

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF ESSEX

RESOLUTION NO. _____
PROPOSED BY: COUNTY EXECUTIVE

AUTHORITY FOR RESOLUTION N.J.S.A. 40:41a-38(O)
AUTHORITY OF ACTION N.J.S.A. 40a:4-87

SUBJECT 2023 Temporary Emergency Appropriation From
The State of New Jersey Department of Law and Public Safety
For Edward Byrne Memorial Justice Assistance Grant (JAG) Prg

WHEREAS, the County of Essex has received a grant from the State of New Jersey Department of Law and Public Safety for Edward Byrne Memorial Justice Assistance Grant (JAG) Prg in the amount of \$298,761.00

WHEREAS, no provision has been made in the 2023 Temporary Budget of the County of Essex and,

WHEREAS, the total Emergencies in 2023 pursuant to N.J.S.A. 40A:4-20, including this appropriation is now therefore be it, \$23,331,794.00

RESOLVED, by the Board of County Commissioners of the County of Essex as follows:

1. That by the Board of County Commissioners of the County of Essex (no less than 2/3 in the affirmation) in accordance with N.J.S.A. 40A:4-20 an emergency appropriation is hereby made for the following classification:

STATE AND FEDERAL PROGRAMS OFFSET BY REVENUES

Edward Byrne Memorial Justice Assistance Grant (JAG) Prg \$298,761.00

2. That said emergency shall be provided in the 2023 budget, and,

- 3. That a copy of this resolution with the Award Letter and State Certification Form be filed forwith with Director of the Division of Local Government Services, County Office of Management and Budget and the Office of Accounts and Control.
- 4. That a copy of this resolution and all supporting documentation be forwarded to the following:
Theodore N. Stephens II, Acting Essex County Prosecutor

Approved as to form and legality  Date 1/13/23
Essex County Counsel

RECORD OF VOTE (X = Vote N.V. = Abstention ABS = Absent)

Moved by Commissioner _____

Seconded by Commissioner _____

Commissioner	Yes	No	N.V.	ABS	Commissioner	Yes	No	N.V.	ABS
COOPER					MERCADO				
GILL					SEBOLD				
GRAHAM									
JOHNSON					POMARES, V.P.				
LUCIANO					RICHARDSON, PRES.				

It is hereby certified that the foregoing Resolution was () adopted () defeated () tabled by roll call vote at a _____ meeting of the Board of County Commissioner of the County of Essex, New Jersey, held on _____.

Is Publication Required () Yes () No

Date Published _____

WAYNE L. RICHARDSON, President

STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES

Pursuant to N.J.S.A. 40A:4-87 I hereby certify that the following resolution has been duly adopted by the Board of County Commissioners of COUNTY OF ESSEX _____
Signature, Clerk of the Board of County Commissioners

I hereby certify that COUNTY OF ESSEX has realized or is in receipt of written notification of the state or federal monies cited in the following resolution, which meets all statutory requirements and will be included in the 2022 Year county budget.



Signature, Chief Financial Officer

Resolution Number: _____
Date of Adoption: _____
Revenue Source: State of NJ Department of Law and Public Safety Amount: \$ 298,761.00
Appropriation Title: Edward Byrne Memorial Justice Assistance (JAG) Amount: \$ 298,761.00
Local Match - Source: _____ Amount: \$ _____

Approval is hereby given to the cited resolution adopted by the Board of County Commissioners pursuant to N.J.S.A. 40A:4-87
For Director, Division of Local Government Services

by: _____
Duly Appointed Designee Date Certified

THIS CERTIFICATION FORM MAY BE REPRODUCED
TO BE USED FOR STATE AND FEDERAL GRANTS ONLY

FOR DCA USE ONLY
Municode: _____
Doc. No. : _____



TO: Robert D. Jackson
County Administrator

DEPARTMENT: PROSECUTOR

FROM: Theodore N. Stephens II
Acting Essex County Prosecutor

DIVISION: _____

DATE: December 29, 2022

RE: Request budget insertion of \$ 298,761 grant award from the New Jersey Office of the Attorney General for Essex County's participation in the Edward Byrne Memorial Justice Assistance Grant Program for the period of July 1, 2020 to June 30, 2021 (twelve months).

INTRODUCTION:

The New Jersey Office of the Attorney General has awarded Essex County a grant of \$ 298,761 to help fund the Essex County Prosecutor's Office's continued execution of its Narcotics Task Force project. The Essex County Narcotics Task Force allows federal, state, county and local law enforcement to work collaboratively with the Prosecutor's Office to reduce illegal gang, gun and drug activity in Essex County. This grant will help cover salaries and fringe benefits for detectives assigned to the Essex County Narcotics Task Force. It will help maintain current levels of anti-gang and narcotics enforcement effort, including coordinated investigations, arrests, prosecutions and convictions. The grant award period is for 12 months, from July 1, 2020 to June 30, 2021.

RECOMMENDATION:

It is recommended that the Essex County Board of County Commissioners accept this award and approve this budget insertion.

REASON FOR RECOMMENDATION:

Approval of this request will enable the Essex County Prosecutor's Office through its multi-jurisdictional Narcotics Task Force, to continue its efforts to combat illegal drug sales and use.

FISCAL IMPACT:

These funds are made possible by the N.J. Office of the Attorney General. The grant program does not require a cash or in-kind match commitment on behalf of Essex County.

ALTERNATIVE:

There are no alternatives for the use of these funds.



State of New Jersey

DIVISION OF ADMINISTRATION
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO BOX 081
TRENTON, NJ 08625-0081

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

MATTHEW J. PLATKIN
Attorney General

WILLIAM H. CRANFORD
Chief Administrative Officer

December 19, 2022

Honorable Theodore N. Stephens II
Acting Essex County Prosecutor
Veterans Court House
50 West Market Street
Newark, New Jersey 07102-1607

**Re: Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Subaward Number: JAG 1-7TF-19**

Dear Prosecutor Stephens:

The Office of the Attorney General is accepting grant applications for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The State's plan has included funding to continue to support the Multi-Jurisdictional Gang, Gun, and Narcotics Task Forces.

Your federal subgrant will be in the amount of **\$298,761** and is scheduled to run for twelve months, from July 1, 2020 through June 30, 2021 **Please refer to the Program Guidelines regarding the allocation of salary and fringe benefits on the budget detail form.** Approval for expenditures for the grant cannot be authorized until a fully executed subgrant award/contract is completed. All required reports for your previous grant must be current and on file with the Grant Operations Section prior to the start of your continuation grant.

Your federal award amount was determined by a formula, which provides each county with \$25,000, plus an additional amount based on your county's 2018 Uniform Crime Report statistics and corresponding weights:

Population (10%)
Violent Offense without a Firearm (70%)
Drug Distribution Arrests (20%)

A JAG application/award package has been emailed to James Gerofsky. Please ensure that all items on the application checklist are completed, that includes the award documents, prior to submitting your



application/award package. The completed package must be submitted to the Grant Operations Unit by January 31, 2023. **Please send your completed documents via email to Grants@njoag.gov and cc GriffisE@njdcj.org.**

Federal funding for criminal justice assistance remains uncertain. Kindly review your budget carefully and identify alternate sources of funding to support future projects.

For further assistance in preparing your application or if you have any questions, please contact Elizabeth Griffis at (609) 376-2433.

Very truly yours,

A handwritten signature in black ink that reads "Kelly Ottobre VL". The signature is written in a cursive style with a vertical line through the "L" in "VL".

Kelly Ottobre
Director of Grant Operations
Division of Administration
Department of Law & Public Safety

c: Eahb Salama, Chief Financial Officer
James Gerofsky, Prosecutors Agent/Grants Coordinator
Jessica Cunane, Grants Manager (PMT)
Uniquea Antley, Administrative Assistant
File

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE ACT GRANT (JAG)
APPLICATION CHECK LIST**

APPLICANT: County of Essex, Essex County Prosecutor's Office

INSTRUCTIONS: The Application Check List is a guide to file a complete application.
Return one (1) original (with original signatures) completed application.

Application Content and Form Documents to be Completed and Returned:

- Applicant Information Form – Form Included
- Project Proposal
 - ***Problem Statement/Needs Assessment*** – Provided by Applicant
 - ***Goals, Objectives and Work Plan (Action Strategy)*** – Provided by Applicant
 - ***Partnership, Collaboration or Coordination of Services*** – Provided by Applicant
 - ***Project Management and Staff*** – Provided by Applicant
 - ***Data Collection/Performance Measures/Evaluation*** – Provided by Applicant
- Budget Detail Worksheet and Narrative Form – Form Included
- Application Authorization – Form Included
- Federal Single Audit Requirements Certification – Form Included
- Proof of Compliance Federal Single Audit Requirements – Provided by Applicant
- Indirect Cost Rate Fact Sheet – Form Included
- Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements – Form Included
- Department of Law & Public Safety Debarment and Suspension Certification – Form Included
- Proof of Debarment and Suspension Certification – Provided by Applicant
- Certified Standard Assurances – Form Included

Additional forms provided by nonprofit applicants:

- Proof of Nonprofit status, if applicable – Provided by Applicant
- New Jersey Charitable Registration, if applicable – Provided by Applicant
- Applicable Licenses, Certifications and Permits – Provided by Applicant
- Mandatory Waiver from Local Units of Government, if applicable – Sample Form Included

**NOTE: ONLY COMPLETE APPLICATIONS CAN BE PROCESSED.
ABOVE ITEMS MUST BE SUBMITTED WITH THE APPLICATION**

Applicant Information Form

Project Duration Period (when to when): 7-1-2020 to 6-30-2021		Grant No.: JAG 1-7TF-19
Official Name of Applicant Agency: County of Essex, Essex County Prosecutor's Office		
Address: 50 West Market Street, Veterans Courthouse		
City/State: Newark, NJ	Zip Code + 4: 07102-1604	County: Essex
Implementing Agency (if different than applicant):		
Agency Website: www.njecpo.org		Fiscal Year Start Date: Jan. 1
UEI Number: XS52DN DL9435		Federal ID Number: 22-6002433
Charitable Registration Number (if nonprofit & not exempt):		
Have there been any findings filed against the agency in regard to its charitable status? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain on a separate sheet.		

Name and Title of Chief Executive/Agency Director: Theodore N. Stephens II, Acting Essex County Prosecutor			
Street Address, City, State, Zip Code + 4 (if different from above): [same as above]			
Telephone: 973-621-4670	Ext.	Email: theodore.stephens@njecpo.org	Fax: 973-242-4901

Name and Title of Project Director: Thomas S. Fennelly, Chief Assistant Prosecutor			
Street Address, City, State, Zip Code + 4 (if different from above): [same as above]			
Telephone: 973-621-4245	Ext.	Email: thomas.fennelly@njecpo.org	Fax: 973-621-4245

Name and Title of Contact Person: James Gerofsky, Prosecutors Agent / Grants Coordinator			
Street Address, City, State, Zip Code + 4 (if different from above): [same as above]			
Telephone: 973-621-4664	Ext.	Email: james.gerofsky@njecpo.org	Fax: 973-621-4560

Name and Title of Chief Financial Officer: Eahb Salama, Chief Financial Officer, County of Essex			
Street Address, City, State, Zip Code + 4 (if different from above): Hall of Records, 2nd Floor, 365 Dr. Martin Luther King Blvd., Newark, NJ 07102			
Telephone: 973-621-4368	Ext.	Email: esalama@admin.essexcountynj.org	Fax: 973-621-5243

Name and Title of PMT Contact Person: James Gerofsky, Prosecutors Agent / Grants Coordinator			
Street Address, City, State, Zip Code + 4 (if different from above): [same as for James Gerofsky, above]			
Telephone: 973-621-4664	Ext.	Email: james.gerofsky@njecpo.org	Fax: 973-621-4560

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STATEMENT OF THE PROBLEM/NEEDS ASSESSMENT

Essex County, New Jersey consists of twenty-two municipalities and had a 2020 Census population of 863,728. The county is a mix of urban and suburban and spans the socio-economic spectrum; the 2020 county-wide poverty rate is 14.3%, versus the state-wide rate of 9.7%. The 2020 poverty rate in Essex ranges from 26.3% in Newark to 1.8% in suburban Essex Fells. The core city in Essex County is Newark, the largest city in New Jersey. Newark is bordered by several other Essex County municipalities including the City of East Orange and the Township of Irvington.

Newark, East Orange, Irvington and Orange are communities that have long experienced violent crime and significant narcotics activity. These municipalities also have substantial gang problems and membership in criminal street gangs is increasing.

Violent crime is a major problem in Essex County. In 2018 there were 103 homicides in Essex County and there were 78 homicides in 2019 and again 78 homicides in 2020. Of these homicides in 2018 and 2019, 140 have occurred in Newark. A substantial number of these homicides were gang related, in that the either the actor(s) or victim were gang affiliated, or that the homicides occurred in gang territory.

