



**STATE OF VERMONT**  
JOINT FISCAL OFFICE

**MEMORANDUM**

To: Joint Fiscal Committee members  
From: Daniel Dickerson, Fiscal Analyst  
Date: March 18, 2020  
Subject: Grant Requests – JFO #3000

Enclosed please find one (1) item, which the Joint Fiscal Office has received from the Judiciary.

**JFO #3000** – \$1,998,911 from the U.S. Dept. of Justice (DOJ) to the VT Judiciary. This funding will be used to support the statewide Treatment Dockets Program. Specific activities will include setting up a new treatment docket management system, establishing a statewide advisory committee, sending docket judges and treatment team members to training, enhancing the capacity of existing drug treatment dockets, and conducting outcome and cost-benefit evaluations of treatment dockets. Funds will pay for two positions. An existing Washington County Treatment Coordinator, which was previously covered under a different federal funding source, would be paid using the new grant funds. The Judiciary also intends to fill a vacant limited-service position to serve as a grant project coordinator for this grant (see note below). The grant covers federal FY2020 through 2023.

*[JFO received 03/10/20]*

*Note: JFO has sought clarification from the Judiciary about the nature of the vacant limited-service position. Typically, these positions are tied to a specific grant or purpose.*

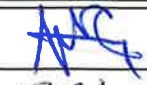

Please review the enclosed materials and notify the Joint Fiscal Office (Daniel Dickerson at (802) 828-2472; [ddickerson@leg.state.vt.us](mailto:ddickerson@leg.state.vt.us)) if you have questions or would like this item held for legislative review. Unless we hear from you to the contrary by April 1, 2020 we will assume that you agree to consider as final the Judiciary's acceptance of this request.

**State of Vermont**  
 Department of Finance & Management  
 109 State Street, Pavilion Building  
 Montpelier, VT 05620-0401

Agency of Administration

[phone] 802-828-2376  
 [fax] 802-828-2428

## STATE OF VERMONT FINANCE & MANAGEMENT GRANT REVIEW FORM

<b>Grant Summary:</b>		This grant will be used to implement a new information management system, train staff on new screening tools, develop (through creation of advisory committee) policy/procedure documentation, fund an existing limited service position, and fill funding gaps in existing positions whose federal funding sources have not increased with S&B costs.			
<b>Date:</b>		2/14/2020			
<b>Department:</b>		Judiciary			
<b>Legal Title of Grant:</b>		Drug Court Discretionary Grant Program			
<b>Federal Catalog #:</b>		16.585			
<b>Grant/Donor Name and Address:</b>		Bureau of Justice Assistance, U.S. Dept of Justice, Office of Justice Programs			
<b>Grant Period:</b>		<b>From:</b>	<b>To:</b>		
		10/1/2019	9/30/2023		
<b>Grant/Donation</b>		<del>\$2,667,884</del> ? <b>1,998,911</b>			
	<b>SFY 1</b>	<b>SFY 2</b>	<b>SFY 3</b>	<b>Total</b>	<b>Comments</b>
<b>Grant Amount:</b>	<del>\$421,030</del>	<del>\$652,104</del>	<del>\$789,009</del>	<del>\$2,667,884</del>	Yr 4 not in "Total"
	<b>215,425</b>	<b>488,368</b>	<b>591,609</b>	<b>1,998,911</b>	
<b>Position Information:</b>	<b># Positions</b>	<b>Explanation/Comments</b>			
	0	(JPS Yr. 4 - <del>\$805,741</del> ) <b>603,515</b>			
<b>Additional Comments:</b>		Judiciary has stated to F&M, via memo, that their comment in question #7 of Part 1 of their Grant Approval document, which states the Info Management System will cost more than the amount in the grant, is no longer accurate. Judiciary has since identified a web-based solution which they believe will not require additional funding, although they do note that yearly fees after the life of the grant will need to be expensed to their Court Technology Fund (designed to handle IT costs).			
<b>Department of Finance &amp; Management</b>				(Initial)	
<b>Secretary of Administration</b>				(Initial)	



**STATE OF VERMONT**  
**FINANCE & MANAGEMENT GRANT REVIEW FORM**

<b>Sent To Joint Fiscal Office</b>	3/10/20	<b>Date</b>



MEMORANDUM

To: Department of Finance and Management  
109 State Street, 5<sup>th</sup> Floor  
Montpelier, VT 05609  
Attention: **Tim Metayer**

From: Kim Owens, Treatment Court Programs Manager  
Division of Planning and Court Services  
Court Administrator's Office

Re: State of Vermont Request for Grant Acceptance (Form AA-1)

Date: November 20, 2019

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The Court Administrator's Office has received a Drug Court Discretionary Grant Program award in the amount of \$1,998,911 from the Bureau of Justice Assistance, U.S. Department of Justice, Office of Justice Programs for the period 10/1/2019 – 9/30/2023. The award will be used to assist with state-based coordination, services, evaluation, and training to support the statewide Treatment Dockets Program.

