTANCE OF AN
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
TO THE LEXINGTON POLICE DEPARTMENT.**

The Lexington Police Department will apply for grant funds in the amount of \$94,004 made available from the United States Department of Justice, Office of Justice Programs Bureau of Justice Assistance.

Justice Assistance Grant (JAG) funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for law enforcement programs.

The purchase of law enforcement related items using JAG funds will be by jurisdictions using low bid process or purchasing under the State of North Carolina Division of Purchasing contracts.

Following approval of the application and receipt of the grant funds, the Lexington Police Department intends to purchase one Live Scan inkless fingerprint system, one Automatic License Plate Recognition System, and eight in-car digital video camera systems.

All persons interested in speaking for or against the proposed use of the JAG grant are given the opportunity to comment on the acceptance of the grant funds by contacting the Lexington Police Department, Attention Lieutenant Chris Leonard, 28 West Center Street, Lexington, NC 27292, telephone 336.243.3302, or via email at chrisl@lexingtonnc.net

This the 13th day of April, 2009.

CITY OF LEXINGTON

By: John T. Walser, Jr., Mayor
Sara S. Lanier, MMC, City Clerk

Publish: April 16, 2009

POSTED: CITY HALL BULLETIN BOARD

APRIL 16, 2009

12:00 NOON

SARA S. LANIER, MMC CITY CLERK

Lexington Police Department

Abstract (Attachment 4)

Applicant's name: **City of Lexington Police Department**

Title of Project: **Criminal Apprehension and Detection**

The goals of this project are to use new technologies to assist officers in detecting and apprehending criminals. The Lexington Police Department is planning to purchase three items with the funds allocated by the JAG grant, (8) in-car video cameras, an automatic license plate recognition system and a Live Scan fingerprint station.

The in-car video cameras will be used by patrol officers to document crimes in progress, provide documentation for court, and as a tool in use of force incidents and complaints.

The automatic license plate recognition will be used by officers to recover stolen cars and tags, highway drug interdiction and removing revoked drivers from our streets.

The Live Scan fingerprint station will be used to fingerprint arrestees, provide applicant background identification and immediate feedback in cases involving possible wanted persons and identity theft.

All these technologies will help officers be more productive and get them back on the street faster and safer than ever before. This upgrade in technology will help us to obtain our overall goal of reducing crime and becoming more efficient with the resources we have now.

Lexington Police Department
Certifications (Attachment 5)

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

Certification as to Recovery Act Reporting Requirements

On behalf of the applicant entity named below, I certify the following to the Office of Justice Programs, U.S. Department of Justice:

I have personally read and reviewed the section entitled "Accountability and Transparency under the Recovery Act" in the program announcement for the Recovery Act grant program identified above. I have also read and reviewed section 1512(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), concerning reporting requirements for grants. I agree that the applicant will comply with the reporting requirements set forth therein with respect to any grant the applicant may receive under the Recovery Act grant program identified above.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant entity (that is, the entity applying directly to the Office of Justice Programs).

John L. Gray
Signature of Certifying Official

John L. Gray
Printed Name of Certifying Official

City Manager
Title of Certifying Official

City of Lexington
Full Name of Applicant Entity

5-14-09
Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

On behalf of the applicant State or unit of local government (including tribal government) named below, I certify the following to the Office of Justice Programs ("OJP"), U.S. Department of Justice:

I have personally read and reviewed the section entitled "Eligibility" in the program announcement for the Recovery Act grant program named above. I also have personally read and reviewed section 1511 of the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), which requires a specific certification prior to receipt of Recovery Act funds for infrastructure investments.

Initial the statement that applies:



The applicant identified below **does not intend to use** any portion of any funds received under this Recovery Act grant program for any infrastructure investment. Should this intention change, the applicant will promptly notify OJP, and (except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law) will not draw down, obligate, or expend any funds received under this Recovery Act program for any infrastructure investment project until section 1511 of the Recovery Act has been satisfied, and an adequate project-specific certification has been executed, posted, and submitted to OJP.