In addition to the homicides, there have been several hundred of non-fatal shooting incidents in Newark, East Orange, Irvington and Orange.

There are approximately 3,200 documented gang members in Essex County. Gang membership also appears to be increasing annually. The lure of fast cash and the protection afforded by gang membership are among the reasons for increase in gang membership. The

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glamorization of gang life in popular culture and mass media outlets (films, music, social media web sites, etc.) is also a contributing factor in gang membership.

Although most of the gang activity in Essex County is occurring in the core areas of Newark, Irvington, East Orange and Orange, there is documented gang activity in all municipalities in the Essex County. As has been pointed out before, several Essex County towns share common borders enabling easy travel between municipalities. Additionally, the Newark, Irvington, East Orange and Orange areas are accessible by major interstate highways allowing easy access from the suburban Essex County towns. The accessibility of these municipalities by major highways, makes these communities "source cities" for out-of towners looking to purchase narcotics.

The primary gangs in Essex County are the Bloods, Crips and the Latin Kings. There are also a number of other Latin gangs, namely the Netas, MS-13, "Trinitarios" and "Dominicans Don't Play" (DDP). The Bloods and the Crips consist of numerous "sets" or "sub-groups."

Essex County law enforcement has identified several "Super-Gangs" within the County. Within the Crips, the "Super-Gangs" are the: **Grape Street, Hoover 52, Hoover 74, Rolling 60's and Playboy** sets. The "Super-Gangs" within the Bloods include the **793, Sex, Money and Murder (SMM), G-shine, Brick City Brims, 464 Mob Insane Mob Piru, 662 MOB Piru, 9-Tre, Double II and Red Breed Gorilla** sets. Since 2013, a new gang has been operating in Newark. **ABG** ("Anybody Gets It.") "ABG" appears to be a hybrid group of both former Bloods and Crips and is operating in the Central and West wards of Newark. This group is very violent, and its members have committed several violent acts to strengthen its hold in their area of operation. In East Orange, two rival local gangs, "**Sheedside**" and "**Northside**" are competing against each other, and these gangs are responsible for many violent incidents in that city.

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The distribution of narcotics remains the main gang-related criminal activity in Essex County. "Drug-dealing" is a cash business, and the image of fast cash entices many younger citizens to join gangs. The cash generated from narcotics distribution is also used for attorneys' fees and bail money when needed by gang members. While there are still numerous "open-air" drug markets within Essex County, recent trends indicate that many distributors are moving their business inside and communicating with their customers via cellular telephones or social media sites. This fact, coupled with the easy accessibility to the major cities provides a strong customer base. Drug areas are controlled by various gang sets and violence often occurs when a rival gang attempts to move into and gang's territory.

Home invasion robberies, extortion, mortgage fraud and the sale of counterfeit DVDs, CDs and clothing are other areas of criminal activity perpetrated by criminal street gangs in Essex County. Gang members will often "launder" the proceeds of these illegal activities into seemingly legitimate businesses.

Witness and juror intimidation is an ever-increasing problem in Essex County. The Essex County Prosecutor's office expends considerable resources for the relocation and protection of witnesses, and currently employs an agent to oversee the status of protected witnesses and their families. Prosecutors are also seeking protective orders to prevent the release of personal information of crime victims and witnesses.

In 2020, as in past years, the Essex County Prosecutor's Office has had to temporarily or permanently "relocate" several homicide witnesses and provide protection for others. Witness relocation often involves more than just moving a witness. Many witnesses requiring relocation have dependent children or elderly parents that arrangements must be made for. With each relocation, already limited resources are being expended.

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Criminal Justice Reform (Bail Reform) has been implemented in 2017. This has resulted in more homicide defendants being detained, but it has also resulted in certain offenders being released earlier. Having homicide defendants and other violent individuals detained without bail is certainly helpful to prosecutors; however, some recent court decisions have required prosecutors to provide discovery earlier than previously required. Criminal Justice Reform will also require Prosecutors to move cases to trial within certain time limits. In theory, this may be beneficial to the State in that it may prevent criminal defendants from requesting unnecessary delays, thereby making it harder for prosecutors to prove their case after a significant passage of time. This may enable prosecutors to be able to convince reluctant witnesses to cooperate with authorities.

GOALS, OBJECTIVES AND ACTION STRATEGY

GOALS AND OBJECTIVES

The goals and objectives of the Essex County Narcotics Task Force (ECNTF) are to combat the burgeoning narcotics and gang problem in Essex County and reduce gang-related violence and crimes committed with guns. The number of criminal street gangs and 'gang sets' in Essex County is too great to submit a meaningful plan to target all known gangs at once. The ECNTF, however, will target the most violent "sets" and mount aggressive and sophisticated investigations which will, if successful, result in significant prosecutions and lead to the dismantling of some of Essex County's notorious gang "sets."

PROJECT DESCRIPTION

The Essex County Prosecutor is the chief law enforcement officer in the county. All twenty-two municipalities in Essex County maintain full-time police departments. There are also other state and county law enforcement agencies (e.g. the NJ Division of Criminal Justice, the New Jersey State Police, the New Jersey Transit Police Department and Essex County Sheriff's Office) operating within Essex County and involved in gang investigations.

The Essex County Prosecutor's Office maintains a full-time gang/narcotics unit. Known internally as the Essex County Narcotics Task Force (ECNTF), this unit consists of assistant prosecutors, county detectives and task force officers. This unit is actively engaged in investigations of gang related criminal activity. The ECNTF also performs an intelligence function by collecting and analyzing gang information and developing intelligence. This intelligence is then disseminated within the law enforcement community. The intelligence section of the ECNTF is able to provide real-time criminal intelligence to law enforcement partners in the region. Intelligence liaisons have been identified in our law enforcement partners and criminal intelligence is disseminated on a regular basis. The Prosecutor also holds monthly meetings with the municipal law enforcement agencies in the county under the "EPIC" initiative.

Detectives from the ECNTF conduct "anti-gang" presentations to community groups in coordination with the ECPO Community Justice Unit. A number of these presentations are aimed towards school-age children in an effort to prevent them from becoming involved in gang activity.

The assistant prosecutors of the Essex County Narcotics Task Force (ECNTF) aggressively prosecute gang-related offenses. Prosecutors routinely seek high bail amounts for gang members charged with serious offenses and argue for bail source hearings to ensure that money and property posted for bail are not from ill-gotten gains. With the implementation of the Criminal Justice Reform Act in 2017, a number of defendants arrested on gang and major narcotics matters have qualified for detention or, in the alternative, release with conditions.

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During recent years, the Task Force has conducted numerous investigations throughout the County, focusing primarily on areas experiencing high amounts of violence and narcotics related activity. The Task Force has recovered significant amounts of heroin, cocaine and marijuana, as well as firearms and US currency during these investigations. Task Force detectives utilize electronic surveillance equipment, physical surveillance, undercover officers and confidential informants to accomplish the goals and objectives of the Task Force.

Additionally, due to the established link between narcotics distribution and violence, Task Force detectives continue to assist detectives from the Homicide Task Force in gathering criminal intelligence. The gathering of real-time criminal intelligence by ECNTF detectives "working the street" was and will continue to be a valuable input in the investigation and prosecution of Homicide and other major violent crimes in Essex County.

The members of the ECNTF interact regularly with other law enforcement agencies to share gang intelligence. The Essex County Prosecutor's Office has worked and is continuing to work regularly with other law-enforcement agencies on joint investigations of gang related activity. Cooperation among law enforcement agencies is very high with most agencies expressing a willingness to work together. Despite the current efforts of law enforcement to collaborate, there is a need to develop a more efficient intelligence system to ensure that information is being properly disseminated and acted upon. With such a large number of agencies working in the same general area, the most effective way to attack the current gang problem is to develop a county-wide intelligence based policing system.

ACTION STRATEGY

- **Collection and analysis of gang intelligence:** This task is ongoing since the inception of the task force. The members of the intelligence squad have primary responsibility for intelligence collection and analysis. Once analyzed and corroborated, the intelligence is disseminated to the detectives on the investigative squads and other law enforcement agencies. The members of the intelligence squad maintain the current gang database and are responsible for the identifying the different gang sets operating in Essex County and identifying and classifying the members and associates of the sets.
- **Cultivation of sources:** This task is also ongoing and is the responsibility of the agents and officers of the task force. Source cultivation is essential for successful investigation.
- **Target identification and assessment:** Through the use of confidential sources and other investigative means the members of the task force will attempt to identify a violent gang set to be targeted for prosecution. While the detectives, officers and agents of the task are the "front-line" of the task force, target identification will be the responsibility of the entire task force. Once a target is identified, a threat assessment will be conducted to determine if an investigation is warranted. Threat assessments

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are reviewed regularly by the command staff of the ECNTF and the executive staff of the Prosecutor's Office.

- **Investigation management:** Management of the investigation will be the responsibility of the designated case agent with appropriate supervision from the existing chain of command. The Captain in charge of the investigators assigned to the task force is the commanding officer of all investigative personnel assigned to the ECNTF. The commanding officer of the task force consults regularly with the prosecutors assigned to the task force. Assistant prosecutors are available at all times for legal support during the investigation.
- **Short-term-high impact operations:** In the addition to long-term investigations, the ECNTF has undertaken short-term initiatives such as warrant sweeps in high gang areas.

Prosecution of defendants arrested as a result of task force investigations: The prosecution of all individuals arrested as a result of task force investigations will be handled by the assistant prosecutors assigned to the task force. As the cases are developed and arrests are made, the Chief Assistant Prosecutor and the Assistant Prosecutor/Director of the ECNTF will consult with the United States Attorney's Office to determine the appropriate venue, i.e. federal or state court, for prosecution. The ability to prosecute a gang case or gang-related conspiracy on the federal level provides prosecutors with substantial leverage when negotiating pleas and the cultivation of sources.

RESOURCES USED

In order to meet the above goals and objectives, the ECNTF needs adequate resources. Certain costs are being covered by the Essex County Prosecutor's Office general operating and criminal forfeiture accounts. The funds provided by the subject grant will contribute to meeting some of the following needs and activities:

- **Intelligence gathering and sharing:** Updating of existing gang databases will allow for more effective intelligence gathering and the sharing of this information by area law enforcement agencies. The Essex County Prosecutor's Office implemented a new criminal intelligence system in 2012. Further, in 2016 ECPO purchased and implemented an integrated enterprise-wide case management database application from the CSI company known as "Infoshare". This system provides tracking for both investigation and prosecution, and further enhances the ECNTF's intelligence capacity and facilitates its use. Using these systems, the Intelligence section of the ECNTF is able to collect information and data law enforcement agencies and other sources and analyze this information in a timely fashion. This process allows for a more expeditious tracking and mapping of criminal trends.
- **Purchase of evidence and cultivation of informants:** Resources are utilized for controlled purchases of narcotics and firearms for evidentiary purposes. Controlled purchases are essential to a successful prosecution. Likewise, resources are used to cultivate new informants and to maintain existing informants.

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- **Witness relocation:** The gang sets operating in Essex County are very violent and witness intimidation and retaliatory acts by gang members against those believed to be cooperating are a very serious problem in this county. Short-term housing and maintenance of cooperating witnesses is necessary, as well as the permanent relocation of many of these witnesses.
- **Equipment and training:** Additional surveillance equipment must be implemented, replacing some aging video and audio equipment. Since many jurors today hold prosecutors to an imagined "CSP" TV-show standard, video and other electronic evidence is vital to a successful prosecution. This is especially important with cases involving undercover operatives. Jurors are increasingly hesitant to convict solely on the basis of an arresting officer's testimony. Use of video and/or electronic surveillance is essential to a successful prosecution. Ongoing training and continuing education for task force members is also essential. Training allows task force members to learn the latest in gang trends and to consult with colleagues in other jurisdictions.
- **Staffing and support costs:** Funding from this grant will support and help maintain the manpower and investigation expenses that support the on-going intelligence and law-enforcement activities of the ECNTF, including the above activities.

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PARTNERSHIP and COLLABORATION

The Essex County Narcotics Task Force Unit (ECNTF) is the major narcotics and gang investigation unit of the Essex County Prosecutor's Office. Its mission is to investigate and prosecute crimes involving gangs, guns and violence. In addition to initiating investigations and prosecuting those cases, the ECNTF assists federal, state, county and municipal law enforcement agencies with their investigations. The Unit includes an intelligence section, which collects and analyzes information from a variety of sources and maintains databases of criminal street gang members. This data is shared with local police departments in Essex County, along with county-level agencies such as the Essex County Sheriff's Office, NJ State agencies, and federal law enforcement agencies including the US Attorney's Office in Newark, NJ.