Attached in this email are the following documents for your review and consideration;

- Revised AA1 form
- Court approval to apply for a BJA grant
- Notice of Award
- Revised Grant Budget - Budget narrative and budget for distribution
- Grant Project timeline

Please provide notification when your review is complete and sent to JFO for final approval.

Thank you,  
Kim

**STATE OF VERMONT REQUEST FOR GRANT (\*) ACCEPTANCE (Form AA-1)**

BASIC GRANT INFORMATION			
1. Agency:	The Vermont Judiciary		
2. Department:	Court Administrator's Office		
3. Program:	Vermont Treatment Courts		
4. Legal Title of Grant:	Drug Court Discretionary Grant Program		
5. Federal Catalog #:	16.585		
6. Grant/Donor Name and Address: Bureau of Justice Assistance, U.S. Department of Justice, Office of Justice Programs			
7. Grant Period:	From:	10/1/2019	To: 9/30/2023
8. Purpose of Grant: The BJA award will be utilized to assist with state-based coordination, services, evaluation, and training and thereby support the statewide Treatment Dockets Program. The objectives are to enhance the effectiveness of treatment docket services statewide and promote adherence to evidence-based principles included in the National Association of Drug Court Professionals (NADCP) drug court standards. They include; procurement of a management information system compatible with the Judiciary's Next-Gen Court Case Management System; form an advisory committee to support development and implementation of Vermont standards, policies, and procedures; send team members to regional and national training; enhance the treatment dockets by implementing the Ohio Risk Assessment System Community Supervision Tool, a validated risk/assessment tool; provide veteran participants with urinary drug tests so they may be referred to treatment court; and to conduct process, outcome and cost-benefit evaluations for the treatment dockets in Chittenden, Rutland, and Washington Counties. The funding will also support 40% of (1) FTE judiciary staff regional coordinator position in Washington County in grant year 1 and 100% in years 2-4. The BJA budget as presented here reflects 100% funding for year 1, however, recent changes in ADAP funding received in September itemizing 60% funding for the Washington Coordinator will require an amendment to the BJA budget post approval in accordance with BJA policy. A full-time grant project coordinator limited service position previously held by Elexandra Arthers, and vacant since August, will be funded in years 1-4. The BJA grant will provide a subaward to Washington County Mental Health for 1 FTE case manager who is currently a team member and who was previously funded by a SAMHSA grant.			
9. Impact on existing program if grant is not Accepted: To achieve successful outcomes of reducing crime and addiction in treatment court dockets requires adherence to the Key Components of drug court and fidelity to the best practice standards as established by the National Association of Drug Court Professionals. The court administrator's office applied for this BJA funding to improve the treatment dockets ability to meet these requirements. 1. Obtain a new management information system. The existing Access data base MIS system being used to collect data to determine the efficacy of the treatment dockets to reduce recidivism and illicit drug use is too fragile to modify or link to the judiciaries new case management system and does not meet the data collection and reporting needs to show if the treatment dockets are effective. To be competitive in applying for funding and to show program efficacy to our government and stakeholders we require an adequate system to collect data and produce reports. 2. Formation of an advisory committee to oversee consistent policy and procedures that align with best practices. As treatment court practitioners rotate practices are often amended by new stakeholders without undergoing a process to ensure fidelity to the drug court model. This can result in the demise of long-established treatment dockets and/or result in poor outcomes. The committee with oversee operations consistent with the standards and key components.			

**STATE OF VERMONT REQUEST FOR GRANT (\*) ACCEPTANCE (Form AA-1)**

3. Training. Ongoing training is required for practitioners to acquire the tools to effectively apply behavior modification principles using sanctions and incentives to change participant behavior and stay informed on the latest available practices in illicit substance use and mental health. As practitioners change it is essential, they are properly trained so that they do no harm.
4. Implement the ORAS – CST. Programs currently use the short form ORAS-CSST that does not adequately screen potential participants for participation in the program and may be unnecessarily screening potential participants out. Best practice requires the use of a validated tool that assists in treatment planning, the CSST does not. DOC conducts validation of the ORAS-CST tool in Vermont and it is a preferred tool recommended by the NADCP.
5. Fund the Washington Coordinator salary: Since 2014 ADAP has level funded drug treatment courts in the amount of \$190,000 to support up to three regional coordinators' salary and benefits, and other related expenses. The additional salary expense and programmatic costs are sought through federal grants. In FY20 due to recent changes at ADAP, budget categories itemized a specific percentage of funds attributed to each of three regional coordinators; 63% in Chittenden County, 63% in Rutland County and 60% in Washington County disallowing use of the funds to fully fund 2 positions through ADAP and 1 position with BJA. Because the amount awarded by ADAP can only support two -not three- positions based on the average cost per position in FY20 of \$101,512, we anticipate the FY21 award to itemize two positions. Without BJA funds one treatment coordinator would not be funded likely resulting in a treatment court either closing or reducing operations which would significantly impact the cost benefit of the program and the sustainability of the treatment court.
6. Fund grant project coordinator: the oversight and reporting on federal statewide grant projects is extensive. To ensure the overall deliverables are met and to invest adequate time to develop an integrated business process for an MIS that enables reporting on best practices, requires expertise of an additional staff person to manage the statewide project. This position will also be responsible for contracts and the invoice tracking and payments from this grant.

