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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

January 29, 2020

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

1. Authorize the Department of Justice to accept and expend \$51,675 from the U.S. Department of Justice, Bureau of Justice Statistics, Office of Justice Programs, in order to purchase 39 Livescan printers in areas around the state, upon approval of the Governor and Executive Council through December 31, 2020. 100% Federal Funds.

Funds are to be budgeted in account 02-20-20-201510-3426, NCHIP Grant as follows:

Class/Expense	Class Title	Current SFY20 Budget	Increase Amount	Revised SFY20 Budget
040-500800	Indirect Costs	\$27	\$0	\$27
041-500801	Audit Fund Set Aside	\$284	\$0	\$284
072-500576	Grants Federal	\$521,261	\$0	\$521,261
085-588523	Interagency Transfer out of Federal Funds.	\$0	\$51,675	\$51,675
		<u>\$521,572</u>	<u>\$51,675</u>	<u>\$573,247</u>
Revenue Source:				
000-400338	Federal Funds	\$521,572	\$51,675	\$573,247
		<u>\$521,572</u>	<u>\$51,675</u>	<u>\$573,247</u>

2. Upon approval of Request Action #1, authorize the Department of Justice to enter into a subgrant with the Department of Safety, in an amount not to exceed \$51,675 from the U.S. Department of Justice, Bureau of Justice Statistics, Office of Justice Programs, in order to purchase 39 Livescan printers in areas around the state, upon approval of the Governor and Executive Council through December 31, 2020. 100% Federal Funds.

EXPLANATION

Requested Action #1 is to authorize the New Hampshire Department of Justice (DOJ) to accept and expend a grant award, received from the U.S. Department of Justice, Bureau of Justice Statistics, Office of Justice Programs, National Criminal History Improvement Program (NCHIP). This request is to accept and expend additional funds of \$51,675 over the authorized budgeted amount, in order to subgrant the funds to the Department of Safety (DOS) to purchase 39 Livescan printers.

Upon approval of Requested Action #1, Requested Action #2 is to authorize DOJ to subgrant these funds to the New Hampshire Department of Safety (DOS) to purchase 39 Livescan printers.


On February 20, 2019, item #99, the Governor and Executive Council approved a time extension to an existing subgrant with DOS, utilizing \$281,121 in NCHIP funds, to purchase 42 outdated fingerprinting devices. On March 13, 2019, item #94, the Governor and Executive Council approved an additional subgrant to DOS, utilizing \$237,900 in NCHIP funds, to purchase 43 outdated fingerprinting devices. Requested Action #1 and Requested Action #2 will allow DOS to purchase up to 39 Livescan printers to work in conjunction with 39 of the replaced fingerprinting devices.

In accordance with, and in compliance to, the Interstate Identification Index (III), the DOS, Division of State Police is the State's sole submitting agency of fingerprint images to the FBI. This NCHIP funding will enable New Hampshire law enforcement agencies additional tools and technology to facilitate the exchange of tenprint data to the FBI and State Police. The FBI requires electronic fingerprint submissions. The use of the Livescan printers is a critical component in the submission of fingerprints to the FBI and complies with the FBI's directive.

In the event federal funds become no longer available, general funds will not be requested to support this program.

Please let me know if you have any questions. Your consideration of this request is greatly appreciated.

Respectfully submitted,



Gordon J. MacDonald
Attorney General



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1. RECIPIENT NAME AND ADDRESS (Including Zip Code) New Hampshire Department of Justice 33 Capitol Street Concord, NH 03301		4. AWARD NUMBER: 2019-RU-BX-K005	
		5. PROJECT PERIOD: FROM 10/01/2019 TO 12/31/2020 BUDGET PERIOD: FROM 10/01/2019 TO 12/31/2020	
		6. AWARD DATE 09/19/2019	7. ACTION Initial
2a. GRANTEE IRS/VENDOR NO. 026002618		8. SUPPLEMENT NUMBER 00	
2b. GRANTEE DUNS NO. 808591127		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE State of New Hampshire FY 2019 NCHIP Project		10. AMOUNT OF THIS AWARD \$ 51,675	
		11. TOTAL AWARD \$ 51,675	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 34 USC § 40301 (NCHIP)			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.554 - National Criminal History Improvement Program (NCHIP)			
15. METHOD OF PAYMENT OPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Jeffrey H. Anderson Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Kathleen Carr Director of Administration	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 10-7-19
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR FUND CODE BUD. ACT. DIV. OFC. REG. SUB. POMS AMOUNT X B RU 50 00 00 51675		21. URURGT0079	

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

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



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SPECIAL CONDITIONS

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

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

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

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

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

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2019 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2019 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2019 award.

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

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

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

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3. Compliance with DOJ Grants Financial Guide

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

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

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

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

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

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2017, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2017, will satisfy this condition.

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

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

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

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

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7. Requirement to report potentially duplicative funding

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

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

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

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

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

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

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9. Employment eligibility verification for hiring under the award

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

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

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

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

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

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

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

2. Monitoring

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

3. Allowable costs

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

4. Rules of construction

A. Staff involved in the hiring process

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

B. Employment eligibility confirmation with E-Verify

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

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

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

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

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

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

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

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

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

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

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

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

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

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

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

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

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

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

2. Monitoring

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

3. Allowable costs

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

4. Rules of construction

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

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

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

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

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

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

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

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

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

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

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

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

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

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



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19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

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

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

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

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

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

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

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

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

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

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24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

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

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

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

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2019, are set out at <https://ojp.gov/funding/Explore/FY19AppropriationsRestrictions.htm>, and are incorporated by reference here.