The Unit is staffed full-time by Detectives, a Supervising Assistant Prosecutor and three Assistant Prosecutors who vertically prosecute all cases initiated by NTF Detectives. In addition, ECNTF prosecutors also review all narcotics and gang-related search warrants generated by all the municipalities within the County, and in some instances also review search warrants for the New Jersey State Police and federal DEA. Furthermore, ECNTF prosecutors provide legal advice to outside law enforcement agencies on narcotics and gang-related issues

From time to time, the Unit includes law enforcement officers who are assigned from local police departments or other county, state or federal agencies for short-term periods to work directly on a day-to-day basis with the ECNTF. This office has also entered into a full partnership with the Newark Police Department, the largest law enforcement agency in Essex County. As a result of this partnership, the

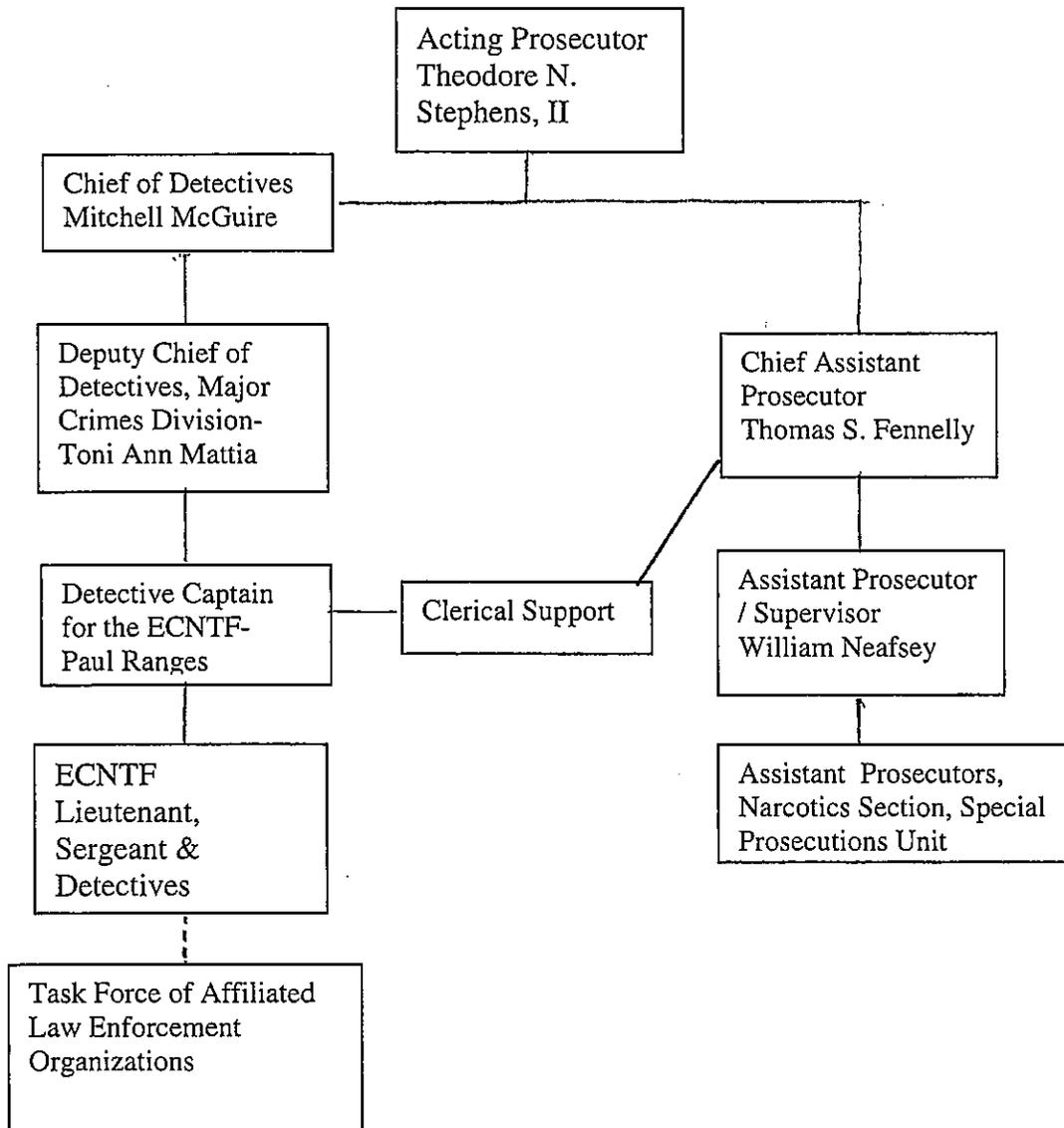
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leadership of the NPD has assigned the entire complement of the department's narcotics investigators to the ECNTF. This partnership enables the ECPO and the NPD to consolidate and share resources and ultimately provide a better service to the residents of the county. The Newark officers assigned to the ECNTF and other local, county and state officers, when assigned are fully embedded in the ECNTF and are provided desk space, office facilities and equipment.

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PROJECT MANAGEMENT AND STAFF

The Chief Assistant Prosecutor oversees the activities of the Essex County Narcotics Task Force and is the Project Director of this sub-grant. The Project Director is responsible for directing the overall implementation of the grant goals and objectives. As Project Director, he personally reviews the activities of the Essex County Narcotics Task Force through the Assistant Prosecutor/Director, the Captain and other Unit staff. As Project Director, the Chief Assistant Prosecutor retains program oversight and control of all administrative functions of the grant as well as the daily management of the project activities.



DATA COLLECTION / PERFORMANCE MEASURES / EVALUATION

The Essex County Narcotics Task Force (ECNTF) prepares monthly reports detailing all task force activity. Additionally, each member of the Unit is required to maintain daily activity logs. The management of the ECNTF meets with senior management of the ECPO monthly to review on-going investigations and Unit operations. We review performance parameters that include number of investigations, number of arrests, grand jury indictments, and prosecution outcomes. This has been facilitated since 2016 through our use of the prosecution and investigative modules on the CSI Infoshare enterprise database and case tracking software that ECPO uses.

The ECNTF also submits quarterly programmatic progress reports to DCJ detailing the activities of the ECNTF Unit. The Unit also regularly reviews summary and statistical information from the Promis Gavel computer system regarding its prosecutorial activities. Furthermore, the Infoshare Intelligence Module is currently operational and provides valuable coordinated information, allowing the ECNTF to be more pro-active in terms of recognizing and responding to evolving gang activity trends in Essex County.

Budget Detail - Year 1

Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N

(DOJ Financial Guide, Section 3.10)

A. Personnel

Name		Position		Computation						
List each name, if known.		List each position, if known.		Show annual salary rate & amount of time devoted to the project for each name/position.						
				Salary	Rate	Time Worked (# of hours, days, months, years)	Percentage of Time	Total Cost	Non-Federal Contribution	Federal Request
Rashan Johnson, 7/1/20 to 12/31/20		Detective Sergeant		\$2,419.47	weekly	26	54%	\$34,459		\$34,459
Rashan Johnson, 1/1/21 to 6/30/21		Detective Sergeant		\$2,487.69	weekly	26	54%	\$34,626		\$34,626
Ronald Coronel, 7/1/20 to 7/31/20		Detective		\$1,936.93	weekly	5	54%	\$4,807		\$4,807
Ronald Coronel, 8/1/20 to 6/30/21		Detective		\$2,128.79	weekly	48	54%	\$54,667		\$54,667
Daryl Brown, 7/1/20 to 1/15/21		Detective		\$1,898.49	weekly	29	54%	\$29,293		\$29,293
Daryl Brown, 1/16/21 to 6/30/21		Detective		\$2,090.35	weekly	24	54%	\$26,614		\$26,614
								\$0		\$0
								Total(s)	\$0	\$184,466
Narrative										

Purpose Area #4

Three senior-level Detective positions are assigned to the Multi-Jurisdiction Narcotics Task Force grant program. These Detectives participate in sophisticated investigations of street level narcotics sales and higher-level distribution networks. They are licensed to carry arms, and work "on the street" along side local investigation officers, participating in surveillance and arrests. They also provide research (including, increasingly, social media research) and arrange for communications surveillance. They support ECPO's prosecution efforts by providing testimony to Grand Juries and in court.

The first position is staffed by Detective Sergeant Rashaan Johnson from 7/1/20 to 6/30/21. Detective Sergeant Johnson was compensated at a weekly salary of \$2,219.47 from 7-1-20 to 12-31-20 and \$2,487.69 He was assigned to the grant program for 53.9483% of his work time.

The second position is staffed by Detective Ronald Coronel from 7/1/20 to 6/30/21. Detective Coronel was compensated at a weekly salary of \$1,936.93 from 7-1-20 to 7-31-20, and then at \$2,128.79 per week from 8-1-20 thru 6-30-21. Detective Coronel was assigned to the grant program for 53.9483% of his work time.

The third position is staffed by Detective Daryl Brown from 7/1/20 to 6/30/21. Detective Brown was compensated at a weekly salary of \$1,898.49 from 7-1-20 to 1-15-21, and then at \$2,090.35 per week from 1-16-21 thru 6-30-21.. He was assigned to the grant program for 53.9483% of his work time.

B. Fringe Benefits		Computation				
Name		<i>Show the basis for computation.</i>				
<i>List each grant-supported position receiving fringe benefits.</i>		Base	Rate	Total Cost	Non-Federal Contribution	Federal Request
	Rashan Johnson, 7/1/20 to 12/31/20	\$34,459.00	61.96%	\$21,351		\$21,351
	Rashan Johnson, 1/1/21 to 6/30/21	\$34,626.00	61.96%	\$21,455		\$21,455
	Ronald Coronel, 7/1/20 to 7/31/20	\$4,807.00	61.96%	\$2,979		\$2,979
	Ronald Coronel, 8/1/20 to 6/30/21	\$54,667.00	61.96%	\$33,869		\$33,869
	Daryl Brown, 7/1/20 to 1/15/21	\$29,293.00	61.96%	\$18,150		\$18,150
	Daryl Brown, 1/16/21 to 6/30/21	\$26,614.00	61.96%	\$16,491		\$16,491
				\$0		\$0
				Total(s)	\$0	\$114,295

Narrative

The fringe benefit rate used by the County of Essex for fire and police personnel in 2019 and 2020 was 61.96%, based on estimates drawn from the 2016 audit. This rate is comprised of the following elements -- Workers Compensation, 1.06%; group health insurance, 29.55%; employer taxes, 0.33%; FICA (net of contribution limits), 7.07%; and police/fire pension, 23.95%. These total to 61.96%, as used in this calculation.

Purpose Area #4

C-Travel		Computation									
Purpose of Travel	Location	Type of Expense	Basis	Compute the cost of each type of expense X the number of people traveling.							
Indicate the purpose of each trip or type of trip (training, advisory group meeting)	Indicate the travel destination.	Lodging, Meals, Etc.	Per day, mile, trip, Etc.	Cost	Quantity	# of Staff	# of Trips	Total Cost	Non-Federal Contribution	Federal Request	
			N/A					\$0		\$0	
				Total(s)				\$0	\$0	\$0	
Narrative											

D. Equipment		Computation				
Item	Compute the cost (e.g., the number of each item to be purchased X the cost per item)	# of Items	Unit Cost	Total Cost	Non-Federal Contribution	Federal Request
				\$0		\$0
		Totals(s)		\$0	\$0	\$0
Narrative						

Supply Items		Computation			
<i>Provide a list of the types of items to be purchased with grant funds.</i>		<i>Describe the item and the compute the costs. Computation: The number of each item to be purchased X the cost per item.</i>			
	# of Items	Unit Cost	Total Cost	Non-Federal Contribution	Federal Request
			\$0		\$0
		Total(s)	\$0	\$0	\$0
Narrative					

Purpose Area #4

F. Construction						
Purpose Provide the purpose of the construction	Description of Work Describe the construction project(s)	Computation Compute the costs (e.g., the number of each item to be purchased X the cost per item)				
		# of Items	Cost	Total Cost	Non-Federal Contribution	Federal Request
				\$0		\$0
		Total(s)		\$0	\$0	\$0
Narrative						

Purpose Area #4

<p>Provide a description of the products or services to be procured by contract and an estimate of the costs. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold (currently \$150,000).</p>	<p>Describe the purpose of the contract</p>	<p>Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.</p>

Purpose Area #4

List and describe items that will be paid with grants funds (e.g. rent, reproduction, telephone, janitorial, or security services, and investigative or confidential funds).	Show the basis for computation					
Quantity	Basis	Cost	Length of Time	Total Cost	Non-Federal Contribution	Federal Request
				\$0		\$0
Total(s)				\$0	\$0	\$0
Narrative						

J- Indirect Costs		Computation				
Description	Base	Indirect Cost Rate	Total Cost	Non-Federal Contribution	Federal Request	
<i>Describe what the approved rate is and how it is applied.</i>			\$0		\$0	
			\$0	\$0	\$0	
Narrative	Total(s)					

Budget Summary

Budget Summary

Note: Any errors detected on this page should be fixed on the corresponding Budget Detail tab.