_____ The applicant identified below **does intend to use** some or all of any funds received under this Recovery Act grant program for one or more infrastructure investment projects. Except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law, I agree that the applicant entity will execute, post, and submit to OJP, prior to obligating, expending, or drawing down funds for such project, a project-specific certification that satisfies all of the requirements of section 1511 (including execution by the Governor, mayor, or other chief executive, as appropriate) for each such infrastructure investment project.

Lexington Police Department
Certification (Attachment 5)

Page 2 of 2

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant (that is, the governmental entity applying directly to the Office of Justice Programs).

John L. Gray
Signature of Certifying Official

John L. GRAY
Printed Name of Certifying Official

City Manager
Title of Certifying Official

City of Lexington, North Carolina
Full Name of Applicant Government Entity

5-14-09
Date

American Recovery and Reinvestment Act (Recovery Act) Site Visit Checklist and Desk Review Addendum

The American Recovery and Reinvestment Act (Recovery Act) and accompanying Office of Management and Budget (OMB) guidance outlines management and reporting requirements for Recovery Act grant funds. Although many of these requirements are met through OJP's standard monitoring activities, there are some areas requiring an increased emphasis or the development of new guidance.

The following addendum applies to both desk reviews and on-site monitoring reviews, and outlines these new requirements of the Recovery Act and associated OMB guidance. Grant managers should pay particular attention to these items in addition to those required for standard desk reviews and on-site monitoring when reviewing Recovery Act grants.

Unless activities detailed in this addendum are identified as applicable only to on-site monitoring, they should be completed for both desk reviews and on-site monitoring visits. Additionally, please note that this addendum is not a substitute for the standard site visit checklist or desk review activities outlined in the Grant Manager's Manual (GMM).

The following review elements are included in the standard Site Visit Checklist, but require increased attention for Recovery Act grants:

- **Commingling of Funds (Site Visit Checklist Item 4)**
 - Additional items to check while on-site:
 - New codes for Recovery Act funded programs and Recovery Act transactions (e.g., ARRA-BJA; ARRA-OVW-STOP; ARRA COPS).
 - Separate tracking of hours for a position funded partially with Recovery Act dollars.
- **Subgrantee Monitoring (Site Visit Checklist Items 7 and 13)**
 - Additional items to check while on-site:
 - Verify that subgrantee award documents or subcontracts include Recovery Act requirements such as: CCR registration; Buy American, if applicable; and Wage Rate, if applicable.

This addendum must be completed and uploaded to GMS for site visits and desk reviews of Recovery Act grants. To upload to GMS:

1. Log onto GMS and click the "Grant Monitoring" tab.
2. Click "Grant Monitoring File" from the menu on the left side of the screen.
3. Select the grant from the list, or use the search function to locate the grant.
4. Attach the completed Addendum following the appropriate steps for a desk review or site visit.
 - For site visits:
 - Select "Attachments" from the menu to the left of the screen.
 - Upload the completed addendum to this location.
 - For desk reviews:
 - Select "Desk Reviews" from the menu to left of the screen.
 - Select the appropriate "Desk Review ID" from the menu, or create a new desk review and enter the date on which the desk review was completed.
 - Upload the completed addendum under "Supporting Documents."

Grant Information

| | |
|--|---|
| Type of Review | <input checked="" type="checkbox"/> Desk Review <input type="checkbox"/> Site Visit |
| Grantee Organization(s): LEXINGTON CITY OF | Grant Number(s): 2009-SB-B9-1763 |
| Date of Desk Review/ Site Visit Start and End Dates: 2/27/2010 | Desk Review/Site Visit ID Number: |