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

26. Reporting potential fraud, waste, and abuse, and similar misconduct

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

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax).

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

cc



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AWARD CONTINUATION
SHEET
Cooperative Agreement

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PROJECT NUMBER 2019-RU-BX-K005

AWARD DATE 09/19/2019

SPECIAL CONDITIONS

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

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

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

1. In accepting this award, the recipient--

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

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

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

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

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

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

CC



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PROJECT NUMBER 2019-RU-BX-K005

AWARD DATE 09/19/2019

SPECIAL CONDITIONS

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

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

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

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

29. Encouragement of policies to ban text messaging while driving

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

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

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

31. Recipient agrees that AFIS (Automated Fingerprint Identification System) equipment purchased under this award will conform to the American National Standards Institute (ANSI) Standard, "Data Format for the Interchange of Fingerprint, Facial & Other Biometric Information" (ANSI/NIST-ITL 1-2007 PART 1) and other reporting standards of the FBI.

32. Recipient is or will be following a comprehensive strategy for information sharing systems to improve the functioning of the criminal justice system, with an emphasis on integration of all criminal justice components, law enforcement, courts, prosecution, corrections, and probation and parole. Further, the strategy must be developed in consultation with State and local officials with emphasis on the recommendation of officials whose duty it is to oversee, plan, and implement integrated information technology systems, and contain-- (a) a definition and analysis of integration in the State and localities developing integrated information sharing systems; (b) an assessment of the criminal justice resources being devoted to information technology; (c) State and local resource needs; (d) Federal, State, regional, and local information technology coordination requirements; and (e) statewide priorities for planning and implementation of information technology systems.



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PROJECT NUMBER 2019-RU-BX-K005

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SPECIAL CONDITIONS

33. This NCHIP/NARIP related project is to be funded as a cooperative agreement. The basis for using a cooperative agreement is the substantial involvement of the Bureau of Justice Statistics (BJS) in providing information, guidance, and direction relative to criminal history records improvements within the states. BJS will exercise general approval over the entire project. In addition, the substantial involvement of BJS will include, but not be limited to:
 - a. Determining the types of criminal history record information that will be useful to Federal, state, and local agencies.
 - b. Identifying Federal information reporting standards and guidelines and making them available to the recipient or providing access to them.
 - c. Providing technical assistance to the recipient to enhance state criminal history records, identify convicted felons, and improve the quality and timeliness of criminal history information.
 - d. Informing the recipient of the status of Federal program requirements, specifications, and funding levels.
 - e. Requesting and obtaining statistical data as needed to monitor and assess performance with respect to criminal records improvement goals.
34. Recipient agrees that activities supported under this award will be coordinated with Federal, State, and local activities relating to homeland security and presale firearm checks, as appropriate.
35. In order to ensure that the National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP) are realizing the objectives in the most productive manner, the recipient agrees to participate in a comprehensive evaluation effort. It is anticipated that the evaluation will take place during the course of the program and will likely involve each participating state. It is expected that the evaluation will have a minimal impact on state program personnel and resources.
36. Recipient agrees that criminal justice information systems designed, implemented, or upgraded with NCHIP or NARIP funds will be compatible, where applicable, with the National Incident-Based Reporting System (NIBRS), the National Crime Information Center system (NCIC 2000), the National Criminal Instant Background Check System (NICS), the Integrated Automated Fingerprint Identification System (IAFIS), and applicable national, statewide or regional criminal justice information sharing standards and plans.
37. Protective order systems developed with funds awarded under this cooperative agreement will be designed to permit interface with the National Protective Order file maintained by the FBI.
38. Recipient has or intends to establish a program that enters into the National Crime Information Center (NCIC) records of: (a) Protection orders for the protection of persons from stalking or domestic violence; (b) Warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence; and (c) Arrests or convictions of persons violating protection orders intended to protect victims from stalking or domestic violence.
39. Recipient agrees that activities funded under this award will be closely coordinated with related activities supported with OJP, State, local, or tribal funds.
40. The value or amount of any "non-federal share," "match," or cost-sharing contribution incorporated into the OJP OCFO-approved budget for this award is part of the "project cost" for purposes of the Part 200 Uniform Requirements, and is subject to audit. In general, the rules and restrictions that apply to award funds from federal sources also apply to funds in the OJP-approved budget that are provided as "match" or through "cost sharing."
41. Grant funds may be used only for the purposes in the recipient's approved application. The recipient shall not undertake any work or activities that are not described in the grant application, and that use staff, equipment, or other goods or services paid for with OJP grant funds, without prior written approval from OJP.

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PROJECT NUMBER 2019-RU-BX-K005

AWARD DATE 09/19/2019

SPECIAL CONDITIONS

42. Within 45 calendar days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and
- 14) any other costs associated with the event.

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

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

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

Further instructions regarding the submission of this data, and how to determine costs, are available in the OJP Financial Guide Conference Cost Chapter.

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**AWARD CONTINUATION
SHEET**
Cooperative Agreement

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PROJECT NUMBER 2019-RU-BX-K005

AWARD DATE 09/19/2019

SPECIAL CONDITIONS

43. Justification of consultant rate

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

44. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

45. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <https://it.ojp.gov/technology-contacts>.

46. The recipient agrees that federal funds under this award will be used to supplement but not supplant state or local government funds.

47. The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due no later than 90 days following the close of this award period or the expiration of any extension periods. This report will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.

48. The recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov/>) using the SF 425 Federal Financial Report form (available for viewing at <https://www.gsa.gov/forms-library/federal-financial-report>), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.

49. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.