**10. BUDGET INFORMATION**

	SFY 1	SFY 2	SFY 3	SFY 4
	FY In addition, BJA requires no 10.1.2019 - 9.30.2020	FY 10.1.2020 - 9.30.21	FY 10.1.2021 - 9.30.22	FY 10.1.2022 - 9.30.23
<b>Expenditures:</b>				
Personal Services	\$303,549	\$367,618	\$407,404	\$418,524
Operating Expenses	\$66,829	\$232,314	\$327,868	\$331,868
Grants <i>WCMH - case manager</i>	\$50,652	\$52,172	\$53,737	\$55,349
<b>Total</b>	\$421,030	\$652,104	\$789,009	\$805,741
<b>Revenues:</b>				
State Funds:	\$105,605	\$163,736	\$197,405	\$202,226
Cash	\$	\$	\$	
In-Kind	\$	\$	\$	
Federal Funds:	\$315,425	\$488,368	\$591,604	\$603,515
(Direct Costs)	\$	\$	\$	
(Statewide Indirect)	\$0	\$0	\$0	
(Departmental Indirect)	\$0	\$0	\$0	
Other Funds:	\$0	\$0	\$0	
Grant (source )	\$0	\$0	\$0	
<b>Total</b>	\$421,030	\$652,104	\$789,009	\$805,741
<b>Appropriation No:</b>	<i>App ID 2120500302</i>		<b>Amount:</b>	\$315,425
				\$
				\$
				\$

**STATE OF VERMONT REQUEST FOR GRANT (\*) ACCEPTANCE (Form AA-1)**

		\$
		\$
		\$
	<b>Total</b>	\$315,425

**Has current fiscal year budget detail been entered into Vantage?**  Yes  No

**PERSONAL SERVICE INFORMATION**

**11. Will monies from this grant be used to fund one or more Personal Service Contracts?**  Yes  No  
 If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.

Appointing Authority Name: Patricia Gabel Agreed by: \_\_\_\_\_ (initial)

12. Limited Service Position Information:	# Positions	Title
<b>Total Positions</b>		

**12a. Equipment and space for these positions:**  Is presently available.  Can be obtained with available funds.

**13. AUTHORIZATION AGENCY/DEPARTMENT**

I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):	Signature: <i>Kim Owens</i>	Date: 12/4/2019
	Title: Kim Owens, Programs Manager, Court Administrator's Office	
	Signature: <i>Gregg Mousley</i>	Date: 12-12-19
	Title: Gregg Mousley Chief of Finance and Administration	

**14. SECRETARY OF ADMINISTRATION**

<input checked="" type="checkbox"/> Approved:	(Secretary or designee signature) <i>Gregg Mousley</i>	Date: 2/20/20
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**15. ACTION BY GOVERNOR**

<input checked="" type="checkbox"/> Accepted	(Governor's signature) <i>[Signature]</i>	Date: 3/6/20
<input type="checkbox"/> Rejected		

**16. DOCUMENTATION REQUIRED**

Required GRANT Documentation	
<input checked="" type="checkbox"/> Request Memo	<input type="checkbox"/> Notice of Donation (if any)
<input checked="" type="checkbox"/> Dept. project approval (if applicable)	<input checked="" type="checkbox"/> Grant (Project) Timeline (if applicable)
<input checked="" type="checkbox"/> Notice of Award	<input type="checkbox"/> Request for Extension (if applicable)
<input checked="" type="checkbox"/> Grant Agreement	<input type="checkbox"/> Form AA-1PN attached (if applicable)
<input checked="" type="checkbox"/> Grant Budget	

**End Form AA-1**

(\*) The term "grant" refers to any grant, gift, loan, or any sum of money or thing of value to be accepted by any agency, department, commission, board, or other part of state government (see 32 V.S.A. §5).







U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

Grant

PAGE 1 OF 15

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Office of the Court Administrator 109 State Street Montpelier, VT 05609		4. AWARD NUMBER: 2019-DC-BX-0066	
		5. PROJECT PERIOD: FROM 10/01/2019 TO 09/30/2023 BUDGET PERIOD: FROM 10/01/2019 TO 09/30/2023	
		6. AWARD DATE 09/29/2019	7. ACTION Initial
2a. GRANTEE IRS/VENDOR NO. 000000434		8. SUPPLEMENT NUMBER 00	
2b. GRANTEE DUNS NO. 360705925		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Vermont Treatment Court Evidence Based Program		10. AMOUNT OF THIS AWARD \$ 1,998,911	
		11. TOTAL AWARD \$ 1,998,911	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY19(BJA - Drug Courts) 34 USC 10611; Pub. L. No. 116-6, 133 Stat 13, 114			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.585 - Drug Court Discretionary Grant Program			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Katharine T. Sullivan Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Patricia Gabel State Court Administrator	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 11/25/19
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DC 80 00 00 1998911		21. UDCUGT0322	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



CT NUMBER 2019-DC-BX-0066

AWARD DATE 09/29/2019

*SPECIAL CONDITIONS*

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award. By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts all such assurances or certifications as if personally executed by the authorized recipient official.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period - may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The U.S. Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. 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 DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2019 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2019 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), 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 FY 2019 award.