| | ITEM | COMPLETED | | | COMPLETED BY |
|---|---|-----------|----|-----|--------------|
| | | YES | NO | N/A | |
| A1. | Check that the grantee and subgrantees have complied with Recovery Act reporting requirements under Section 1512 of the Recovery Act. | Y | | | STARR SMALL |
| COMMENTS AND/OR ACTION ITEMS | | | | | |
| <p>The grantee appears to have complied with the Recovery Act reporting requirements under Section 1512 of the Recovery Act. The grantee reported on project activities, completion status, and jobs created/retained, as required.</p> | | | | | |
| ISSUES FOR RESOLUTION | | | | | |
| None noted. | | | | | |
| GUIDANCE | | | | | |
| <ul style="list-style-type: none"> • Recovery Act section 1512(c) provides: <ul style="list-style-type: none"> (c) Recipient Reports- Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report at http://federalreporting.gov that contains the following data elements — <ul style="list-style-type: none"> ○ The amount of funds received ○ Amount spent on projects and activities ○ Projects and activities funded, including: <ul style="list-style-type: none"> ▪ A description of the project or activity, ▪ The completion status, ▪ The number of jobs created or retained in FTE's ▪ Description of Jobs created or retained ▪ Details about subawards and subcontracts. | | | | | |

- Prior to the site visit and during a desk review, determine whether the grantee has submitted quarterly reports on the use of funds (in accordance with the reporting requirements and data elements at <http://federalreporting.gov>) listed above no later than ten calendar days after each calendar quarter.
- **What to look for in a Section 1512 (c) Report:**
 - Verify that the recipient is reporting cumulative data as directed in the Recovery Act.
 - Project Status is proportionate to the number of months a project has been operating.
 - Project Name/Title matches the project name on the award document.
 - Award Description reflects the goals and objectives in the application.
 - Activity Codes accurately describe the project.
 - Infrastructure data fields accurately reflect the project, if applicable.
 - Expenditures proportionate to the number of months a project has been operating.
 - Expenditures proportionate to the total Federal funds received/invoiced.
- Are any existing inaccuracies in reported data still posted?
 - What steps (if any) have been taken to remedy the inaccurate data?
- If reports were late, what was the cause?
 - What steps (if any) have been taken to remedy the late reporting?
- If the grantee has delegated responsibility for reporting to one or more first-tier subgrantees:
 - Is the delegation documented?
 - Are subgrantees with delegated responsibility complying with the above guidance?
 - Note: Responsibility for reporting on job creation cannot be delegated.
- Is the grantee reporting jobs creation/retention data based on a sample of its subgrants, or is the grantee reporting actual numbers?
 - If reporting based on a sample does the grantee have a GAN on file from OJP allowing sampling?

In addition to the items above, the following should be addressed as part of an on-site monitoring visit:

- Identify whether an automated or manual system is used for data collection. Is the method or process for collecting data centralized, organized, and consistent?
- Did the grantee experience any difficulty in reporting actuals because of the reporting timeframe?
- Does the grantee anticipate needing to update prior reports or use estimated data (for elements other than job creation data) in the future?
- When on-site, review and verify documentation supporting all reported data. Documents reviewed should provide evidence that
 - Created/retained positions and overtime hours are funded by Recovery Act awards,
 - Personnel are directly supporting Recovery Act projects and activities, and
 - Positions meet the criteria for created/retained positions and overtime hours.
 - Recipients are reporting only the hours worked from the award date to the end date of the end of the reporting period.
- Recommended documentation to review:
 - **Created Jobs**
 - Old and new organizational charts
 - New position descriptions
 - Job postings, offer letters and acceptance forms
 - Staffing lists
 - Timecards and payroll records
 - **Retained Jobs**

- Budget comparisons and/or projections before and after the project period start of the Recovery Act awards(s)
- Formal layoff recommendations and retractions (memos, reports)
- Minutes of formal meetings where official budget decisions are made
- Timecards and payroll records
- Employee activity reports
- **Overtime**
 - Timecards and payroll records
 - Employee activity reports

*For additional guidance on recipient reporting please go to the OJP Recovery Act Website <http://www.ojp.gov/recovery/>