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

CC



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

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**
Cooperative Agreement

PROJECT NUMBER
2019-RU-BX-K005

PAGE 1 OF 1

This project is supported under 34 USC § 40301 (NCHIP)

1. STAFF CONTACT (Name & telephone number)

Ronald G. Planty
(202) 616-1758

2. PROJECT DIRECTOR (Name, address & telephone number)

Thomas Kaempfer
Administrator II
33 Capitol St
Concord, NH 03301
(603) 271-8090

3a. TITLE OF THE PROGRAM

FY 2019 National Criminal History Improvement Program (NCHIP)

**3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)**

4. TITLE OF PROJECT

State of New Hampshire FY 2019 NCHIP Project

5. NAME & ADDRESS OF GRANTEE

New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2019 TO: 12/31/2020

8. BUDGET PERIOD

FROM: 10/01/2019 TO: 12/31/2020

9. AMOUNT OF AWARD

\$ 51,675

10. DATE OF AWARD

09/19/2019

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The goal of the National Criminal History Improvement Program (NCHIP) is to improve the Nation's safety and security by enhancing the quality, completeness, and accessibility of criminal history record information and by insuring the nationwide implementation of criminal justice and noncriminal justice background check systems. BJS provides direct financial and technical assistance to the states to improve criminal history and other related records and to build their infrastructure to connect to national record check systems both to supply information and to conduct the requisite checks.

Under the 2019 NCHIP priority 1 area of updating and automating case outcomes in state records and the FBI Criminal History File, the New Hampshire Department of Justice (NH DOJ) will manage one project with NCHIP funds to replace 39 livescan printers for the recently purchased livescan devices. The NH DOJ is the State Administering Agency (SAA) for USDJ grant funding.

Livescan Replacement: NH DOJ will replace 39 livescan printers which will be compatible to the recently purchased livescans. Currently, New Hampshire uses an AFIS that electronically receives arrest and applicant fingerprint impressions and demographic data from fifty-one (51) livescan stations located across the state. State owned livescans were funded by a previously awarded NCHIP grant, while others were purchased by individual law enforcement agencies.

The New Hampshire State Police (specifically the Criminal Records Unit) is the sole submitting agency for all criminal ten-print impressions to the FBI. All ten-print impressions, submitted via inked or electronically by state, county, local law enforcement agencies, and every correctional facility, are forwarded to the State Police Criminal Records Unit for processing and submission to the FBI. In addition, fingerprinting is also used as an identification technique for job applicants, particularly in those circumstances where identification is critical, and/or where a determination of criminal history is needed.

New Hampshire has benefitted from livescan technology since 1997, with the then state-of-the-art livescan capability put in use throughout the state in correctional facilities and larger municipal law enforcement agencies. The standard industry "shelf life" for a livescan machine is seven (7) years. Replacement parts for the oldest livescans are no longer manufactured, and any available parts are cannibalized from replaced livescans. New Hampshire State Police is in the process of replacing the current livescans, which do not include replacement printers.

(CA/NCF)

Department of Justice
 GRANTS FISCAL SITUATION-FISCAL YEAR 2020
 02-20-20-201510-34260000-NCHIP Grant

Total Agency Authorization	\$ 573,247
Less Expenditures to 06/30/2019	<u>\$ -</u>
Remaining Authorization to Budget	<u>\$ 573,247</u>

Less Current Budget Authorization	\$ 521,572
Total Available for Budgeting	<u>\$ 51,675</u>

Available to Budget at Later Date	\$ -
REQUESTED ACTION	<u><u>\$ 51,675</u></u>

Grant Award Number	Award Amount Over FY20 Authorized Budget	Expenses to 06/30/2019	Balance
2019-RU-BX-K005	\$ 51,675	\$ -	\$ 51,675

State of New Hampshire
Interagency Memorandum of Understanding

Whereas, the New Hampshire Department of Justice ("DOJ") is a duly constituted agency of the State of New Hampshire;

Whereas, the New Hampshire Department of Safety (DOS) is a duly constituted agency of the State of New Hampshire;

Whereas, DOJ is responsible for providing funding through a subgrant to DOS as herein described;

Whereas, DOJ desires to enter into a subgrant with DOS for a term from Governor and Council approval through 12/31/2020 in an amount not to exceed \$51,675.00;

Whereas, DOS is responsible for adhering to all conditions as set forth in the federal financial rules and all applicable state rules and regulations of procurement;

Whereas, DOS desires to purchase thirty-nine (39) MS810dn model Livescan printers to replace existing Livescan printers that are beyond approved shelf life throughout the state.

NOW THEREFORE, the parties enter into this Memorandum of Understanding to their mutual benefit, the benefit of the State and in furtherance of constitutional or statutory authority and objectives.

1. DOJ agrees to pay DOS the amount of \$51,675.00 for the purposes described in the attached MOU Exhibit A, which is hereby incorporated by reference. Payment shall be provided from 020-20-20-201510-3426-085-588523. Vendor # 311206 (DOS).
2. DOS agrees to carry out the services described in the attached MOU Exhibit A, which is hereby incorporated by reference.
3. The method of payment and payment amount for the above-referenced services, if any is required, is described in the attached MOU Exhibit B, such exhibit being hereby incorporated by reference.
4. All obligations hereunder are contingent upon the availability and continued appropriation of funds. The agencies shall not be required to transfer funds from any other account in the event that funds are reduced or unavailable.
5. The Memorandum of Understanding is effective until 12/31/2020.
6. This Memorandum of Understanding may be amended by an instrument in writing signed by both parties. Either party may terminate this agreement by providing written notice to the other party at least 30 days prior to termination.