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

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

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 recipient is to contact OJP promptly for clarification.



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AWARD DATE 09/29/2019

*SPECIAL CONDITIONS*

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

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

Both the Point of Contact (POC) and all 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, 2017, 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, 2017, 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 <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection

The recipient 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.

6. 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.



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*SPECIAL CONDITIONS*

7. 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 the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

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

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

This 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).



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*SPECIAL CONDITIONS*

9. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or



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*SPECIAL CONDITIONS*

any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). E-Verify employer agents can email E-Verify at [E-VerifyEmployerAgent@dhs.gov](mailto:E-VerifyEmployerAgent@dhs.gov).

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

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

The recipient, and any subrecipient ("subgrantee") at any tier, 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 <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, 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, \$250,000). 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 <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.



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13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.



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

The recipient, and any subrecipient ("subgrantee") at any tier, 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 ("subgrantees"), 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 <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

**SCOPE.** This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. 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 "DOJ Grants Financial Guide").

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

The recipient must collect and maintain data that measure the performance and effectiveness of work 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 of 2010, and other applicable laws.

18. 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 <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.





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19. 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.

20. Potential imposition of additional requirements

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 "high-risk" for purposes of the DOJ high-risk grantee list.

21. 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.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. 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 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, 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, currently, 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 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



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24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP 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. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

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 these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2019)

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, 2019, are set out at <https://ojp.gov/funding/Explore/FY19AppropriationsRestrictions.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.

26. 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) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



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27. 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 recipient--

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 recipient 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.



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

The recipient (and any subrecipient at any tier) 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.

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.

29. 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.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at [OJP.ComplianceReporting@ojp.usdoj.gov](mailto:OJP.ComplianceReporting@ojp.usdoj.gov). For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

31. The recipient agrees to 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. 2019-DC-BX-0066 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.



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32. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its 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 monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

33. Verification and updating of recipient contact information

The recipient must verify its 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.

34. 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.

35. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

36. 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 (<https://bjapmt.ojp.gov/>). 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.

37. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).



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38. 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.

39. FFATA reporting: Subawards and executive compensation

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 <https://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-- (1) an award of less than \$25,000, or (2) 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).

40. The recipient understands and agrees that no award or matching funds may be used to provide services for violent offenders as defined in 42 U.S.C. 3797u-2, a "violent offender" means a person who—(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct— (A) the person carried, possessed, or used a firearm or dangerous weapon; (B) there occurred the death of or serious bodily injury to any person; or (C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.
41. Recipient understands and agrees that, to the extent that substance abuse treatment and related services are funded by this award, they will include needed treatment and services to address opioid abuse reduction.
42. The recipient agrees to submit to BJA, by the termination of the award period, an electronic copy of the final evaluation report. The final evaluation report must be submitted to BJA as a "Special Report," via the OJP Grants Management System Progress Reports Module.
43. Regarding medication-assisted treatment (MAT), the award recipient understands and agrees to the following: 1) all clients in a BJA-funded drug court have a right to access MAT under the care and prescription of a physician to the extent MAT is clinically indicated; 2) BJA-funded drug courts must not deny any eligible client enrollment to the drug court program because of their use of FDA-approved medications for the treatment of substance abuse; 3) MAT must be permitted to be continued for as long as the prescriber determines that the FDA-approved medication is clinically beneficial; 4) while under no circumstances can a BJA-funded drug court program deny access to MAT under the care and prescription of a physician when it is clinically indicated, a judge retains judicial discretion to mitigate/reduce the risk of abuse, misuse, or diversion of these medications; and 5) federal funds shall not be used to support activities that violate the Controlled Substances Act, 21 U.S.C. §§ 801-904.



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44. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.

45. 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.

46. Withholding of funds: Research and evaluation independence and integrity

The recipient may not obligate, expend, or draw down any award funds until: (1) it has provided to the grant manager for this OJP award information regarding research and evaluation independence and integrity in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made (or agreed to) any adjustments to the award (including as to amount) that OJP may require to prevent, eliminate, mitigate, or otherwise adequately address any actual or apparent personal or financial conflict of interest on the part of the investigators or other staff/consultants engaged in the research/evaluation or organizational conflict of interest on the part of the recipient entity, and (4) a Grant Adjustment Notice has been issued to remove this condition.

If this award is a "discretionary" award (i.e., not an award under a statutory "formula" program), the recipient understands and agrees that if it does not provide an adequate research and evaluation independence and integrity submission (as determined by OJP), or if it fails to implement (as determined by OJP) any safeguard included in its submission or required by OJP, this award may be terminated (without right of appeal), upon thirty (30) calendar days advance written notice by OJP.