| | ITEM | COMPLETED | | | COMPLETED BY |
|--|--|-----------|----|-----|--------------|
| | | YES | NO | N/A | |
| A2. | Determine whether the grant program(s) being monitored prohibit supplanting. | Y | | | STARR SMALL |
| COMMENTS AND/OR ACTION ITEMS | | | | | |
| The ARRA Justice Assistance Grant prohibits supplanting. The Authorized Representative signed off on these conditions when accepting the award. | | | | | |
| ISSUES FOR RESOLUTION | | | | | |
| None noted. | | | | | |
| GUIDANCE | | | | | |
| <ul style="list-style-type: none"> • Supplanting: General Definition. For a State or unit of local government to reduce State or local funds for an activity specifically because federal funds are available (or expected to be available) to fund that same activity. When supplanting is not permitted, federal funds must be used to supplement existing State or local funds for program activities and may not replace State or local funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace State or local funding that is required by law. In those instances where a question of supplanting arises, the applicant or grantee will be required to substantiate that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds • The following programs prohibit supplanting: <ul style="list-style-type: none"> ○ Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: State Solicitation ○ Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation ○ Recovery Act: Correctional Facilities on Tribal Lands Program ○ Recovery Act: OVC FY09 VOCA Victim Assistance Formula Grant Program ○ Recovery Act: OVC FY09 VOCA Victim Compensation Formula Grant Program ○ Recovery Act: National Field-Generated Training, Technical Assistance, and Demonstration Projects ("VOCA discretionary grants") ○ Recovery Act: Tribal Crime Data Collection, Analysis and Estimation Project • Due to the difficult nature of determining whether supplanting has taken place, the grant manager should contact the Office of the Chief Financial Officer if they suspect supplanting in any of the above programs. | | | | | |

| | ITEM | COMPLETED | | | COMPLETED BY |
|---|---|-----------|----|-----|--------------|
| | | YES | NO | N/A | |
| A3. | Check Special Condition – Limit on Funds (Section 1604) | Y | | | STARR SMALL |
| COMMENTS AND/OR ACTION ITEMS | | | | | |
| The grantee does not appear to have violated this special condition. | | | | | |
| ISSUES FOR RESOLUTION | | | | | |
| None noted. | | | | | |
| GUIDANCE | | | | | |
| <ul style="list-style-type: none"> • Section 1604 of the Recovery Act provides: None of the funds appropriated or otherwise made available in this Act may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool. • Prior to a site visit and during a desk review, examine progress reports, financial reports, etc, for any indication that funds have not been directly used for construction costs or support of the establishments listed above. <ul style="list-style-type: none"> ○ Below are scenarios involving "support" of these establishments: <ul style="list-style-type: none"> ▪ A mentoring program plans to take a group of youths to spend the day at a community pool. The program may pay for transportation to and from the pool using Recovery Act funding, but may not pay any pool entrance fees. ▪ A conference is being held at a hotel containing a casino. Each guest receives \$10 in complementary gaming chips for staying at the hotel. In this scenario the value of the chips must be deducted from any reimbursement for the room using Recovery Act funding (ex: if the room cost was \$200 for the length of the conference, \$190 could be paid for using Recovery Act funding). ▪ A conference is being held at a hotel containing a pool. Use of the pool is included in the room rate for the hotel. In this case there is no restriction on the use of Recovery Act funds, since there is not a separate usage fee for the pool. ▪ A state has been awarded Recovery Act funds through the Byrne Justice Assistance Grant (JAG) Program, and wants to use a portion of the funds to install surveillance cameras at a local golf course to discourage and prevent vandalism. This equipment would aid in providing security for the golf course, and as such is prohibited under the Recovery Act. ▪ A state has been awarded Recovery Act funds through the Byrne JAG Program that has been used to supplement overtime pay for police officers. On the night of a large boxing match at a casino, additional | | | | | |

officers are requested to provide security. The overtime paid to any officers working this event must not be paid using Recovery Act funds since it is being held at a casino.