7. The parties agree that the obligations, agreements and promises made under this Memorandum of Understanding are not intended to be legally binding on the parties and are not legally enforceable.
8. Disputes arising under this Memorandum of Understanding which cannot be resolved between the agencies shall be referred to the Department of Justice, Civil Bureau, for review and resolution.
9. This agreement shall be construed in accordance with the laws of the State of New Hampshire.
10. The parties hereto do not intend to benefit any third parties and this Memorandum of Understanding shall not be construed to confer any such benefit.
11. In the event any of the provisions of this Memorandum of Understanding are held to be contrary to any state or federal law, the remaining provisions of this Memorandum of Understanding will remain in full force and effect.
12. This Memorandum of Understanding, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Memorandum of Understanding and understandings between the parties, and supersedes all prior Memoranda of Understanding and understandings related hereto.
13. Nothing herein shall be construed as a waiver of sovereign immunity, such immunity being hereby specifically preserved.
14. *For DOJ, Department of Justice:*

Kathleen Carr
Kathleen Carr, Director of Administration

Date: 1/27/20

15. *For Subrecipient, Department of Safety*

Robert L. Quinn
Robert L. Quinn, Commissioner

Date: 01/13/20

16. *Approved by the Attorney General (Form, Substance and Execution)*

Patricia Pachmer
Attorney

Date: 1/28/20

EXHIBIT A

-SCOPE OF SERVICES-

1. New Hampshire Department of Safety (DOS) as Subrecipient shall receive a grant from the New Hampshire Department of Justice (DOJ) for expenses incurred for services provided to the Department of Safety, funding to replace thirty-nine (39) out dated Livescan printers.
2. The Subrecipient shall be reimbursed by the DOJ based on budgeted expenditures described in Exhibit B. The Subrecipient shall submit incurred expenses for reimbursement on the state approved expenditure reporting form as provided. Expenditure reports shall be submitted on a quarterly basis, within fifteen (15) days following the end of the current quarterly activities. Expenditure reports submitted later than thirty (30) days following the end of the quarter will be considered late and out of compliance. *For example, with an award that begins on January 1, the first quarterly report is due on April 15th or 15 days after the close of the first quarter ending on March 31.*
3. Subrecipient is required to maintain supporting documentation for all grant expenses both state funds and match if provided and to produce those documents upon request of this office or any other state or federal audit authority. Grant project supporting documentation should be maintained for at least 3 years after the close of the project.
4. Subrecipient shall be required to submit an annual application to the DOJ for review and compliance.
5. Subrecipient shall be subject to periodic desk audits and program reviews by DOJ. Such desk audits and program reviews shall be scheduled with Subrecipient and every attempt shall be made by Subrecipient to accommodate the schedule.
6. All correspondence and submittals shall be directed to:
NH Department of Justice ✓
Grants Management Unit
33 Capitol Street
Concord, NH 03301
603-271- 8473 rene.stgeorge@doj.nh.gov

Subrecipient Initials RL

Date 01/13/20

EXHIBIT B

-SCHEDULE/TERMS OF PAYMENT-

1. The Subrecipient shall receive reimbursement in exchange for approved expenditure reports as described in EXHIBIT A.
2. The Subrecipient shall be reimbursed within thirty (30) days following the DOJ's approval of expenditures. Said payment shall be made to the Subrecipient's account receivables address per the Financial System of the State of New Hampshire.
3. The State's obligation to compensate the Subrecipient under this Agreement shall not exceed the price limitation set forth.

3a. The Subrecipient shall be awarded an amount not to exceed \$51,675.00 of the total Grant Limitation from Governor and Council approval through 12/31/2020, with approved expenditure reports. This shall be contingent on continued federal funding and program performance.

Subrecipient Initials *led*

Date 01/13/20

EXHIBIT C

-SPECIAL PROVISIONS-

- I. Subrecipients shall also be compliant at all times with the terms, conditions and specifications detailed in the Office of justice Programs Financial Guide and Special Conditions as Appendix 1 which is subject to annual review.

Subrecipient Initials AL

Date 1/13/20

94 *Sam*

**ATTORNEY GENERAL
 DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
 CONCORD, NEW HAMPSHIRE 03301-8397

GORDON J. MACDONALD
 ATTORNEY GENERAL

JANE E. YOUNG
 DEPUTY ATTORNEY GENERAL



February 26, 2019

His Excellency Governor, Christopher T. Sununu
 and the Honorable Council
 State House
 Concord, NH 03301

REQUESTED ACTION

Authorize the Department of Justice to enter into a subgrant with the New Hampshire Department of Safety, Concord NH (Vendor #177878-B001) in an amount not to exceed \$237,900 from the Bureau of Justice Statistics, Office of Justice Programs entitled National Criminal History Improvement Program (NCHIP) upon Governor and Executive Council approval through June 30, 2019. 100% Federal Funds.

Funding is available as follows:

02-20-20-201510-3426	<u>FY 2019</u>
NCHIP	
072-500576 Grants Federal	\$237,900

EXPLANATION

The Department of Justice (DOJ) is requesting authorization to subgrant funds from the Federal Fiscal Year 2018 National Criminal History Improvement Program (NCHIP) grant to the Department of Safety (DOS) to be used to purchase replacement fingerprinting machines. Many of the 43 fingerprinting devices currently in use throughout the State have exceeded the standard industry "shelf life" and replacement parts for the devices are no longer manufactured. This funding will be combined with the Federal Fiscal Year 2017 NCHIP subgrant, in the amount of \$281,121, to replace the most outdated fingerprinting machines throughout the state. DOS will also use the funds to purchase one portable digital fingerprinting machine.