Budget Category	Year 1		Year 2 (if needed)		Year 3 (if needed)		Year 4 (if needed)		Year 5 (if needed)		Total(s)
	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	
A. Personnel	\$184,466	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$184,466
B. Fringe Benefits	\$114,295	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$114,295
C. Travel	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
D. Equipment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
E. Supplies	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
F. Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
G. Subawards (Subgrants)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
H. Procurement Contracts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
I. Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Direct Costs	\$298,761	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$298,761
J. Indirect Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Project Costs	\$298,761	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$298,761

Does this budget contain conference costs when pre-define time broadly to include meetings, retreats, seminars, symposia, and training activities? -/N

STATE OF NEW JERSEY

DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF ATTORNEY GENERAL

APPLICATION AUTHORIZATION

Authorization to submit a grant application to the Department of Law and Public Safety, Office of Attorney General ("OAG") for a project entitled:

Byrne JAG Essex County Narcotics Task Force

for a federal subaward in the approximate amount of \$ 298,761, with the Subrecipient providing a match of \$ 0 (if applicable), for an approximate total project cost of \$ 298,761.

This application consists of the following additional attachments for all applicants:

- Applicant Information Form
- Project Proposal
- Budget Detail Worksheet and Narrative
- Federal Single Audit Requirements Certification
- Proof of Compliance with Federal Single Audit Requirements
- Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements
- Department of Law & Public Safety Debarment and Suspension Certification
- Proof of Debarment and Suspension Certification
- Certified Standard Assurances

The undersigned understands that the OAG will rely upon the following statements to provide these subaward funds:

1. The Project Director has reviewed the contents of the application, believes it is accurate, and certifies that the factual statements and data set forth in the application and attachments are true to the best of his or her knowledge and belief.
2. The Project Director has reviewed and is familiar with all statutory and regulatory requirements regarding the use of the funds being provided to undertake grant programs and activities; has sought and obtained legal advice from the Applicant's legal counsel as considered appropriate or necessary, and will be responsible for undertaking the programs and activities described in the application.

3. The duly Authorized Official of the Applicant will ensure that the Applicant will use these subaward funds to carry out the project and activities specifically described in the application.
4. The duly Authorized Official of the Applicant is responsible for authorizing expenditures and disbursements of subaward funds.
5. The duly Authorized Official of the Applicant will ensure that the Applicant complies with all federal, state and municipal laws, statutes, regulations, circulars, policies, or codes regarding the use of these subaward funds.
6. The duly Authorized Official of the Applicant and the Project Director acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. §1001.
7. The duly Authorized Official of the Applicant and the Project Director acknowledge that Office of Justice Program (OJP) grants, including certifications provided in connection with such grants, are subject to review by OJP and/or by the Department of Justice's Office of the Inspector General.
8. The duly Authorized Official of the Applicant and the Project Director certify that the foregoing statements are true, and that if any of the foregoing statements made are willfully false, we will be subject to punishment.

As the duly Authorized Official of the Applicant-Subrecipient and as the Project Director, we hereby certify that the Applicant-Subrecipient will comply with the above-referenced provisions.

County of Essex, Essex County Prosecutor's Office
Applicant

Signature of Authorized Official Date

Joseph N. DiVincenzo

Printed Name of Authorized Official



Signature of Project Director

Thomas S. Fennelly, Chief Assistant Prosecutor

Printed Name of Project Director

Essex County Executive

Title (County Executive, County Manager, County Supervisor, County Board President)

12/29/22

Date

NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL

FEDERAL SINGLE AUDIT REQUIREMENTS & CERTIFICATION

Applicant/Subrecipient: County of Essex, Essex County Prosecutors Office

State Vendor Identification Number or EIN: 22-6002433

Total amount of funds received from all entities (including the Department of Law & Public Safety) during your last fiscal year: Federal Amount: \$ \$ 134,254,292.00 State Amount: \$ \$ 48,642,669.00

Applicant/Subrecipient fiscal year end date 12-31

The State of New Jersey, Department of Law and Public Safety, Consolidated Grants Management Office requires that all Subrecipients complete this Federal Single Audit Requirement Certification and, if subject to the federal single or program-specific audit requirements, submit proof of compliance from the Federal Audit Clearinghouse ("FAC") website. Please have your Chief Financial Officer or designee complete this form.

A Subrecipient that expends \$750,000 or more in Federal awards (from all sources including pass-through subawards) during its fiscal year must have a single or program-specific audit conducted for that year. See 2 C.F.R. Part 200, Subpart F, Audit Requirements.

Directions: Please check the applicable box below and sign the certification. If your organization or jurisdiction was subject to the federal single audit requirements for the current, or the immediately preceding, fiscal year,¹ **you must attach** proof of submission² of your audit reporting package to the FAC website. The FAC website can be found at: <https://facweb.census.gov/>

I understand and acknowledge the above federal audit requirements and:

- My organization or jurisdiction was subject to the federal single or program-specific audit requirements for the current, or the immediately preceding, fiscal year. Proof of compliance from the FAC website is attached.
- My organization or jurisdiction was not subject to the federal single or program-specific audit requirements for the current, or the immediately preceding, fiscal year; or
- My organization is a New Jersey State Agency that is audited during the State of New Jersey's annual single audit.

Printed Name of CFO or designee: Joseph N. DiVincenzo

Title: Essex County Executive

Signature: _____

Date: _____

¹ Audit reports are due 30 days after receipt from the auditor or 9 months after the end of the fiscal year, whichever is sooner. For example, for fiscal years ending 12/31/2015, audits were due no later than 9/30/2016. For fiscal years ending 6/30/2015, audits were due no later than 3/31/2016.

² See attached directions.



NEW JERSEY STATE AUDIT REQUIREMENTS

In addition to the Federal requirements on the preceding page, Subrecipients must comply with the following State audit requirements outlined in OMB Circular 15-08-OMB (*available at* http://www.state.nj.us/infobank/circular/cir1508_omb.pdf):

- A Subrecipient that expends \$750,000 or more in federal financial assistance or \$750,000 or more in state financial assistance during its fiscal year must have a single or program-specific audit conducted for that year.
- A Subrecipient that expends less than \$750,000 in federal or state financial assistance during its fiscal year, but expends \$100,000 or more in state and/or federal financial assistance (combined amount) during its fiscal year, must have either a financial statement audit conducted in accordance with Government Auditing Standards (Yellow Book) or a program-specific audit conducted for that year.



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- AUDITOR EIN :
- AUDITOR EIN RELATIONSHIP :
- UNIQUE ENTITY ID :
- AUDITEE UEI RELATIONSHIP :
- AUDITEE NAME :
- AUDITOR NAME :
- AUDITEE STATE :
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- SPECIAL FRAMEWORK OPINION :
- FEDERAL AGENCIES WITH CURRENT OR PRIOR YEAR AUDIT FINDINGS ON DIRECT AWARDS :
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- NAME OF FEDERAL COGNIZANT/OVERSIGHT AGENCY :
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226002433	COUNTY OF ESSEX	NEWARK	NJ	12/31/2021	10/08/2022	09/30/2022	19185920211	Form	Audit	<input checked="" type="checkbox"/>
226002433	COUNTY OF ESSEX	NEWARK	NJ	12/31/2020	10/30/2021	09/30/2021	19185920202	Form	Audit	<input checked="" type="checkbox"/>
226002433	COUNTY OF ESSEX	NEWARK	NJ	12/31/2019	01/09/2021	12/31/2020	19185920191	Form	Audit	<input checked="" type="checkbox"/>
226002433	COUNTY OF ESSEX	NEWARK	NJ	12/31/2018	10/04/2019	09/30/2019	19185920181	Form	Audit	<input checked="" type="checkbox"/>

226002433	COUNTY OF ESSEX	NEWARK	NJ	12/31/2017	09/29/2018	09/27/2018	19185920171	Form	Audit	<input checked="" type="checkbox"/>
226002433	COUNTY OF ESSEX	NEWARK	NJ	12/31/2016	01/26/2018	01/25/2018	19185920161	Form	Audit	<input checked="" type="checkbox"/>
226002433	COUNTY OF ESSEX	NEWARK	NJ	12/31/2015	12/09/2016	12/08/2016	19185920151	Form	Audit	<input checked="" type="checkbox"/>

1. The date that the most recent version of an accepted and valid audit report submission was made publicly available by the FAC on this website. Federal awarding agencies and pass-through entities, when issuing management decisions, should use "MDL Start Date" as the date "of acceptance of the audit report by the FAC" (2 CFR 200.521(d)).
2. The original date an audit report was submitted to the FAC that passed FAC screening and was accepted as a valid report submission. This is the date that auditees, auditors, and others should use to determine whether an audit report was submitted on time

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or call 866-306-8779.

Version: 1.7.7.0

**U.S. DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE CHIEF FINANCIAL OFFICER**

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance on Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

Pursuant to Executive Order 12549, Debarment and Suspension, implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a), and other requirements:

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Have not within a two-year period preceding this application been convicted of a felony criminal violation under any Federal law, unless such felony criminal conviction has been disclosed in writing to the Office of Justice Programs (OJP) at Ojpcompliancereporting@usdoj.gov, and, after such disclosure, the applicant has received a specific written determination from OJP that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.
- (d) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (e) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. FEDERAL TAXES

A. If an applicant is a corporation, the applicant certifies that either (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to OJP at Ojpcompliancereporting@usdoj.gov, and, after such disclosure, the applicant has received a specific written determination from OJP that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;

- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

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

County of Essex, Essex County Prosecutor's Office
 Applicant Name

 Date

Joseph N. DiVincenzo, Essex County Executive
 Authorized Representative (printed name)

 Authorized Representative (signature)

NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL

DEPARTMENT OF LAW & PUBLIC SAFETY DEBARMENT AND SUSPENSION
CERTIFICATION

Applicant/Subrecipient: County of Essex, Essex County Prosecutor's Office

UEI Number: XS52DNDL9435

Federal funds cannot be awarded to entities that are excluded or disqualified from participating in federal contracts or grants. The State of New Jersey, Department of Law and Public Safety, Grant Operations Unit requires that all subrecipients certify that they are not excluded from receiving federal funds. Please have an Authorized Official, Project Director, or designee complete this certification and return it with your completed application package. Packages received without a completed certification will be considered incomplete.

Proof of eligibility for federal funds must be attached. You may access and search your agency through the Federal System For Award Management (SAM) website at:

<https://www.sam.gov/>

The prospective lower tier participant certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from receiving federal funds by any federal department or agency.

Printed Name of Authorized Official, Project Director or designee:

Joseph N. DiVincenzo

Title: Essex County Executive

Signature: _____

Date: _____



Active Registration

Inactive Registration

ID Assigned

Pending ID Assignment

Expiration Date

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Expiration Date Ascending

ESSEX, COUNTY OF

Active Registration

Reset MPIN

Unique Entity ID:
XS52DNDL9435

Doing Business As:
ESSEX COUNTY PROSECUTORS OFFICE

Purpose of Registration:
Federal Assistance Awards

Expiration Date

Feb 18, 2023

CAGE/NCAGE:
36KF7

Physical Address:
50 W MARKET ST
NEWARK, NJ 07102-1607 USA



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Grants.gov



OMB APPROVAL NUMBER 1121-0140

EXPIRES 05/31/2019

U.S. DEPARTMENT OF JUSTICE

CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

(1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any Department decision to make an award to the Applicant based on its application.

(2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.

(3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application--

- a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
- b. the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
- c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.

(4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition--

- a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
- b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;

- c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
- d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

(5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) I assure that the Applicant will assist the Department as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.