In addition to the items above, the following should be addressed as part of an on-site monitoring visit:

- If there are any concerns that arise while on-site based on initial questions, the grant manager should request lists of expenditures for the project in question and/or contact his or her supervisor.
- Recommended documentation to review:
 - Progress reports,
 - Financial reports
 - Receipts
 - Project summaries
 - Conference agendas and/or brochures

| ITEM | COMPLETED | | | COMPLETED BY |
|--|-----------|----|-----|--------------|
| | YES | NO | N/A | |
| A4. Check Special Condition - Infrastructure Investment (Section 1511) Special Condition - Preference for Quick Start Activities (Section 1602) | Y | | | STARR SMALL |
| COMMENTS AND/OR ACTION ITEMS | | | | |
| The grantee submitted the signed certifications stating that they will not make infrastructure investments with this grant award. | | | | |
| ISSUES FOR RESOLUTION | | | | |
| None noted. | | | | |
| GUIDANCE | | | | |
| <ul style="list-style-type: none"> • Section 1511 of the Recovery Act provides: With respect to covered funds made available to State or local governments for infrastructure investments, the Governor, mayor, or other chief executive, as appropriate, shall certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Such certification shall include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and shall be posted on a website and linked to the website established by section 1526. A State or local agency may not receive infrastructure investment funding from funds made available in this Act unless this certification is made and posted. • Section 1602 of the Recovery Act provides: In using funds made available in this Act for infrastructure investment, recipients shall give preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the date of the enactment of this Act. Recipients shall also use grant funds in a manner that maximizes job creation and economic benefit. • As a general guideline, DOJ defines infrastructure as project requiring "bricks and mortar," that is, projects resulting in, or directly and substantially affecting, a tangible physical structure; or other similar construction, repair, or major renovation projects. <ul style="list-style-type: none"> ○ Projects that require review under applicable environmental laws (e.g., NEPA) are likely to be considered infrastructure. ○ Infrastructure examples include: <ul style="list-style-type: none"> ▪ building or renovating a correctional facility, ▪ building a road, ▪ modifying the exterior of a building, and | | | | |

- modifying the purpose of a building through major renovation.

- Has the grantee submitted a certification for any infrastructure investments?
- Did the grantee use 50% of the funds for activities that were initiated for infrastructure no later than 120 days after the date of the enactment of the Recovery Act (June 13, 2009)?

In addition to the items above, the following should be addressed as part of an on-site monitoring visit:

- Can the grantee certify that preference for infrastructure investment projects has been given to activities that can be started and completed expeditiously, and have used award funds in a manner that maximizes job creation and economic benefits?
- Recommended documentation to review:
 - Infrastructure certification
 - Project schedules for infrastructure projects

| ITEM | COMPLETED | | | COMPLETED BY |
|--|-----------|----|-----|--------------|
| | YES | NO | N/A | |
| A5. Check Special Condition - Buy American Act (Section 1605) | Y | | | STARR SMALL |
| COMMENTS AND/OR ACTION ITEMS | | | | |
| This grant project does not involve construction, alteration, maintenance, or repair of a public building or public work. The grantee signed the certifications indicating there would be no infrastructure investment. | | | | |
| ISSUES FOR RESOLUTION | | | | |
| None noted. | | | | |
| GUIDANCE | | | | |
| <p>Activities associated with this guidance apply only to on-site monitoring visits.</p> <ul style="list-style-type: none"> • Section 1605 of the Recovery Act provides: Use of American Iron, Steel, and Manufactured Goods. (a) None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. <ul style="list-style-type: none"> ○ Public work is defined in 2 CFR 176.140 • DOJ may approve a waiver to the Buy American provision for the following reasons: <ul style="list-style-type: none"> ○ Non-availability <ul style="list-style-type: none"> ▪ Iron, steel, or relevant manufactured goods not produced or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality; or ○ Unreasonable cost <ul style="list-style-type: none"> ▪ Cost of domestic iron, steel, or relevant manufactured goods will increase the cost of the overall project by more than 25 percent. ○ Inconsistent with public interest <ul style="list-style-type: none"> ▪ Application of the restrictions of Section 1605 of the Recovery Act would be inconsistent with public interest. • When a waiver is submitted, the Office of General Counsel (OGC) will make determinations for Buy American. <ul style="list-style-type: none"> ○ Forward all waiver requests to OGC as soon as the request is submitted. ○ If a waiver request is approved, DOJ will publish a detailed, written justification as to why the provision is being waived in the Federal Register. • Any questions related to the Buy American Act should be forwarded to OGC. | | | | |