In accordance with the Interstate Identification Index (III), the DOS, Division of State Police, Criminal Records Unit is the State's sole submitting agency of fingerprint images to the

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
February 25, 2019
Page 2 of 2

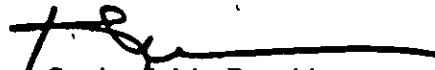
FBI. The fingerprinting devices enable New Hampshire law enforcement agencies to provide ten-print fingerprint data to State Police for submittal to the FBI.

Upon initial receipt of the Federal Fiscal Year 2017 NCHIP subgrant, DOS spent many months researching the most cost-effective method of replacing outdated fingerprinting machines. While this research was in progress, a Federal Fiscal Year 2018 opportunity for NCHIP funds became available. DOJ applied for and was awarded the funds to subgrant to DOS. DOS decided to wait for this subgrant and plans to combine the Federal Fiscal Year 2017 and 2018 NCHIP subgrants to replace more outdated fingerprinting machines.

In the event federal funds are no longer available, general funds will not be requested to support this program.

Please let me know if you have any questions. Your consideration of this request is greatly appreciated.

Respectfully submitted,



Gordon J. MacDonald
Attorney General

#2316422

State of New Hampshire

Interagency Memorandum of Understanding

Whereas, the New Hampshire Department of Justice (DOJ) is a duly constituted agency of the State of New Hampshire;

Whereas, the New Hampshire Department of Safety (DOS) is a duly constituted agency of the State of New Hampshire;

Whereas, DOJ is responsible for administering funding through the National Criminal History Improvement Program (NCHIP) Cooperative Agreement to fund projects to enhance the collection and reporting of criminal history data;

Whereas, DOJ desires to enter into a subgrant with DOS for a term from Governor and Council approval through June 30, 2019 in an amount to not exceed \$237,900;

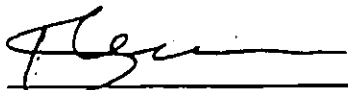
Whereas, DOS desires to purchase twelve (12) Livescan fingerprinting machines with printers to replace existing Livescan machines that are beyond approved shelf life throughout the state.

NOW THEREFORE, the parties enter into this Memorandum of Understanding to their mutual benefit, the benefit of the State and in furtherance of constitutional or statutory authority and objectives.

1. DOJ agrees to pay DOS the amount of \$237,900 for the services described in the attached MOU Exhibit A, which is hereby incorporated by reference. Payment shall be provided from 020-20-20-201510-3426072-500576
2. The method of payment and payment amount for the above-referenced services, if any is required, is described in the attached MOU Exhibit B, such exhibit being hereby incorporated by reference.
3. All obligations hereunder are contingent upon the availability and continued appropriation of funds. The agencies shall not be required to transfer funds from any other account in the event that funds are reduced or unavailable.
4. The Memorandum of Understanding is effective until June 30, 2019.
5. This memorandum of Understanding may be amended by an instrument in writing signed by both parties. Either party may terminate this agreement by providing written notice to the other party at least 30 days prior to termination.
6. The parties agree that the obligations, agreements and promises made under this Memorandum of Understanding are not intended to be legally binding on the parties and are not legally enforceable.

7. Disputes arising under this Memorandum of Understanding which cannot be resolved between the agencies shall be referred to the Department of Justice, Civil Bureau, for review and resolution.
8. This agreement shall be construed in accordance with the laws of the State of New Hampshire.
9. The parties hereto do not intend to benefit any third parties and this Memorandum of Understanding shall not be construed to confer any such benefit.
10. In the event any of the provisions of this Memorandum of Understanding are held to be contrary to any state or federal law, the remaining provisions of this Memorandum of Understanding will remain in full force and effect.
11. This Memorandum of Understanding, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Memorandum of Understanding and understandings between the parties, and supersedes all prior Memoranda of Understanding and understandings related hereto.
12. Nothing herein shall be construed as a waiver of sovereign immunity, such immunity being hereby specifically preserved.


13. **FOR DOJ Department of Justice:**



Gordon J. MacDonald, Attorney General

Date: 1/29/19

14. **FOR DOS Department of Safety**



John J. Barthelmes, Commissioner

Date: 1/29/19

EXHIBIT B

-SCHEDULE/TERMS OF PAYMENT-

1. The Subrecipient shall receive reimbursement in exchange for approved expenditure reports as described in EXHIBIT A.
2. The Subrecipient shall be reimbursed within thirty (30) days following the DOJ's approval of expenditures. Said payment shall be made to the Subrecipient's account receivables address per the Financial System of the State of New Hampshire.
3. The State's obligation to compensate the Subrecipient under this Agreement shall not exceed the price limitation set forth in the Interagency Memorandum of Understanding.

Initials JS
Date 1/23/19

Statement of the Problem- Background and Identification of Needs

Fingerprinting of arrestees is a well-established method of positive identification, and has been used in the criminal justice system for upwards of 80 years. The Federal Bureau of Investigation has long used this method of identification and courts across the US accept it as a positive means of identification.

The State of New Hampshire, at present, utilizes an Automated Fingerprint Identification System (AFIS) that electronically receives arrest and applicant fingerprint impressions and demographic data from forty-three (43) Livescan stations located across the state.

In accordance to the 1983 Interstate Identification Index compliance granted by the Federal Bureau of Investigation, the New Hampshire State Police, specifically the Criminal Records Unit, is the sole submitting agency for all criminal ten-print impressions to the FBI. All ten-print impressions, submitted via inked or electronically, by the state, county, local law enforcement agencies, and every correctional facility, are forwarded to the state police Criminal Records Unit for processing and submission to the FBI. In addition, fingerprinting is also used as an identification technique for job applicants, particularly in those circumstances where identification is critical, and/or where a determination of criminal history (or more precisely, a lack of same) is needed.