(8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by the Department based on the application--

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(9) If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law--including, but not limited to, the Indian Self-Determination and Education Assistance Act--seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

(10) If the Applicant applies for and receives a DOJ award under the STOP School Violence Act program, I assure as required by 34 U.S.C. § 10552(a)(3), that it will maintain and report such data, records, and information (programmatic and financial) as DOJ may reasonably require.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, 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 subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Signature of Certified Official

Date

Joseph N. DiVincenzo, Essex County Executive

Name and Title of Certified Official

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL

FFY 2019
EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

AWARD DOCUMENTS TO BE COMPLETED, SIGNED, AND RETURNED

CHECKLIST:

- Subaward Contract
- General Conditions and Special Conditions
- DOJ Civil Rights Compliance Checklist
- DOJ Equal Employment Opportunity Plan (EEO) Form *(return a copy)*
- DOJ EEO Certification
- Federal Financial Accountability and Transparency Act (FFATA) Information Form
- Governing Body Resolution & Certification *(indicating federal fund amount, matching fund amount [if match is applicable], and total project cost).*
- Department of Law & Public Safety, Subrecipient Civil Rights Compliance Training, Certificate of Completion *(original)*, located at: <http://www.nj.gov/lps/grants/lps-subrecipient-civil-rights-compliance.pdf>

**NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL
SUBAWARD**

FY AND GRANT NAME FY19 Justice Assistance Grant (JAG) Program	SUBAWARD AMOUNT
PROJECT TITLE Multi-Jurisdictional County Gang, Gun & Narcotics Task Force	Federal \$ 298,761.00 Match \$ 0.00 Total \$ 298,761.00
SUBRECIPIENT County of Essex	Subrecipient Indirect Cost Rate (ICR)
DUNS NO. 185643256	CFDA NO. 16.738 – Edward Byrne Memorial Justice Assistance Grant Program CFDA AMOUNT FY19 \$263,800,000
FEDERAL AWARD IDENTIFICATION NO. 2019-DJ-BX-0051	FEDERAL AWARD DATE 09/18/2019 FEDERAL AWARD AMOUNT \$3,817,827 L&PS ICR 3.16%
FEDERAL AWARING AGENCY Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice	
STATE ACCOUNT NO. 19-100-066-1020-364	DATE OF AWARD 12/19/22

In accordance with the provisions of 42 U.S.C. 3750, et seq., as amended, the Department of Law and Public Safety hereby awards to the above named Subrecipient a subaward in the amount specified for the purposes set forth in the approved application. **Funding Supports the Multi-jurisdictional County Gang, Gun & Narcotics Task Force.**

This subaward is subject to the requirements set forth in the appropriate Federal Regulations, the General Conditions for subawards promulgated by the Department of Law and Public Safety, all applicable Statutes of the State of New Jersey and the requirements of the State of New Jersey for State and local financial accounting including the filing of single audits as required under 2 C.F.R. Part 200, Subpart F, Audit Requirements (2 C.F.R. §200.500, et seq.) and/or State Circular Letters 15-08-OMB and 07-05-OMB (if applicable). It is subject also to any general conditions and assurances, approved budget, application authorization, certifications, and special conditions attached to this program.

This subaward incorporates all conditions and representations contained or made in the application and notice of award (if applicable).

FOR THE SUBRECIPIENT:

FOR THE STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY:

Signature of Authorizing Official

Attorney General or Designee

Joseph N. DiVincenzo, Essex County Executive

Typed Name of Authorizing Official and Title

Date

Date

Subaward Number: JAG 1-7TF-19

Subaward Period: 07/01/20 to 06/30/21

Subrecipient Fiscal Year Start Date: January

Division Contact:
William H. Cranford, Chief Administrative Officer
Office of the Attorney General
Division of Administration
609-376-2445
Grants@njoag.gov

THE STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL

FFY 2019
EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

GENERAL and SPECIAL CONDITIONS

Subrecipient: County of Essex

Project Title: JAG Multi-Jurisdictional County Gang, Gun & Narcotics Task Force

Subaward Number: JAG 1-7TF-19

Project Duration: 7/1/20 to 6/30/21

Federal General Conditions

- 1. Non-Supplanting Requirement:** The Subrecipient agrees that federal funds made available under this program will be used to supplement but not supplant state or local government funds.
- 2. Compliance with Federal Laws:** The Subrecipient agrees to comply with all requirements imposed by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP) and the Bureau of Justice Assistance (BJA) concerning all federal laws, rules, regulations, policies, guidelines, directives, and requirements (including licenses, permits and background checks) that are generally applicable to the activities in which the Subrecipient is engaged in the performance of this grant. Failure to comply with these laws, rules, and regulations will be grounds for termination of this subaward.
- 3. Applicability of Part 200 Uniform Requirements:** The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the DOJ in 2 C.F.R. Part 2800 (the "Part 200 Uniform Requirements") apply to this award. For more information and resources on the Part 200 Uniform Requirements as they relate to OJP subawards ("subgrants"), see the OJP website at <http://ojp.gov/funding/Part200UniformRequirements.htm>.
- 4. Compliance with DOJ Requirements:** The Subrecipient agrees to comply with, and assure the compliance of its contractors, with all the requirements imposed by DOJ, including any applicable

regulations, contained in Title 28 of the CFR. The Subrecipient further agrees to comply with the DOJ Grants Financial Guide as posted on the OJP website (currently, the "2015 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.

5. **Compliance with Program Guidelines:** The Subrecipient agrees that all allocations and use of funds under this grant will be in accordance the most current edition of the DOJ Financial Grants Guide, the JAG FAQs, as well as the Office of the Attorney General (OAG) JAG program guidelines and application package.
6. **Allowable Costs:** the Subrecipient agrees that grant funds will be used only for allowable costs as determined by the applicable Federal cost principles specific to the Subrecipient found at 2 CFR Part 200, Subpart E, Costs Principles (2 CFR § 400 et seq.) and according to the most current edition of the DOJ Financial Guide, and the State Circular Standard Grant Agreement Form, X. Allowable Costs, 07-05-OMB.
7. **Uniform Relocation Assistance and Real Property Acquisition Policies Act:** The Subrecipient agrees to comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §4601 et seq., which provides for fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
8. **Hatch Act/Political Activity Limitations:** The Subrecipient agrees to comply with provisions of the Hatch Act, the federal law which limits certain political activities of employees of a state or local unit of government whose principal employment is in connection with an activity financed in whole or in part by federal grants. 5 U.S.C. §1501-08 and §7324-26.
9. **Debarments and Suspensions:** The Subrecipient understands and agrees to comply with the federal Executive Order No. 12549 on Debarment and Suspension, 2 C.F.R. Part 2867 and 2 C.F.R. Part 180, and state Executive Order No. 34 (Byrne, March 17, 1976), and State Circular regarding Debarments, Suspensions & Disqualifications, OMB 93-13-GSA. Subrecipient and its subcontractors will not conduct business with ineligible firms or individuals who are considered debarred, suspended or disqualified.
10. **Minimum Wage/Maximum Hours:** The Subrecipient agrees to comply with the minimum wage and maximum hours provision of the Federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq.
11. **Conflicts of Interest:** The Subrecipient must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy pursuant to 2 C.F.R. 200.112. The Subrecipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
12. **Mandatory Disclosures:** Pursuant to the mandatory disclosure requirements of 2 C.F.R. 200.113, the Subrecipient must disclose in a timely manner and in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award to the

OAG. Subrecipients that have received a Federal award including the term and condition outlined in 2 CFR Part 200, Appendix XII--Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 (Remedies for noncompliance), including suspension or debarment.

13. **Program Income:** The Subrecipient agrees that all income earned by the Subrecipient from grant-supported activities is deemed program income. The Subrecipient agrees to use program income and commit program income to funds/accounts already dedicated to further eligible program objectives. The Subrecipient agrees to comply with the program income requirements of 2 C.F.R. Part 200.307 the most current edition of the DOJ Financial Guide - Program Income on the use, disposition, accounting and reporting for program income. The use of program income must be shown on the detailed cost statements.

State Circular Standard Grant Agreement Form, 15-08-OMB, defines program income to include any interest earned of \$250 or more in a fiscal year on advances of grant funds.

14. **Audit Requirements:** As required under the federal Single Audit Act of 1984, Pub. L. 98-502, as amended, the Subrecipient agrees to comply with the organizational audit requirements of 2 C.F.R. § 200.500, et. seq., the most current edition of the DOJ Financial Guide - Audit Requirements, the Government Accountability Office's Government Auditing Standards (Yellow Book), and the State Circular, Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid Payments, 15-08-OMB.

15. **Outstanding Audit Issues:** The Subrecipient understands and agrees that OAG or DOJ may withhold funds, or may impose other related requirements, if the Subrecipient does not satisfactorily and promptly address outstanding issues (if any) from audits required by the 2 C.F.R. 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.

16. **Non-Discrimination Requirements:** The Subrecipient agrees to comply, and assure the compliance of its contractors, with any applicable statutorily imposed non-discrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 34 U.S.C. §§ 10228(c) and 10221(a); the Victims of Crime Act, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 2002, 34 U.S.C. § 11182(b); the Violence Against Women Act of 1994, as amended, 34 U.S.C. § 12291(b); the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000d et seq.; the Rehabilitation Act of 1973, as amended; 29 U.S.C. §794, the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. §12131-34; the Education Amendments of 1972, 20 U.S.C. §1681 et seq.; the Age Discrimination Act of 1975, 42 U.S.C. §6101-07; the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 21 U.S.C. §1101 et seq.; as amended, relating to nondiscrimination on the basis of drug abuse; the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, 42 U.S.C. §12114 et seq. as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; the Public Health Service Act, 42 U.S.C. §290dd-2, as amended, relating to confidentiality of alcohol and drug abuse patient records; Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §3601 et seq., as amended, relating to nondiscrimination in the sale, rental or financing of housing; any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, the requirements of any other nondiscrimination statute(s) which

may apply to the application, and the Department of Justice Non-discrimination Regulations, 28 C.F.R. Part 42, Subparts, C, D, E, and G; the Department of Justice regulations on disability discrimination, 28 C.F.R. Part 35, Part 36, Part 39; the Department of Justice regulations on program beneficiaries and prospective program beneficiaries 28 C.F.R. Part 38; the Department of Justice regulations on nondiscrimination on the basis of sex in certain "education programs" 28 C.F.R. Part 54; and the Department of Justice, Policy Guidance Document, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," 67 F.R. 41455 (June 18, 2002); see Ex. Order 13279 (equal protection of the laws for faith-based and community organization)

Exception: If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual's sex. In such circumstances, Subrecipients may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming.

17. **Retaliatory Actions:** In accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by the laws referenced above.
18. **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 38:** The Subrecipient agrees to comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016. Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations. The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <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.
19. **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 54:** The Subrecipient agrees to 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."
20. **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 42:** The Subrecipient agrees to 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.
21. **Establishment of trust fund:** If award funds are being drawn down in advance, the subrecipient is required to establish a trust fund account (The trust fund may or may not be an interest-bearing account.). The fund, including any interest, may not be used to pay debts or expenses incurred by

other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The subrecipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

22. **Required data on law enforcement agency training:** Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
23. **Use of funds for DNA testing; upload of DNA profiles:** If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.
24. **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 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

25. **Limited English Proficiency Standards:** The Subrecipient certifies that Limited English Proficiency (LEP) persons have meaningful access to the services under this program. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI and the Safe Streets Act, Subrecipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for Subrecipients to help comply with Title VI requirements. The guidance document can be accessed on the Internet at <http://www.lep.gov>.
26. **Prohibition on Reprisal:** The Subrecipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specific 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 Subrecipient must also inform its employees, in writing (and in the predominant native language of the workforce), or employee rights and remedies under 41 U.S.C. 4712.

27. **Reporting and Data Collection Requirements:** The Subrecipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the U.S. DOJ, L&PS, and OAG.
28. **Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award):** 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 <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to tracking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.
29. **Determination of suitability to interact with participating minors:** This condition applies to this award if it is indicated -- in the application for the subaward, 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 subaward is to benefit a set of individuals under 18 years of age. Any subrecipient 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.
30. **Licensing and Publishing:** The Subrecipient agrees that DOJ, and its agencies, L&PS, and OAG reserve a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use: the copyright in any work developed from activities supported by this grant, and any rights of copyright to which a Subrecipient purchases ownership with support. The Subrecipient agrees that L&PS reserves the right to require the Subrecipient not to publish any work, which right shall not be exercised unreasonably. The Subrecipient assures that any publication by the Subrecipient shall include, on the title page, a standard disclaimer of responsibility by L&PS for any opinions or conclusions contained therein.
31. **Made in America:** Only unmanufactured articles, materials, and supplies that have been mined or produced in the United States, and only manufactured articles, materials, and supplies that have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States, shall be acquired for public use, unless the head of the department or independent establishment concerned determines their acquisition to be inconsistent with the public interest or their cost to be competition (41 U.S.C.S. §8302).

32. **On-the-Job Seat-Belt Usage:** Pursuant to 23 U.S.C. §§402-403, and 29 U.S.C. §668, each recipient agency of Federal contracts, subcontracts and grants shall encourage adoption and enforcement of on-the-job seat belt policies and programs for its employees, contractors, and subrecipients when operating company-owned, rented or personally owned vehicles.
33. **INS Employment Eligibility Form (I-9):** Organizations funded under this federal grant program must agree to complete and keep on file, as appropriate, the Immigration and Naturalization Service Employment Eligibility Form (I-9). This form is to be used by the recipient of Federal Funds to verify that persons employed by the recipient are eligible to work in the United States.
34. **Match Requirement:** In support of this project, the Subrecipient agrees to adhere to U.S. Department of Justice's match requirements outlined in the DOJ Financial Guide, Part III Chapter 3: Matching or Cost Sharing Requirements and to satisfy any state requirements on matching and cost sharing, if applicable.
35. **National Environmental Policy Act (NEPA)/National Historic Preservation Act:** The Subrecipient agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds. Accordingly, the subrecipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the subrecipient agrees to contact BJA.