47. 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.

48. Recipient may not obligate, expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Program Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.

49. 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 <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

## ATTACHMENT B (revision 11.14.2019)

### EXPENSES TO BE PAID FROM BJA GRANT FUNDS (FFY 2020-2023)

	Year 1 Oct 2019 - Sept 2020	Year 2 Oct 2020 - Sept 2021	Year 3 Oct 2021 - Sept 2022	Year 4 Oct 2022 - Sept 2023	TOTAL
<b>Subcategory 3A Funding (Statewide Enhancement)</b>					
Objective # 1.1(a) – RFP to procure MIS	-	-	-	-	\$ -
Objective # 1.1(b) – MIS development and integration	\$ -	\$ 100,000	\$ 195,000	\$ 195,000	\$ 490,000
Objective # 1.2(a) – Establish advisory committee	\$ -	\$ -	\$ -	\$ -	\$ -
Objective # 1.2(b) – Advisory committee meetings	\$ 1,624	\$ 1,624	\$ 1,624	\$ 1,624	\$ 6,496
Objective # 1.2(c) – Publication of Vermont standards	\$ -	\$ -	\$ 1,750	\$ -	\$ 1,750
Objective # 1.2(d) – Publication of policies & procedures	\$ -	\$ -	\$ -	\$ 1,750	\$ 1,750
<b>Subtotal: Subcategory 3A Funding (Max: \$500,000)</b>	<b>\$ 1,624</b>	<b>\$ 101,624</b>	<b>\$ 198,374</b>	<b>\$ 198,374</b>	<b>\$ 499,996</b>
<b>Subcategory 3B Funding (Financial Support for Drug Courts)</b>					
Objective # 2.1(a) – Send 4 team members to NADCP	\$ 14,238	\$ 14,238	\$ 14,238	\$ 14,238	\$ 56,952
Objective # 2.1(b) – Send team members to NEADCP (12 attendees in Years 1&2; 11 attendees in Years 3&4)	\$ 14,352	\$ 14,352	\$ 13,156	\$ 13,156	\$ 55,016
Objective # 3.1(a) – Train regional treatment coordinators on ORAS-CST	\$ 7,576	\$ -	\$ -	\$ -	\$ 7,576
Objective # 3.1(b) – Screen using ORAS-CST	\$ -	\$ -	\$ -	\$ -	\$ -
Objective # 3.1(c) – Deliver booster ORAS-CST training to regional treatment coordinators	\$ -	\$ -	\$ -	\$ 4,000	\$ 4,000
Objective # 3.2 – Train on risk and need responsivity	\$ 4,839	\$ -	\$ -	\$ -	\$ 4,839
Objective # 3.3(a) – Employ full-time, grant-funded regional treatment coordinator in Washington County treatment docket	\$ 100,817	\$ 103,842	\$ 106,957	\$ 110,165	\$ 421,781
Objective # 3.3(b) – Employ full-time, grant-funded grant project coordinator	\$ 97,127	\$ 100,040	\$ 103,042	\$ 106,133	\$ 406,342
Objective # 3.4 – Procure case management services from Washington County mental health services agency	\$ 50,652	\$ 52,172	\$ 53,737	\$ 55,349	\$ 211,909
Objective # 3.5 – Provide urinary drug tests to participants who are veterans	\$ 24,200	\$ 12,100	\$ 12,100	\$ 12,100	\$ 60,500
Objective # 3.6(a) – RFP to select evaluator	\$ -	\$ -	\$ -	\$ -	\$ -
Objective # 3.6(b) – Process Evaluation (dockets in Chittenden, Rutland, and Washington Counties)	\$ -	\$ 90,000	\$ -	\$ -	\$ 90,000
Objective # 3.6(c) – Outcome Evaluation (dockets in Chittenden, Rutland, and Washington Counties)	\$ -	\$ -	\$ 90,000	\$ -	\$ 90,000
Objective # 3.6(d) – Cost-Benefit Evaluation (dockets in Chittenden, Rutland, and Washington Counties)	\$ -	\$ -	\$ -	\$ 90,000	\$ 90,000
<b>Subtotal: Subcategory 3B Funding (Max: \$1,500,000)</b>	<b>\$ 313,801</b>	<b>\$ 386,744</b>	<b>\$ 393,230</b>	<b>\$ 405,141</b>	<b>\$ 1,498,915</b>
<b>Total Expenses to be Paid from BJA Grant</b>	<b>\$ 315,425</b>	<b>\$ 488,368</b>	<b>\$ 591,604</b>	<b>\$ 603,515</b>	<b>\$ 1,998,911</b>
<b>State Match Commitment required</b>	<b>\$ 105,142</b>	<b>\$ 162,789</b>	<b>\$ 197,201</b>	<b>\$ 201,172</b>	<b>\$ 666,304</b>
<b>Source of Match Commitment</b>					
Match: Programs Manager's Salary + Fringe (.61 FTE yr. 1; .80 FTE yr. 2-4)	\$ 78,970	\$ 106,674	\$ 109,874	\$ 113,170	\$ 408,688
Match: RTC Von Sitas's Salary + Fringe (.25 FTE yr. 1; .52 FTE yr.2; .50 yr.3-4)	\$ 26,635	\$ 57,062	\$ 56,513	\$ 58,209	\$ 198,419
Match: Regional Treatment Coordinator Salary + Fringe (.29 yr.3; .28 yr.4)	\$ 0	\$ 0	\$ 31,018	\$ 30,847	\$ 61,865
<b>Sum of State Match Commitment</b>	<b>\$ 105,605</b>	<b>\$ 163,736</b>	<b>\$ 197,405</b>	<b>\$ 202,226</b>	<b>\$ 668,972</b>