The state of New Hampshire has benefitted from Livescan technology since 1997, with the then state-of-the-art Livescan capability put in use throughout the state in our correctional facilities and our larger municipal law enforcement agencies. In 2004, the original Livescan stations were incrementally replaced with newer version Livescans. Additional replacements occurred in 2005, 2007, 2009, and 2012. The twelve (12) Livescans that predated 2005 are in the process of being replaced, funded by a previously awarded NCHIP grant. The standard

Initials RS
Date 1/23/19

industry "shelf life" for a Livescan machine is seven (7) years. Replacement parts for our oldest Livescans are no longer manufactured, and any available parts are cannibalized from replaced Livescans.

Project Design and Implementation

The New Hampshire Department of Justice (NH DOJ) is the State Administering Agency (SAA) for U.S DOJ grant funding, and currently manages nearly \$40 million in federal awards and approximately 100 sub-recipients.

		2013		2014		2015		2016		2017		Avg/Y
		Crimina	Applican	Crimina	Applican	Crimina	Applican	Crimina	Applican	Crimina	Applican	
Portsmouth	Livescan											
	-LSS-R	608	58	668	20	543	30	634	45	682	22	662
Salem	Livescan											
	-LSS-R	1888	248	1757	338	1667	292	1586	222	1238	321	1931
Concord (PD)	Livescan											
	-LSS-R	1485	37	1686	40	1167	51	1386	51	1193	59	1431
Dover	Livescan											
	-LSS-R	88	4	420	4	788	4	589	4	616	2	504
Manchester	Livescan											
	-LSS-R	4364	66	4309	110	4283	87	4286	60	4627	119	4462
Nashua	Livescan											
	-LSS-R	4134	101	4164	76	3773	113	3724	129	3373	181	3954
Lebanon	Livescan											
	-LSS-R	599	120	793	114	743	127	701	196	557	223	835
Laconia	Livescan											
	-LSS-R	684	124	683	122	821	107	903	107	837	101	898
Sullivan DOC	Livescan											
	-LSS-R	189	1	131	4	70	3	158	3	56	1	123
Hooksett	Livescan											
	-LSS-R	547	7	498	9	478	8	494	16	530	32	524
Cheshire DOC	Livescan											
	-LSS-R	680	17	893	13	755	21	507	5	428	7	665
Keene	Livescan											
	-LSS-R	657	219	662	244	618	396	548	266	470	212	858

The New Hampshire Department of Safety and NH DOJ have a long relationship collaborating on a multitude of grant funded projects. The New Hampshire Department of Safety, Division of State Police, Criminal Records Unit, is the state's sole submitting agency of fingerprint images to the FBI, in accordance with, and compliance to, the Interstate Identification Index (III). Federal grant funding enables the state to provide our law enforcement agencies the

Initials *JB*
 Date *1/23/19*

tools and technology to better facilitate the exchange of tenprint data from those agencies to the FBI and respond back to the state police.

In FFY 2017 the State of New Hampshire received NCHIP funds to do a similar project. There has been some conversations back and forth between the Criminal Records Unit and the LiveScan vendor to see if a lease program would be better suited for replacing LiveScan machines across the state. Conversations lasted longer than anticipated and it has ultimately been determined that leasing is not the best option for New Hampshire at this point. As such, LiveScans from last year's application as of the writing of this application have not been purchased. However, the State anticipates that this will happen shortly and will be in a position to replace more LiveScans if selected for funding in FFY 2018.

The State of New Hampshire certifies that any person with a disposition of "Incompetent to stand trial" or "Not guilty by reason of insanity" is added to NICS. Further, the State manually adds any mental defective that meets 922(g) involuntary commitment if the State has information to support same.

Capabilities and Competencies

In 2017, 45,484 criminal and applicant Livescan fingerprint images were processed by the state police Criminal Records Unit. The FBI requires electronic fingerprint submission, and the use of Livescans is critical in complying with the FBI's directive. Below shows the location and usage for the twelve (12) targeted Livescan machines operated by the New Hampshire State Police for the last five years:

In 2017 the Criminal Records Unit processed 19,278 Livescanned applicant fingerprint images for licensing and employment purposes. Timeliness of these submissions is critical to employing individuals in environments sensitive to the safety, health, and well-being to the

Initials *HS*
Date *4/22/19*

vulnerable population in our state, and livescan technology is valuable in providing a more convenient and timely fingerprinting process to our residents.

To replace an additional 12 Livescans, with an end-of-life date of 2014, the cost is \$237,900.00.

Plan for Collecting Performance Measurement Data

The New Hampshire Department of Safety has a tabulating process in place to measure the amount of 10-point records submitted to the FBI's NGI, along with other performance measurements as required.

The New Hampshire Department of Justice is well versed in completing required PMT reports and does so consistently with multiple other U.S DOJ awards received by this office.

Initials *AS*
Date *1/23/19*

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

February 1, 2019

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

Authorize the Department of Justice to retroactively amend an existing subgrant with the New Hampshire Department of Safety, Concord NH (Vendor #177878-B001, Purchase Order Number 1063168) from the Bureau of Justice Statistics, Office of Justice Programs entitled National Criminal History Improvement Program (NCHIP), approved by the Governor and Executive Council on July 11, 2018, item #48, by extending the contract end date from September 30, 2018 to September 30, 2020, effective upon approval of the Governor and Executive Council. No additional funds are involved in this time extension.

EXPLANATION

This item request is retroactive because the full and correct amended contract was not received by this office from the subgrantee for timely consideration by Governor and Council prior to September 30, 2018.