| | ITEM | COMPLETED | | | COMPLETED BY |
|--|--|-----------|----|-----|--------------|
| | | YES | NO | N/A | |
| A6. | Check Special Condition - Wage Requirements (Section 1606) | Y | | | STARR SMALL |
| COMMENTS AND/OR ACTION ITEMS | | | | | |
| The grant program does not involve construction, so this condition is not applicable. | | | | | |
| ISSUES FOR RESOLUTION | | | | | |
| None noted. | | | | | |
| GUIDANCE | | | | | |
| <ul style="list-style-type: none"> • Section 1606 of the Recovery Act provides: Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code. • Has the grantee included the standard Davis-Bacon contract clauses (found in 29 CFR 5.5(a)) in any covered contracts made under this award that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating)? <ul style="list-style-type: none"> ○ If the grantee has not included these clauses and this is an on-site monitoring visit, the grant manager should examine: <ul style="list-style-type: none"> ▪ if the grantee aware of the requirements under Section 1606. ▪ if the grantee can certify that it has reviewed its contacts to ensure that all laborers and mechanics employed by contractors and subcontractors on projects funded fully or partially by Recovery Act funds paid wages at rates not less than those prevailing on projects of a character similar in the locality. <p>In addition to the items above, the following should be addressed as part of an on-site monitoring visit:</p> <ul style="list-style-type: none"> • Recommended documentation to review <ul style="list-style-type: none"> ○ Job postings ○ Offer letters ○ Timecards ○ Payroll records ○ Local prevailing wages at Wage Determinations Online (http://www.wdol.gov/) | | | | | |

| ITEM | COMPLETED | | | COMPLETED BY | |
|---|--|----|-----|--------------|-------------|
| | YES | NO | N/A | | |
| A7. | Check Special Condition - National Environmental Policy Act (Section 1609) | Y | | | STARR SMALL |
| COMMENTS AND/OR ACTION ITEMS | | | | | |
| This grant award does not involve construction, so this condition does not apply. | | | | | |
| ISSUES FOR RESOLUTION | | | | | |
| None noted. | | | | | |
| GUIDANCE | | | | | |
| Activities associated with this guidance apply only to on-site monitoring visits. | | | | | |
| <ul style="list-style-type: none"> • Section 1609 of the Recovery Act provides: <ul style="list-style-type: none"> ○ The National Environmental Policy Act (NEPA) protects public health, safety, and environmental quality by ensuring the transparency, accountability, and public involvement in federal actions and in the use of public funds; ○ The NEPA helps to provide an orderly process for considering federal action and funding decisions, and prevents litigation and delay that would otherwise be inevitable and existed prior to the establishment of the NEPA; ○ Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the NEPA are completed on an expeditious basis, and that the shortest existing applicable process under NEPA shall be utilized. • If OJP funds will be used for major renovation projects or any new construction, or programs involving the use of chemicals or any other activity, including research and technology development, that may have an effect on the environment, grant managers should ensure: <ul style="list-style-type: none"> ○ that the funding recipient provides a full description of proposed project activities to OJP, and an Environmental Assessment (EA) is prepared, and ○ prior to allowing a recipient to spend OJP funds for such a project, OJP must make a finding that the project does not significantly affect the environment, and that further environmental analysis is not necessary. • Recommended documentation to review <ul style="list-style-type: none"> ○ Proposed project description in the grant application, ○ Environmental Assessment, and/or ○ Additional documentation on environmental assessments, impact analyses, etc. | | | | | |

| | ITEM | COMPLETED | | | COMPLETED BY |
|--|---|-----------|----|-----|--------------|
| | | YES | NO | N/A | |
| A8. | Justice Assistance Grant (JAG) Special Condition - Trust Fund | Y | | | STARR SMALL |
| COMMENTS AND/OR ACTION ITEMS | | | | | |
| There is no indication that the grantee has not followed this condition. | | | | | |
| ISSUES FOR RESOLUTION | | | | | |
| None noted. | | | | | |
| GUIDANCE | | | | | |
| <ul style="list-style-type: none"> • Did the grantee establish a trust fund account? • Is the principle of funds being maintained, i.e. are JAG funds only being applied towards prior approved costs and/or activities? | | | | | |