The Subrecipient understand that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the Subrecipient or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The Subrecipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The Subrecipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

For any of the Subrecipient's existing programs or activities that will be funded by these grant funds, the subrecipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

- 36. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct:** Any subrecipient ("subgrantee") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

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

- 37. Restrictions and certifications regarding non-disclosure agreements and related matters:** No 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.

- 38. 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 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.
- 39. High-Risk Status:** The subrecipient 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 subrecipient is designated as "high risk" for purposes of the DOJ high-risk grantee list.
- 40. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2019):** 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 <http://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 subrecipient would or might fall within the scope of an appropriations-law restriction, the subrecipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

41. **Restrictions on lobbying:** Federal funds may not be used by any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government. Should any question arise as to whether a particular use of Federal funds by a recipient (or subrecipient) would or might fall within the scope of this prohibition, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.
42. **Requirement for data on performance and effectiveness under the award:** The Subrecipient must collect and maintain data that measures the performance and effectiveness of activities under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.

Quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (<https://bjapmt.ojp.gov>). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

43. **Requirements related to "de minimis" indirect cost rate:** A Subrecipient 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.
44. **Requirement to report potentially duplicative funding:** If the Subrecipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

45. Employment eligibility verification for hiring under the award: Any subrecipient ("subgrantee") at any tier, must comply with all employment eligibility verification for hiring requirements.

1. (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), 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 any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law. (E) 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. E-Verify employer agents can email EVerify at E-VerifyEmployerAgent@dhs.gov. Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

- 46. Requirements related to System for Award Management and Unique Entity Identifiers:** The Subrecipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <http://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.
- 47. All subawards must have specific federal authorization:** 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 OJA web site at <http://ojp.gov/funding/Explore/SubawardAuthorization.htm>
- 48. Salary Limits:** The Subrecipient agrees that federal grant funds should not be used to pay employee annual cash compensation in an amount that exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year. (The salary table for SES employees is available at <http://www.opm.gov>).
- 49. Consultant/Speaker Rate:** The Subrecipient agrees that the daily rate for consultants or speakers will be reasonable and consistent with what is usually paid for similar services offered, and may not exceed \$81.25 per hour or \$650 per 8-hour day, compensation for all consultants and speakers will comply with the DOJ Financial Guide - Cost Requiring Prior Approval, the name of the consultant/speaker, title of discussion, and hourly daily rates of the consultant/speaker will be maintained in the official grant file, and, for any rate that exceeds \$650 per day the Subrecipient will receive written approval from OAG.
- 50. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events:** Any subrecipient ("subgrantee") must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences. Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").
- 51. OJP Training Guiding Principles:** Any training or training materials that the subrecipient ("subgrantee") at any tier develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://ojp.gov/funding/ojptrainingguidingprineiples.htm>.
- 52. Equipment:** Equipment must be used, maintained, and disposed of in a manner consistent with the standards outlined in 2 CFR Part 200, Subpart D, Subtitle 3, Equipment (2 CFR 200.313, supplemented by 2 CFR 2800.313), which includes, but is not limited to, the following requirements: title to equipment acquired under a Federal award will vest upon acquisition in the non-Federal entity subject to the obligations and conditions set forth in 2 CFR 200.313, supplemented by 2 CFR 2800.313; property may not be encumbered without approval of the

Federal awarding agency or pass-through entity; property must be used and disposed of in accordance with paragraphs (b), (c) and (e) of 2 CFR 200.313, supplemented by 2 CFR 2800.313; equipment must be used for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project; property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

- 53. Drug-Free Workplace:** Subrecipient must comply with the Drug-Free Workplace Act of 1988 (412 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. These regulations are codified at 28 CFR Part 83.
- 54. Grant Monitoring:** The Subrecipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The Subrecipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the Subrecipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the Subrecipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the Subrecipient as a DOJ High Risk grantee; or termination of an award(s).
- 55. Federal Funding Accountability and Transparency Act of 2006:** The Subrecipient agrees to comply with applicable requirements of the Federal Funding Accountability and Transparency Act (FFATA). The details of recipient and subrecipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards 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).
- 56. Privacy and Confidentiality Requirements:** The Subrecipient agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The Subrecipient further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
- 57. Human Research Subjects:** The Subrecipient agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

- 58. Procurement:** The Subrecipient agrees that procurement of supplies, equipment, and other services with funds provided by this grant shall be accomplished in a manner providing full and open competition and conducted pursuant to applicable federal (2 C.F.R. Part 200, Subpart D, Procurement Standards (2 C.F.R. § 200.317 et seq.)) and state requirements.

Adherence to the standards contained in the applicable federal and state laws and regulations does not relieve the Subrecipient of the contractual responsibilities arising under its procurement. The Subrecipient is the responsible authority, without recourse to L&PS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurement entered in support of a grant.

- 59. Unreasonable restrictions on competition under the award; association with federal government:** 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.

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.

- 60. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000:** Any subrecipient ("subgrantee") 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 <http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm>.

State General Conditions

- 61. Financial and Programmatic Reporting:** The Subrecipient agrees to file timely **monthly or quarterly** (as specified by letter sent with the fully executed contract) Detailed Cost Statements (DCS) with state payment vouchers and to file timely **quarterly** programmatic progress reports. A Final DCS must be filed to document receipt and expenditures of all grant funds. The last quarter programmatic progress report will serve as the final report.
- 62. Project Delays:** If a project is not operational within sixty (60) days of the original start date of the award period, the Subrecipient must report by letter to OAG of the steps taken to initiate the project, the reasons for the delay, and the expected start date. If a project is not operational within ninety (90) days of the original start date of the award period, the Subrecipient must submit a second statement to OAG explaining the implementation delay. Upon receipt of the 90-day letter, OAG may cancel the project and request the federal agency approval to redistribute the funds to other project areas. OAG may also, where extenuating circumstances warrant, extend the implementation date of the project past the 90-day period. When this occurs, the appropriate subaward files and records must so note the extension.
- 63. Compliance with State Laws:** The Subrecipient agrees to comply with all requirements imposed by the New Jersey Department of Law and Public Safety (L&PS) and the Division of Criminal Justice (OAG) concerning all federal, state, and municipal laws, rules, regulations, policies, guidelines, directives, and requirements (including licenses, permits, and background checks) that are generally applicable to the activities in which the Subrecipient is engaged in the performance of this grant. Failure to comply with these laws, rules, regulations, and State Department of Treasury, circulars letters (State Circular) will be grounds for termination of this subaward.
- 64. Legal Authority for Application:** The Subrecipient assures that it possesses legal authority to apply for the grant; that, if applicable, a resolution or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required. The Subrecipient assures that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
- 65. Grant Fund Availability:** The Subrecipient shall recognize and agree that both the initial provision of funding and the continuation of funding under this agreement are expressly dependent upon

the availability of funds appropriated to L&PS by the State Legislature from state and/or federal revenue streams and other applicable funding sources. In addition, if the Attorney General deems a subrecipient's program a priority, it may affect your funding. A failure of L&PS to make any payment under this agreement or to observe and perform any condition on its part to be performed under the agreement as a result of the failure of the Legislature to appropriate shall not in any manner constitute a breach of the agreement by L&PS or an event of default under the agreement and L&PS shall not be held liable for any breach of the agreement because of the absence of available funding appropriations. In addition, future funding shall not be anticipated from L&PS beyond the duration of the award period set forth in the grant agreement. In no event shall the agreement be construed as a commitment by L&PS to expend funds beyond the termination date set forth in the grant agreement.

- 66. Anti-Discrimination/Affirmative Action:** The Subrecipient assures that it will comply, and all of its contractors will comply, with the requirements of the state's anti-discrimination and affirmative action laws and regulations, including N.J.A.C. 17:27, applicable provisions of N.J.S.A. 10:5-1, et al., as amended, and all implementing regulations and state circulars as amended or superseded. Failure to comply with these laws, rules, regulations, and state circulars will be grounds for termination of this subaward.
- 67. Civil Rights Training:** The Subrecipient shall adopt procedures to respond to discrimination complaints, including those filed directly with the Subrecipient, from its employees and clients, customers, and program participants. These procedures shall be in accordance with the Department of Law and Public Safety's Federal Civil Rights Compliance Policy for Addressing Civil Rights Complaints. The Policy is available via the Internet at <http://www.nj.gov/lps/grants/lps-fed-discim-policy-grants.pdf>. **The Subrecipient also certifies that an Authorized Official, Project Director, or designee has completed the Department's Subrecipient Civil Rights Compliance Training, online at <http://www.nj.gov/lps/grants/lps-subrecipient-civil-rights-compliance.pdf>, has provided OAG with the original Certificate of Completion as part of its subaward package, and maintains a copy in its official Subrecipient file.**
- 68. Performance Period:** The Subrecipient agrees that the work will be performed within the subaward period.
- 69. Timekeeping Systems:** Subrecipient must maintain a timekeeping system which provides, at a minimum, records for all personnel charged to the grant as follows: positions, employee's name, title/rank, date hired, annual salary, total daily hours worked, hourly overtime rate, daily overtime charged to the grant, and signature of the employee, supervisor and project director regarding time charged to the grant. If an employee works solely on subaward activities, the Subrecipient's employee and supervisor will sign a certification every six months verifying salary and wage charges to the project.
- 70. Non State Employee Status:** The Subrecipient understands and agrees that non-State employees or other persons performing services in connection with a subaward shall not be considered employees of the State of New Jersey for any purpose, including but not limited to, defense and indemnification for liability claims, workers compensation or unemployment.
- 71. Indemnification by Non-profit Agencies or Local Units of Government:** The Subrecipient agrees that it shall be solely responsible for and shall defend, indemnify, keep, save, and hold the State

of New Jersey harmless from all claims, loss, liability, expense, or damage resulting from all mental or physical injuries or disabilities, including death, to its employees or recipients of the Subrecipient's services or to any other persons, or from any damage to any property sustained in connection with the delivery of the Subrecipient's services that results from any acts or omissions, including negligence or malpractice of any of its officers, directors, employees, agents, servants or independent contractors, or from the Subrecipient's failure to provide for the safety and protection of its employees, whether or not due to negligence, fault, or default of the Subrecipient. The Subrecipient's responsibility shall also include all legal fees and costs that may arise from these actions. The Subrecipient's liability under this agreement shall continue after the termination of this agreement with respect to any liability, loss, expense, or damage resulting from acts occurring prior to termination.

- 72. Indemnification by State Agencies:** The Subrecipient shall be responsible for, at its own expense defend itself against, and hereby releases the Department of Law and Public Safety for any and all suits, claims losses, demands, expenses, or damages of whatsoever kind or nature, arising out of or in connection with any act or omission of the Subrecipient and its employees, representatives, agents, independent contractors or invitees, related to this grant agreement.
- 73. Financial Management System:** The Subrecipient agrees to maintain an adequate financial management system in accordance with generally accepted principles of accounting, and will immediately notify L&PS when it cannot comply with the requirements established in this Section. The Subrecipient's financial management system shall provide for, but should not be limited to:
- a. The accurate, current, and complete disclosure of the financial results of each subaward in Detailed Cost Statements (DCS), and in conformity with generally accepted principles of accounting;
 - b. Accounting records that adequately identify the source and application of funds for L&PS supported activities. These records must contain information pertaining to subawards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures and income;
 - c. Effective internal and accounting controls over all funds, property, and other assets. The Subrecipient shall adequately safeguard all such assets and assure that they are used solely for authorized purposes;
 - d. The comparison of actual expenditures/outlays with budgeted amounts for each subaward, and the relationship of the financial information with performance or productivity data including the development of unit cost information required by L&PS;
 - e. Procedures for determining reasonableness, allowability, and allocability of costs consistent with Federal and State requirements;
 - f. Accounting and financial records that are supported by source documentation; and
 - g. When applicable, procedures to minimize the time elapsing between the advance of funds from the L&PS and the disbursement by the Subrecipient.
- 74. Accounting Records:** The Subrecipient agrees to enter, maintain, and record all grant funds received by the State for this program in accounting records separate from all other fund accounts, including funds derived from other grant awards. Subrecipient shall disburse grant funds in accordance with the provisions of the subaward throughout the project period and in accordance with conditions OAG may require.

- 75. Fund Recovery:** L&PS reserves the right to deny reimbursement or recover any funds considered unsupported, ineligible, or unallowable as a result of any audit, review, investigation, or monitoring.
- 76. Data and Reporting Requirements:** The Subrecipient agrees that it will maintain data and information and submit timely reports, including programmatic progress and financial reports, as L&PS may require. If reports are not submitted as required, then L&PS may, at its discretion, suspend payments on this subaward. The State of New Jersey may, at its discretion, take such action to withhold payments to the Subrecipient on this or any grant with other state agencies until the required reports have been submitted.
- 77. Records Retention:** Unless otherwise directed by LP&S, state or federal statute, all grant records shall be retained for a period of seven years. This period is extended until otherwise directed if there is any litigation, claim, negotiation, action, or audit in progress and/or audit finding involving grant records started before the end of the seven year period.
- 78. Budget Revisions/Grant Extensions:** The Subrecipient agrees to report any Budget Revisions or Grant Extensions as follows:
- h. Deviations in excess of one (1) percent from the approved budget or extensions in the grant period require prior approval via OAG Grant Adjustment Request Form (GARF). Subrecipient should be aware that approved budget revisions may result in the imposition of additional special conditions.
 - i. L&PS may request changes in the scope of services of the Subrecipient to be performed under this agreement. Such changes, which are mutually agreed upon by and between L&PS and the Subrecipient, must be incorporated in written amendments to this grant.