The Department of Justice (DOJ) is requesting authorization to extend the end date of an existing subgrant, from the National Criminal History Improvement Program (NCHIP) grant, to the Department of Safety (DOS) to be used to purchase replacement fingerprinting machines. Many of the 42 fingerprinting devices currently in use throughout the State have exceeded the intended shelf life. This funding will be utilized to replace fingerprinting machines, for which replacement parts are no longer manufactured. DOS will also use the funds to purchase one portable digital fingerprinting machine.

In accordance with the Interstate Identification Index (III), the DOS, Division of State Police, Criminal Records Unit is the State's sole submitting agency of fingerprint images to the

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
February 1, 2019
Page 2 of 2

FBI. The fingerprinting devices enable New Hampshire law enforcement agencies to provide tenprint fingerprint data to State Police for submittal to the FBI.


Upon initial receipt of this NCHIP subgrant, DOS spent many months researching the most cost-effective method of replacing out of date fingerprinting machines. While this research was in progress, another annual discretionary grant opportunity for NCHIP funds became available. DOS decided to wait for that award and combine these NCHIP funds with future NCHIP funds in order to replace more machines.

DOJ did apply and was awarded additional funds for NCHIP, in the amount of \$240,408, which was approved by the Fiscal Committee of the General Court on January 4, 2019 (FIS 19-010) and will go before the Governor and Council for approval on the same agenda as this NCHIP subgrant extension request. DOJ plans to subgrant the additional funds to DOS and DOS will then combine this extended subgrant with the new subgrant to purchase more machines.

In the event that federal funds become no longer available, general funds will not be requested to support these programs.

Please let me know if you have any questions. Your consideration of this request is greatly appreciated.

Respectfully submitted,


Gordon J. MacDonald
Attorney General

#2276945

STATE OF NEW HAMPSHIRE
DEPARTMENT OF JUSTICE AND DEPARTMENT OF SAFETY
FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING

This amendment (Amendment) is by and between the Department of Justice (DOJ) and the Department of Safety (DOS).


WHEREAS, pursuant to an Agreement (Contract), the sum limitation of \$281,121 for the subgrant required upon the terms and conditions specified in the Contract, and in consideration of payment by the DOJ of certain sums specified therein;

WHEREAS, pursuant to the provisions of paragraph 5; the Contract may be amended by an instrument in writing signed by both parties.

WHEREAS, the DOS and the DOJ have agreed to amend the Contract in certain aspects;

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the Contract, and set forth herein, the parties hereto do hereby agree as follows:

1. Amendment and Modification of Contract
 - a. Remove paragraph 4 in its entirety and replace therein as follows: The Memorandum of Understanding is effective until September 30, 2020.
2. Effective Date of Amendment
 - a. This Amendment shall take effect upon approval of the Governor and Executive Council.
3. Continuance of Agreement
 - a. Except as specifically amended and modified by the terms and conditions of this Amendment, the Contract and the obligations of the parties hereunder, shall remain in full force and effect with the terms and conditions set forth herein. IN WITNESS WHEREOF, the parties set their hand as of the day and year first above written.



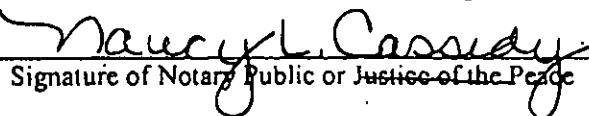
John J. Barthelmes
Commissioner

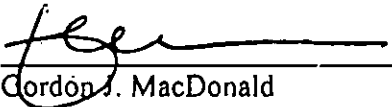
12/10/18

Date

Notary Public or Justice of the Peace Acknowledgement:

State of New Hampshire County of Merrimack On 12-10, 2018, before the undersigned officer, personally appeared the person identified as the Contractor, or satisfactorily proven to be the person whose name is associated with the Contractor and acknowledged that s/he executed this document in the capacity indicated.

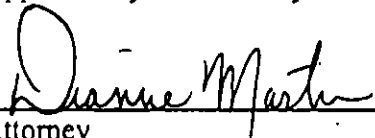
 _____
Signature of Notary Public or Justice of the Peace Name and Title of Notary Public or Justice of the Peace



Gordon J. MacDonald
Attorney General

12/12/16
Date

Approved by the Attorney General (Form, Substance and Execution)



Attorney

1/17/19
Date

past HEM approved
7/11/18 Grc

7-11-18
JUN26'18 AM 9:24 DAS 48 dam

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

June 21, 2018

His Excellency Governor, Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Authorize the Department of Justice to enter into a subgrant with the New Hampshire Department of Safety, Concord NH (Vendor #177878-B001) in an amount not to exceed \$281,121 from the Bureau of Justice Statistics, Office of Justice Programs entitled National Criminal History Improvement Program (NCHIP) upon Governor and Executive Council approval through September 30, 2018. 100% Federal Funds.

Funding is available as follows:

02-20-20-201510-3426	<u>FY 2019</u>
NCHIP	
072-500576 Grants Federal	\$281,121

EXPLANATION

The Department of Justice (DOJ) is requesting authorization to subgrant funds from the National Criminal History Improvement Program (NCHIP) grant to the Department of Safety (DOS) to be used to purchase replacement fingerprinting machines. Many of the 42 fingerprinting devices currently in use throughout the State have exceeded the intended shelf life. This funding will be utilized to replace the 12 oldest machines, for which replacement parts are no longer manufactured. DOS will also use the funds to purchase one portable digital fingerprinting machine.