**VERMONT JUDICIARY – TIME TASK PLAN**

	Year 1				Year 2				Year 3				Year 4			
	FFY 2020				FFY 2021				FFY 2022				FFY 2023			
	Oct 2019 – Sept 2020				Oct 2020 – Sept 2021				Oct 2021 – Sept 2022				Oct 2022 – Sept 2023			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Objective # 1.1(a) – RFP to procure MIS							•	•	•							
Objective # 1.1(b) – MIS development and integration										•	•	•	•	•	•	•
Objective # 1.2(a) – Establish advisory committee	•	•														
Objective # 1.2(b) – Advisory committee meetings			•	•	•	•	•	•	•	•	•	•	•	•	•	•
Objective # 1.2(c) – Publication of Vermont standards											•					
Objective # 1.2(d) – Publication of policies & procedures															•	
Objective # 2.1(a) – Send 4 team members to NADCP			•				•					•			•	
Objective # 2.1(b) – Send team members to NEADCP (12 attendees in Years 1&2; 11 attendees in Years 3&4)				•				•				•				•
Objective # 3.1(a) – Train regional treatment coordinators on ORAS-CST			•													
Objective # 3.1(b) – Screen using ORAS-CST			•	•	•	•	•	•	•	•	•	•	•	•	•	•
Objective # 3.1(c) – Deliver booster ORAS-CST training to regional treatment coordinators													•			
Objective # 3.2 – Train on risk and need responsivity				•												
Objective # 3.3(a) – Employ full-time, grant-funded regional treatment coordinator in Washington County treatment docket	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Objective # 3.3(b) – Employ full-time, grant-funded grant project coordinator	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Objective # 3.4 – Procure case management services from Washington County mental health services agency	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Objective # 3.5 – Provide urinary drug tests to participants who are veterans	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Objective # 3.6(a) – RFP to select evaluator	•	•	•	•												
Objective # 3.6(b) – Process Evaluation (dockets in Chittenden, Rutland, and Washington Counties)					•	•	•	•								
Objective # 3.6(c) – Outcome Evaluation (dockets in Chittenden, Rutland, and Washington Counties)									•	•	•	•				
Objective # 3.6(d) – Cost-Benefit Evaluation (dockets in Chittenden, Rutland, and Washington Counties)													•	•	•	•
<b>Minimum Population to be Served (per quarter)</b>	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27
<b>Total Minimum Population Served (cumulative)</b>	27	54	81	108	135	162	189	216	243	270	297	324	351	378	405	432

Attachment A

## Request for Grant Approval - REVISED

**Instructions:** Please supply information in response to the prompts below. Use additional sheets if necessary. For guidance on submitting this form and for a list of questions to consider when developing your request, please consult the Protocol for Requesting Approval to Apply for a Grant, which is available on JustUsNet.

### Part One: General Information

1. Your Name(s):

**Scott Griffith, Jeremy Zeligler, Kim Owens**

2. Date of this Request:

**April 30, 2019**

**This Request for Grant Approval is an updated version of the March 1, 2019 Request for Grant Approval submitted to the Supreme Court. The March 1, 2019 Request for Grant Approval is attached as Exhibit A.**

3. Grant Sought:

**Grants funds in the amount of \$1,998,991 are being sought from the Bureau of Justice Assistance (BJA) through its FY 2019 Adult Drug Court Discretionary Grant Program. The solicitation is available at <https://www.bja.gov/funding/ADC19.pdf>.**

**The proposal is for funding for 48 months.**

4. Grant Application Deadline:

**Grant proposals were due by April 16, 2019. The Vermont Judiciary's proposal was submitted on April 12, 2019.**

5. Scope & Purpose of Grant (Brief description 3–5 lines):

**Grant funds are being sought to enhance the effectiveness of treatment docket services statewide and to promote adherence of these dockets to evidence-based principles included in the National Association of Drug Court Professionals (NADCP) Adult Drug Court Best Practice Standards.**

**The Judiciary proposes to use grant funds to do the following:**

- . Procure a state-of-the-art treatment docket management information system**
- . Establish a statewide advisory committee**
- . Send treatment docket judges and treatment team members to evidence-based training**

- Enhance the capacity of existing drug treatment dockets so that eligible participants are properly identified, screened, and enrolled in treatment docket programs
- Conduct outcome and cost-benefit evaluations of treatment dockets

A three-page Program Abstract for the project is attached as Exhibit B.