If the Subrecipient is making program expenditures or providing grant services at a rate which, in the judgment of L&PS, will result in substantial failure to expend the grant amount or provide grant services, L&PS may so notify the Subrecipient. If, after consultation, the Subrecipient is unable to develop to the satisfaction of L&PS a plan to rectify its low level of program expenditures or grant services, L&PS may upon thirty (30) days' notice to the Subrecipient, reduce the grant amount by a sum that more fairly projects program expenditures over the grant period. This reduction shall take into account the Subrecipient's fixed costs and shall establish the committed level of services for each program element of grant services at the reduced grant amount. If such a determination is made by L&PS subsequent to the awarding and receipt of the funds by the Subrecipient, the reduced amount will be remitted to L&PS.

If the revision requested will result in a change to the Subrecipient's approved project, which requires federal prior approval, L&PS will obtain the federal agency's approval before approving the Subrecipient's request.

- 79. Compliance with Performance Goals:** The Subrecipient must assure compliance with applicable Federal requirements and that performance goals are being achieved. Subrecipient monitoring must cover each program, function, or activity to monitor performance under grant supported

activities to assure time schedules and objectives are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved as applicable.

- j. The Subrecipient shall inform L&PS of the following types of conditions which affect program objectives and performance as soon as they become known:
 - i. Problems, delays, or adverse conditions which will materially impair the ability to attain program objectives, prevent meeting time schedules and goals, or preclude the attainment of project work units or established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any assistance by L&PS required to resolve the situation.
 - ii. Favorable developments or events which enable meeting time schedules and goals sooner than anticipated, at a lower than anticipated cost, or produces a greater benefit than originally planned.
- k. L&PS may, at its discretion, make site visits to:
 - i. Review program accomplishments and management control systems.
 - ii. Provide such technical assistance as may be required.
 - iii. Perform fiscal reviews to ensure grant funds are being properly expended in a timely manner.
 - iv. Ensure compliance with all pertinent civil rights laws and regulations.

80. Failure to Comply with Award Conditions: If the Subrecipient materially fails to comply with the terms of an award, whether stated in a state or federal statute, regulation, assurance, general condition, special condition, state plan/application, notice of award, or elsewhere, the Subrecipient agrees that L&PS may take one or more of the following actions, as appropriate:

- l. Temporarily withhold cash payments pending correction of the deficiency by the Subrecipient or take more severe enforcement action;
- m. Disallow all or part of the cost of the activity or action not in compliance;
- n. Wholly or partly suspend or terminate the current award for the Subrecipient's program;
- o. Withhold further awards for the program;
- p. Request the balance of grant funds to be returned and/or seek reimbursement for funds expended that were not in compliance with the terms and conditions of the grant agreement; or
- q. Take other remedies that may be legally available.

81. Grant Termination: When the Subrecipient has failed to comply with grant award requirements, stipulations, standards, or conditions, the Subrecipient agrees that L&PS may suspend the grant and withhold further payments; prohibit the Subrecipient from incurring additional obligations of grant funds pending corrective action by the Subrecipient; decide to terminate the grant in accordance with the below paragraph. L&PS shall allow all necessary and proper costs, which the Subrecipient could not reasonably avoid during the period of suspension, provided they meet federal and state requirements.

82. Grant Termination for Convenience: L&PS may terminate this grant for convenience, upon 60 days written advance notice to the Subrecipient, for any reason whatsoever, including lack of funding available to the L&PS. Upon receipt of a notice of termination for convenience, the Subrecipient shall cease incurring additional obligations of subaward funds. However, the L&PS shall allow the Subrecipient to incur all necessary and proper costs which the Subrecipient cannot reasonably avoid during the termination process, as long as these costs comply with all program requirements.

- 83. Termination for Non-Compliance:** The Subrecipient agrees that L&PS may terminate the grant in whole or in part whenever it is determined that the Subrecipient has failed to comply with the conditions of the grant. L&PS shall notify the Subrecipient in writing of the determination and the reasons for the termination together with an effective date. Payments made to the Subrecipient or recoveries by L&PS under the grant terminated for cause shall be in accordance with the legal right and liability of the parties.
- 84. Mutual Termination of the Grant:** L&PS and the Subrecipient may terminate the grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and in case of partial terminations, the portion to be terminated. The Subrecipient shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible.
- 85. Grant Termination - Notification and Due Process:** If the Subaward is terminated for the Subrecipient's failure to comply with Federal statutes, regulations, or terms and conditions of the Subaward, L&PS will provide notification to the Subrecipient, including information that the decision may be considered in evaluating future applications.

In taking an enforcement action, L&PS may provide the Subrecipient an opportunity for such hearing, appeal, or other administrative proceeding to which the Subrecipient is entitled under any statute or regulation applicable to the action involved.

- 86. High Risk Subrecipients:** In addition to the federal requirements regarding High Risk status, located at 2 CFR §§ 200.205 and 200.207, the Subrecipient also agrees to comply with the High Risk status requirements below:
- r. If L&PS determines that a Subrecipient:
 - i. Has a history of unsatisfactory performance;
 - ii. Is not financially stable;
 - iii. Has a financial management system that does not appear adequate according to the General Conditions or does not meet the standards set forth in Section VIII of State Circular 07-05-OMB, Grant Agreements - Agency Contracts;
 - iv. Has not conformed to terms and conditions of previous awards; or
 - v. Is otherwise not responsible, but L&PS determines that an award will be made, then special conditions and/or restrictions shall correspond to the high risk status and shall be included in the award.
 - s. If a Subrecipient is considered "High Risk," then L&PS may impose additional Special Conditions or restrictions on the Subrecipient at any time including:
 - i. Payment on a reimbursement basis;
 - ii. Withholding authority to proceed to the next phase until receipt or evidence of acceptable performance within a given funding period;
 - iii. Requiring additional, more detailed financial reports;
 - iv. Requiring additional project monitoring;
 - v. Requiring the subrecipient to obtain technical or management assistance; or
 - vi. Establishing additional prior approvals.

- t. If L&PS decides to impose such special conditions, L&PS will notify the Subrecipient as soon as possible, in writing, of:
 - i. The nature of the special conditions/restrictions;
 - ii. The reason(s) for imposing the special conditions;
 - iii. The corrective actions that must be taken before the special conditions will be removed by L&PS and the time allowed for completing the corrective actions; and
 - iv. The method of requesting reconsideration of the conditions/restrictions imposed.

87. Subcontracts and Assignments: The Subrecipient shall not subcontract any of the work or services covered by this grant, nor shall any interest be assigned or transferred except as may be provided for in this grant or with the express written approval of OAG. No rights or obligations of the Subrecipient under this subaward, in whole or part, may be assigned or subcontracted to another entity for any reason without the prior written approval of OAG. The Subrecipient may not transfer any rights or obligations under this subaward pursuant to an acquisition, affiliation, consolidation, merger or other synergy with another entity.

88. Contracts with Subcontractors/Vendors: The Subrecipient shall include in its official grant file copies of any contract with subcontractors/vendors regarding this grant program and copies of its monthly timekeeping system records. OAG reserves the right to give final written approval of subcontract/vendor budgets reimbursed with subaward funds. The Subrecipient agrees to include in any contract with a subcontractor/vendor and make binding on both the Subrecipient and any of its subcontractors/vendors the following conditions:

- u. A timekeeping system requirement as specified above.
- v. The hourly rate for certified providers will be based on experience and comparable rates for the field of service. All rates must be pre-approved by OAG.
- w. The subcontractor/vendor must develop and/or maintain written, internal policy and procedures for participant service purchases (i.e., transportation, food and other emergency aid) with appropriate monitoring, oversight, and authority.
- x. Types and amounts of purchases per project participant paid for with subaward funds must be pre-approved by OAG.

89. Public Works Contractor Registration: The Subrecipient's subcontractors, instructors, and consultants must maintain Public Works Contractor Registration with the Department of Labor and Workforce Development, as required by N.J.S.A. 34:11-56.48 et seq.

90. Purchase of Equipment: The Subrecipient agrees that all equipment purchased or leased with grant funds will be acquired by following standard county and local bidding/ procurement procedures, including P.L. 2004, c. 19 (N.J.S.A. 19:44A-20.4 and N.J.S.A. 19:44A-20.5) or state bidding/procurement procedures, including P.L. 2005, c. 51 (N.J.S.A. 19:44A-20.13), when applicable.

91. Purchase of Consumable Supplies: The Subrecipient agrees that all consumable supplies purchased or leased with grant funds will be acquired by following standard county and local bidding/procurement procedures, including P.L. 2004, c. 19 (N.J.S.A. 19:44A-20.4 and N.J.S.A. 19:44A-20.5) or state bidding/procurement procedures, including P.L. 2005, c. 51 (N.J.S.A. 19:44A-20.13), when applicable. The Subrecipient agrees to maintain an inventory list on all consumable supplies purchased with grant funds in the official grant file.

- 92. Purchase of Services:** Subrecipient certifies that all services purchased with grant funds must be acquired by following standard county and local bidding/procurement procedures, including P.L. 2004, c. 19 (N.J.S.A. 19:44A-20.4 and N.J.S.A. 19:44A-20.5) or state bidding/procurement procedures, including P.L. 2005, c. 51 (N.J.S.A. 19:44A-20.13), when applicable.
- 93. Purchase of Services by State Agencies:** For purchase of services by State Agencies, Independent State Agencies or Legislature, the Subrecipient agrees to comply with N.J.S.A. 52:34-13.2, and that all services performed under a contract or through any subcontract shall be performed in the United States, unless the appropriate officer provides a certification, which is approved by the appropriate authority, which states that a required service cannot be provided by a contractor or subcontractor within the United States.
- 94. Entertainment, Meals, and Refreshments:** The Subrecipient agrees to comply with the current State Circular on Entertainment, Meals, and Refreshments, 11-09-OMB and the DOJ Financial Guide - Food and Beverage, when using subaward funds to purchase food, beverages, and refreshments for project activities.
- 95. Travel/Training:** Subrecipient agrees to submit a written request to OAG and receive written approval before expending any grant funds allocated for training and/or travel (other than that which had been specifically listed, described and cost figures provided for in the approved grant application). A Subrecipient's use of any grant funds for allowable travel is restricted by the current State Travel regulations, State Circular 16-11-OMB. Exceptions to this policy may be considered on a case by case basis when justified by extenuating circumstances. A Subrecipient seeking an exception to these travel regulations must seek prior preapproval for the travel exception by submitting a written request to the awarding agency 60 days prior to commencement of travel.
- 96. Property:** The Subrecipient agrees that property furnished by L&PS, acquired in whole or in part with federal or L&PS funds, or whose cost was charged to a project supported by federal or L&PS funds, shall be utilized and disposed of pursuant to state and federal requirements.
- 97. Overtime:** The Subrecipient agrees that overtime expenses must be directly related to pre-approved subaward activities. Monthly overtime charges to the subaward must be reported on the OAG Detailed Cost Statement (DCS) report. The DCS should include employee's name, daily overtime charged, and activity for which overtime expenses were incurred.
- 98. Insurance Costs:** The Subrecipient agrees to ensure all insurance requirements consistent with the business/not-for-profit entity are extended to include the purposes and intent of this subaward.
- 99. Corruption of Public Resources Act:** The Subrecipient understands and agrees that, in compliance with the Corruption of Public Resources Act, N.J.S.A. 2C:27-12, it cannot knowingly misuse state grant funds for an unauthorized purpose. Violations under this act could result in a prison term of up to 20 years and a fine of up to \$500,000, pursuant to N.J.S.A. 2C:30-8.

Federal Special Conditions

- 100. Information Sharing and Interoperability:** In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the Subrecipient to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. The Subrecipient shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. The Subrecipient shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
- 101. Existing Network Duplication:** To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
- 102. BJA Training Requests:** The Subrecipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
- 103. Task Force Training:** The Subrecipient agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).
- 104. Compliance with Criminal Intelligence Systems Operating Policies (if applicable):** The Subrecipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the Subrecipient may be fined as per 42 U.S.C. 3789g(c)-(d). The Subrecipient may not satisfy such a fine with federal funds.
- 105. Subrecipient Monitoring by OAG:** The Subrecipient agrees that OAG will monitor this JAG subaward for compliance with all applicable statutes, regulations, OMB circulars, and

guidelines, including the DOJ Financial Guide. OAG will oversee the subrecipient's spending and monitoring of specific outcomes and benefits attributable to the use of JAG funds.

106. **Mandatory Wear Policy:** The Subrecipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. **Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases.** This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.
107. **Body Armor Purchase Requirements:** Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safetyinitiative.htm>.
108. **JAG Funds and Match for BVP:** JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
109. **Prohibited Expenditure List:** The Subrecipient understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure list may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
110. **Controlled Expenditure List:** The Subrecipient understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>
111. **Controlled Expenditure List and Purchase Information:** The Subrecipient understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source and make that information available to BJA upon request. Details about what information must be collected and retained may be accessed here: https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf

112. General Policing Standards and Specific Controlled Equipment Standards: The recipient understands that, pursuant to recommendation 2.1 of Executive Order 13688, law enforcement agencies that acquire controlled equipment through Federal programs must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient agrees to provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.

113. Controlled Expenditure List Transfers: The Subrecipient understands and agrees that, notwithstanding 2 CFR § 200.313, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described below:

- f. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it was requesting approval to use award fund for the initial purchase of items on the Controlled Expenditure List.
- g. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
- h. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale. The Subrecipient further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.

The Subrecipient further understands and agrees to notify OAG prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.

114. Violations of Controlled Expenditures Rules: The Subrecipient understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.

115. JAG Success Stories: BJA strongly encourages the Subrecipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories

will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.

116. Submission of eligible records relevant to the National Instant Background Check System:

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition

CERTIFICATION

I certify that the programs proposed in this application meet all the requirements of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that my agency will comply with the provisions of the JAG Grant Program and all other applicable federal and state laws, regulations, and guidelines.

County of Essex
Subrecipient

JAG 1-7TF-19
Grant Number

Signature of Authorized Official

Essex County Executive
Title (e.g. Executive Director, Agency Head,
President, Chairperson of the Board)

Joseph N. DiVincenzo
Printed Name of Authorized Official

Date

DEPARTMENT OF LAW & PUBLIC SAFETY
CIVIL RIGHTS COMPLIANCE CHECKLIST

(to be completed by subrecipients of U.S. Department of Justice Grants only)

Subrecipient: County of Essex, Essex County Prosecutors Office

Subaward Number: JAG 1-7TF-19

1. If the subrecipient is required to prepare an Equal Employment Opportunity Plan (EEO) in accordance with 28 C.F.R. §§ 42.301-.308, does the subrecipient have an EEO on file for review?

Yes No N/A

If yes, on what date did the subrecipient prepare the EEO? 11/10/2022

2. If the subrecipient is required to submit an EEO Utilization Report to the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) in accordance with 28 C.F.R. §§ 42.301-.308, has the subrecipient done so?

Yes No N/A

If yes, on what date did the subrecipient submit the EEO Utilization Report?

11/10/2022

3. Has the subrecipient submitted a Certification Form to the OCR certifying compliance with the EEO requirements?

Yes No

If yes, on what date did the subrecipient submit the Certification Form?

4. How does the subrecipient notify program participants and beneficiaries that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, age, and, if a recipient of funding authorized by the Violence Against Women Act of 1994 (VAWA) or its subsequent enactments, sexual orientation and gender identity, in the delivery of services (e.g., posters, inclusion in brochures or other program materials)?

Our Equal Opportunity provisions and policies are written and available in our County policy manual. They are also available on the County web site in the Handbook. The Handbook is given in printed form to every newly hired employee, at the time when they attend the new hire orientation sessions. These written policies and procedures are also distributed to every County department to be posted on an Employee Bulletin Board for each worksite and department area.

Comments:



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OFFICE OF THE ATTORNEY GENERAL

5. How does the subrecipient notify employees that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, and, if a VAWA recipient, sexual orientation and gender identity, in employment practices (e.g., posters, dissemination of relevant orders or policies, inclusion in recruitment materials)?

This information is listed on the County web site within the County Handbook. In addition, it is stated on the Zero Tolerance for Discrimination Policy. This is given to very new hire at orientation as well as during sexual harassment trainings done every two years.

Comments:

6. Does the subrecipient have written policies or procedures in place for notifying employees how to file complaints alleging discrimination by the subrecipient?

Yes No

If yes, give an explanation of these policies and procedures:

These policies and procedures are available in the County Handbook for employees, which is distributed to all new employees and is available on the County web site.

7. Does the subrecipient have written policies or procedures in place for notifying program participants and beneficiaries how to file complaints alleging discrimination by the subrecipient, including how to file complaints with the Department of Law & Public Safety (Department) and the OCR?

Yes No

If yes, give an explanation of these policies and procedures:

ECPO follows Essex County's zero tolerance policy regarding harassment and discrimination. Means for reporting such offenses include the use of various standardized County forms. Any such allegations are then forwarded to the County's Inspector General for review and further action.

8. If the subrecipient has 50 or more employees and receives DOJ funding of \$25,000 or more, has the subrecipient taken the following actions:

a. Adopted grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Section 504 of the Rehabilitation Act of 1973, found at 28 C.F.R. Part 42, Subpart G, which prohibit discrimination on the basis of disability in employment practices and the delivery of services.

Yes No N/A

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OFFICE OF THE ATTORNEY GENERAL

b. Designated a person to coordinate compliance with the prohibitions against disability discrimination contained in 28 C.F.R. Part 42, Subpart G.

Yes No N/A

c. Notified program participants, beneficiaries, employees, applicants, and others that the subrecipient does not discriminate on the basis of disability.

Yes No N/A

Comments:

9. If the subrecipient operates an education program or activity, has the subrecipient taken the following actions:

a. Adopted grievance procedures that provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Title IX of the Education Amendments of 1972, found at 28 C.F.R. Part 54, which prohibit discrimination on the basis of sex.

Yes No N/A

b. Designated a person to coordinate compliance with the prohibitions against sex discrimination contained in 28 C.F.R. Part 54.

Yes No N/A

c. Notified applicants for admission and employment, employees, students, parents, and others that the subrecipient does not discriminate on the basis of sex in its education programs or activities.

Yes No N/A

Comments:

10. Has the subrecipient complied with the requirement to submit to the Department and OCR any findings of discrimination against the subrecipient issued by a federal or state court or a federal or state administrative agency on the grounds of race, color, religion, national origin, or sex?

Yes No

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OFFICE OF THE ATTORNEY GENERAL

Comments:

11. What steps has the subrecipient taken to provide meaningful access to its programs and activities to persons who have limited English proficiency (LEP)?

The ECPO employs staff who are multi-lingual, speaking Spanish, French-Creole, and Portuguese. We also have a staff member that is a certified sign-language interpreter. Our contact letters and brochures have been translated into Spanish. The language contained on our website and phone application for victims will soon be translated into Spanish.

Comments, including an indication of whether the subrecipient has developed a written policy on providing language access services to LEP persons:

ECPO and the County of Essex are in the process of formalizing policies for LEP language access.

12. Does the subrecipient conduct any training for its employees on the requirements under federal civil rights laws?

Yes No

Comments:

13. If the subrecipient conducts religious activities as part of its programs or services, does the subrecipient do the following:

a. Provide services to everyone regardless of religion or religious belief.

Yes No N/A

b. Ensure that it does not use federal funds to conduct inherently religious activities, such as prayer, religious instruction, or proselytization, and that such activities are kept separate in time or place from federally-funded activities.

Yes No N/A

c. Ensure that participation in religious activities is voluntary for beneficiaries of federally-funded programs.

Yes No N/A

Comments:

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OFFICE OF THE ATTORNEY GENERAL

14. If the subrecipient receives VAWA funds, does it serve male victims of domestic violence, dating violence, sexual assault, and stalking?

Yes No N/A

Comments:

15. If the subrecipient receives VAWA funds, does the subrecipient provide sex-segregated or sex-specific services?

Yes No N/A

If yes, describe how services are sex-segregated or sex-specific:

If yes, has the subrecipient determined that providing services that are sex-segregated or sex-specific is necessary to the essential operation of the program?

Yes No N/A

If yes, describe how the subrecipient determined that providing sex-segregated or sex-specific services is necessary to the essential operation of the program:

Form Completed By:

Robert D. Jackson

Name

Essex County Administrator

Title

Signature

Date

**COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY PLAN (EEOP)
REQUIREMENTS**

Subrecipient: County of Essex, Essex County Prosecutor's Office
Type text here

Subaward Number: JAG 1-7TF-19

Subrecipients that receive financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended (42 U.S.C. § 3789d) must comply with the federal regulations pertaining to the development of an EEOP found at 28 C.F.R. Part 42, Subpart E.

In compliance with 28 C.F.R. Part 42, Subpart E, the Subrecipient certifies that it has accurately completed the applicable sections of the EEOP Certification Form found on the U.S. Department of Justice website at <http://ojp.gov/about/ocr/pdfs/cert.pdf>, and sent the signed form with the document title "EEOP Certification" to the Office for Civil Rights at the Office of Justice Programs, U.S. Department of Justice through the following e-mail address:

EEOPForms@usdoj.gov

The Subrecipient further certifies that it has provided the Department of Law and Public Safety with a copy of its submitted EEOP Certification Form.

Joseph N. DiVincenzo
Name of Authorized Representative

Essex County Executive
Title of Authorized Representative

Signature of Authorized Representative

Date



CERTIFICATION FORM

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three. If recipient completes Section A or C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Recipient's Name: County of Essex, Essex County Prosecutor's Office	
Address: 50 West Market Street, Veterans Courthouse, Newark, NJ 07102	
Is agency a: <input type="checkbox"/> Direct or <input checked="" type="checkbox"/> Sub recipient of OJP, OVW or COPS funding?	Law Enforcement Agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DUNS Number: 185643256	Vendor Number (only if direct recipient)
Name and Title of Contact Person: Thomas S. Fennelly, Chief Assistant Prosecutor	
Telephone Number: 973-621-4602	E-Mail Address: thomas.fennelly@njecpo.org

Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

- | | | |
|--|--|---|
| <input type="checkbox"/> Less than fifty employees | <input type="checkbox"/> Indian Tribe | <input type="checkbox"/> Medical Institution |
| <input type="checkbox"/> Nonprofit Organization | <input type="checkbox"/> Educational Institution | <input type="checkbox"/> Receiving a single award(s) less than \$25,000 |

I, _____ [responsible official], certify that [recipient] is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R. § 42.302. I further certify that _____ [recipient] will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

Print or Type Name and Title _____ Signature _____ Date _____

Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or, subaward, of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, Joseph N. DiVincenzo, Essex County Executive _____ [responsible official], certify that County of Essex [recipient], which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office: Office of Human Resources, County of Essex

[organization],
Hall of Records, 2nd Floor, 365 Dr. Martin Luther King Blvd., Newark, NJ 07102
[address].

Joseph N. DiVincenzo, Essex County Executive _____
Print or Type Name and Title _____ Signature _____ Date _____

Section C—Declaration Stating that an EEOP Short Form Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Short Form to the OCR for review.

I, _____ [responsible official], certify that [recipient], which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

Print or Type Name and Title _____ Signature _____ Date _____

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT FORM

To be completed by Subrecipient:

1. Agency Name:
County of Essex, Essex County Prosecutor's Office
2. City: Newark 3. State: NJ 4. Zip + 4: 07102 - 1604
5. Congressional District: NJ 10
6. DUNS number: 185643256 (<http://www.dnb.com/us/>)
7. Parent DUNS Number, if a subsidiary or controlled by a Parent organization: _____
8. Location of Primary Place of Performance of Project (if different than above): [Same]
City: _____ State: _____ Zip +4: _____ - _____
Congressional District: _____
9. The names and total compensation of the five most highly compensated officers of the entity (and parent if owned by another entity) if:
 - (i) the entity in the preceding fiscal year received—
 - (a) 80 percent or more of its annual gross revenues in Federal awards; and
 - (b) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986.

	<u>Officer Name</u>	<u>Total Compensation</u>
#1	_____	_____
#2	_____	_____
#3	_____	_____
#4	_____	_____
#5	_____	_____
10. Signature of Agency Representative: _____

To be completed by Division/SubGrantor: Joseph N. DiVincenzo, Essex County Executive

1. Amount of Award: _____
2. Federal: _____ 3. Match or State Share: _____
4. Award Title: _____ 5. Award Number: _____
6. Transaction Type: _____
7. CFDA Number: _____
8. Program Source: _____
9. Descriptive Title of Project: _____

Date of Award (OAG use only): _____



Certificate of Completion

- I certify I have reviewed the New Jersey Subrecipient Civil Rights Compliance Training regarding federal grant funded projects, policies, and the legal sources that prohibit discrimination
- Subgrant Award Number: JAG 1-7TF-19
- Project Director
or Designee: Thomas S. Fennelly, Chief Assistant Prosecutor

Print

Thomas Fennelly

12/29/22

Signature

Date