6. Attach separately a **draft timeline** for the grant. Include milestones on stages of the application process, benchmarks of deliverables, reporting deadlines, and activities associated with termination or expiration of the grant.

The proposed timeline for the project is attached as Exhibit C.

7. Attach separately a **draft budget** for the grant. Include additional revenue (cash or in-kind) required to support the funded project as well as expenses in categories such as the following: salaries, fringe benefits, supplies, equipment, travel, real estate (rentals), seminars and meetings, training, contractual services with third-party providers, etc.

The proposed budget for the project is attached as Exhibit D. There is a 25% match requirement for awards funded under this solicitation. The match can be satisfied by cash or by in-kind activities.

**Note:** the amount budgeted for the management information system is an estimate and likely less than what will be needed to procure and maintain the system. As such, should grant funds be received an additional funding stream for this project activity and deliverable will need to be addressed.

#### Part Two: Information About the Funder

1. Granting Agency or Organization:  
U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.
2. What does the Granting Agency or Organization hope to achieve by funding the proposed grant?

The Adult Drug Court Discretionary Grant Program provides financial and technical assistance to state courts and other entities to develop and implement drug courts and veterans treatment courts. The following objectives included in the solicitation are relevant to the Judiciary's proposal:

- Utilizing evidence-based practices and principles, which are incorporated into the NADCP drug court standards
- Building and maximizing the capacity of jurisdictions to ensure that all potential participants are identified and assessed for risk and need

- **Ensuring that all participants receive targeted, evidence-based services**
- **Supporting strategies that ensure drug court practitioners have the tools to effectively manage these interventions, including data collection and analysis to inform system improvement and implementation fidelity, training and technical assistance, and tracking and improving drug court performance**

**Part Three: Impact to the Judiciary**

1. How will the funded project fit with the Judiciary's mission, strategic plan(s), or ongoing activities?

**In September 2016, the Supreme Court directed the Division of Planning and Court Services to ensure that existing treatment dockets comply with evidence-based best practices.**

**The activities outlined in the proposal will enhance the existing treatment dockets' compliance with best practices by supporting the Division's efforts to do the following:**

- **Pursue needed program infrastructure changes**
- **Pay for personnel**
- **Furnish supplies that the dockets need to operate effectively**
- **Provide comprehensive services to participants**
- **Ensure that treatment team members are trained**
- **Collect data specific to treatment docket activities and participants**
- **Ensure that treatment docket activities are evaluated**

2. How many new positions, if any, will be created because of the grant?

**None.**

3. For each new position, described the proposed title, type of position (permanent, limited service, or temporary), the full-time equivalent (FTE), duties, salary, whether benefits will be offered, and place in the organizational hierarch of the Judiciary.

**N/A.**

4. Describe the impact the activity funded with this grant will have on the following:

- a. Judge time or salary:

**The proposal includes a request for funds to support attendance by judges involved in the treatment dockets to attend quarterly statewide meetings with regional treatment coordinators as well as trainings at national or regional conferences.**

- b. Current or new court staff time or salary (*Does this proposal require any additional support staff for the judge(s)?*)

**No additional support staff for judges is needed, though the proposal includes a request for funds to support attendance by staff involved in the treatment dockets to attend quarterly statewide meetings, as well as trainings at national or regional conferences.**

- c. Resources of the Division of Finance and Administration, including Human Resources and Court Security:

**This project would require additional and ongoing support from Finance and Administration staff involved in grant administration. Such work includes, but is not limited to, tracking expenditures and reporting on grant activity.**

- d. Resources of the Division of Trial Court Operations (*Consider the need for courtroom space, office space, meeting space, or workstations. Also, will the grant-funded project require additional docketing file work, scheduling time, case flow management, or tracking of statistics?:*)

**This grant should not have any impact on Trial Court Operations staff other than through their efforts to help ensure the continued operation of the existing dockets.**

- e. Resources of the Division of Planning and Court Services:

**The Division's Treatment Docket Program manager will be the Project Director. Planning and Court Services staff will administer all grant-related subcontracts/subawards.**

- f. Resources of the Division of Research and Information Services (*Consider the need for: (1) technology hardware, software, or networking; (2) communication requirements; or (3) reports from Court Case Management Systems or other information systems that would require RIS support:*)

**Research and Information Services staff have been working with staff from the Planning and Court Services Division to identify options for procuring a management information system. Planning and Court Services staff will need ongoing assistance from Research and Information Services staff on procurement and installation of a management information system that interfaces easily and effectively with the NG-CMS and which meets the needs of the Judiciary generally and the needs of the treatment dockets specifically.**

g. Other

**Note regarding eligibility restrictions on participants in programs receiving grant funds:** The federal statute<sup>1</sup> authorizing the availability of funds available through this solicitation prohibit the participation (with a limited exception relating to Veterans Treatment Courts) in funded programs by “violent offenders.” Violent offenders are defined in federal statute.<sup>2</sup>

The BJA solicitation makes clear that drug courts funded with Adult Drug Court Discretionary Grant Program funding may only serve nonviolent offenders.

As indicated, the Supreme Court has directed the Division of Planning and Court Services to ensure that existing treatment dockets comply with evidence-based best practices. The Adult Drug Court Best Practice Standards provide as follows with regard to serving violent offenders in a section subtitled “Criminal History Disqualifications:”

Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. *Barring legal prohibitions*, offenders charged with drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. (Emphasis added.)

The requirement that federal grant funds be used only to support programs serving nonviolent offenders can be read as a legal prohibition.

Approximately 75% of participants in the Judiciary’s treatment dockets are nonviolent offenders.<sup>3</sup>

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<sup>1</sup> See 34 U.S. Code § 10611.

<sup>2</sup> See 34 U.S. Code § 10613. In general, a violent offender is a person who—

(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct—

(A) the person carried, possessed, or used a firearm or dangerous weapon;

(B) there occurred the death of or serious bodily injury to any person; or

(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or

(2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

<sup>3</sup> NADCP’s best practice standards include commentary regarding the empirical evidence that exists regarding the involvement of violent offenders in drug courts, noting that if adequate treatment and supervision are available, there is no empirical justification for routinely excluding violent offenders from participation in

#### **Part Four: Results Based Accountability Measures**

*If the grant-funded project's success would best be measured using CourTools performance measures (see [www.courtools.org](http://www.courtools.org)), please attach separately the performance measures you will use to evaluate performance under this grant. Otherwise, please complete the questions below.*

1. Identify the target population(s) this grant will enable the Judiciary to serve:

**Offenders who meet the existing eligibility requirements for participation in the treatment dockets.**

2. Measuring Efforts

- a. What measures does **the funder** use to analyze whether the Judiciary is performing well?

**BJA will evaluate whether we accomplish proposed enhancements to our treatment dockets program, whether we implement proposed evidence-based practices included in the NADCP Best Practice Standards, whether we serve a target number of people to whom services will be provided, and whether our proposal aligns with a statewide, data-driven drug court strategy, among other measures.**

- b. What **additional** measures, if any, should the Judiciary use to analyze whether it is performing well?

**Planning and Court Services staff will continue to track treatment dockets' compliance with best practice standards through the use of the Division's Fidelity First reporting tool. The results of these regular assessments inform training and technical assistance activities.**

3. Measuring Impact

- a. What data does **the funder** want the Judiciary to collect to evaluate whether the target population benefits from the work performed pursuant to this grant?

**The solicitation notes that the funder "considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations" and that it "prioritizes the use of evidence-based programming."**

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these programs. This commentary also notes, however, that mixed outcomes have been reported for violent offenders in Drug Courts



The Judiciary is proposing to use grant funds to undertake both outcome and cost-benefit evaluations of the treatment dockets to generate independent information regarding the dockets' adherence to best practices and to analyze participant outcomes.

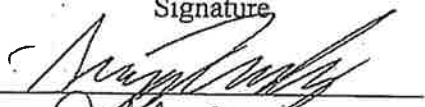
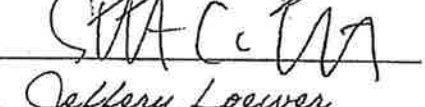
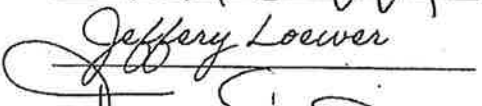
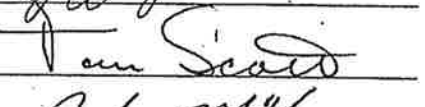

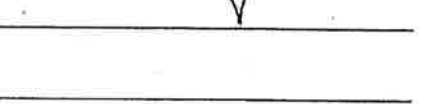

- b. What additional data, if any, should the Judiciary collect to evaluate whether the target population benefits from the work performed pursuant to this grant?

The management information system obtained with grant funds will allow for ongoing monitoring performance and accountability through the use of data that is not currently available.

**Part Five: Notifications**

Obtain signatures from the head of each division and/or department impacted by this grant as indicated in Part Three, Question # 4. For grants that will affect a specific court, obtain the signature of the Court Clerk.

By signing below, the signers indicate that they have been notified that this grant, if approved, would impact their respective division or department. Their signatures do not indicate approval or endorsement of the grant application or any component thereof. Each signer may include by separate attachment a statement of concern or other comments.

	Signature	Date
Division of Finance and Administration		10/31/19
Division of Planning and Court Services		10-31-19
Division of Research and Information Services		11/1/2019
Division of Trial Court Operations		10/31/19
Human Resources and Employee Development		10/31/19
Court Security		
Other		

**Part Six: Attestation**

I, Scott Griffith, attest that the information provided in this form and any attached documents are accurate and true.

Date: 11-1-19

Signature of Applicant: 