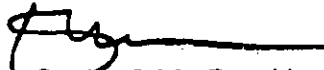
His Excellency, Governor Christopher T. Sununu
and the Honorable Council
Page 2 of 2

In accordance with the Interstate Identification Index (III), the DOS, Division of State Police, Criminal Records Unit is the State's sole submitting agency of fingerprint images to the FBI. The fingerprinting devices enable New Hampshire law enforcement agencies to provide tenprint fingerprint data to State Police for submittal to the FBI.

In the event federal funds are no longer available, general funds will not be requested to support this program.

Please let me know if you have any questions. Your consideration of this request is greatly appreciated.

Respectfully submitted,



Gordon J. MacDonald
Attorney General

State of New Hampshire

Interagency Memorandum of Understanding

Whereas, the New Hampshire Department of Justice ("Agency 1") is a duly constituted agency of the State of New Hampshire;

Whereas, the New Hampshire Department of Safety ("Agency 2") is a duly constituted agency of the State of New Hampshire;

Whereas, Agency 1 is responsible for administering funding through the National Criminal History Improvement Program (NCHIP) Cooperative Agreement to fund projects to enhance the collection and reporting of criminal history data;

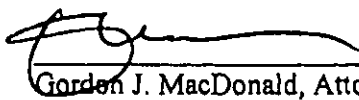
Whereas, Agency 1 desires to enter into a subgrant with Agency 2 for a term from Governor and Council approval through September 30, 2018 in an amount to not exceed \$281,121;

Whereas, Agency 2 desires to purchase twelve (12) Livescan fingerprinting machines with printers and one (1) portable Livescan machine, to replace existing Livescan machines that are beyond approved shelf life throughout the state.

NOW THEREFORE, the parties enter into this Memorandum of Understanding to their mutual benefit, the benefit of the State and in furtherance of constitutional or statutory authority and objectives.

1. Agency 1 agrees to pay Agency 2 the amount of \$281,121 for the services described in the attached MOU Exhibit A, which is hereby incorporated by reference. Payment shall be provided from 020-20-20-201510-3426072-500576
2. The method of payment and payment amount for the above-referenced services, if any is required, is described in the attached MOU Exhibit B, such exhibit being hereby incorporated by reference.
3. All obligations hereunder are contingent upon the availability and continued appropriation of funds. The agencies shall not be required to transfer funds from any other account in the event that funds are reduced or unavailable.
4. The Memorandum of Understanding is effective until September 30, 2018.
5. This memorandum of Understanding may be amended by an instrument in writing signed by both parties. Either party may terminate this agreement by providing written notice to the other party at least 30 days prior to termination.


6. The parties agree that the obligations, agreements and promises made under this Memorandum of Understanding are not intended to be legally binding on the parties and are not legally enforceable.
7. Disputes arising under this Memorandum of Understanding which cannot be resolved between the agencies shall be referred to the Department of Justice, Civil Bureau, for review and resolution.
8. This agreement shall be construed in accordance with the laws of the State of New Hampshire.
9. The parties hereto do not intend to benefit any third parties and this Memorandum of Understanding shall not be construed to confer any such benefit.
10. In the event any of the provisions of this Memorandum of Understanding are held to be contrary to any state or federal law, the remaining provisions of this Memorandum of Understanding will remain in full force and effect.
11. This Memorandum of Understanding, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Memorandum of Understanding and understandings between the parties, and supersedes all prior Memoranda of Understanding and understandings related hereto.
12. Nothing herein shall be construed as a waiver of sovereign immunity, such immunity being hereby specifically preserved.
13. **FOR AGENCY 1 Department of Justice:**



Gordon J. MacDonald, Attorney General

Date: 6/1/18

14. **FOR AGENCY 2 Department of Safety**



John J. Barthelmes, Commissioner

Date: 6/5/18

Exhibit A

Statement of the Problem- Background and Identification of Needs

Fingerprinting of arrestees is a well-established method of positive identification, and has been used in the criminal justice system for upwards of 80 years. The Federal Bureau of Investigation has long used this method of identification and courts across the US accept it as a positive means of identification.

The State of New Hampshire, at present, utilizes an Automated Fingerprint Identification System (AFIS) that electronically receives arrest and applicant fingerprint impressions and demographic data from forty-two (42) Livescan stations located across the state. In accordance to the 1983 Interstate Identification Index compliance granted by the Federal Bureau of Investigation, the New Hampshire State Police, specifically the Criminal Records Unit, is the sole submitting agency for all criminal ten-print impressions to the FBI. All ten-print impressions, submitted via inked or electronically, by the state, county, local law enforcement agencies, and every correctional facility, are forwarded to the state police Criminal Records Unit for processing and submission to the FBI. In addition, fingerprinting is also used as an identification technique for job applicants, particularly in those circumstances where identification is critical, and/or where a determination of criminal history (or more precisely, a lack of same) is needed.

The state of New Hampshire has benefitted from Livescan technology since 1997, with the then state-of-the-art Livescan capability put in use throughout the state in our correctional facilities and our larger municipal law enforcement agencies. In 2004, the original Livescan stations were incrementally replaced with newer version Livescans. Additional replacements occurred in 2005, 2007, 2009, and 2012. Twelve (12) Livescans predate 2005. The standard

industry "shelf life" for a Livescan machine is seven (7) years. Replacement parts for our oldest Livescans are no longer manufactured, and any available parts are cannibalized from replaced Livescans.

Project Design and Implementation

The New Hampshire Department of Justice (NH DOJ) is the State Administering Agency (SAA) for U.S DOJ grant funding, and currently manages nearly \$40 million in federal awards and approximately 100 sub-recipients.

The New Hampshire Department of Safety and NH DOJ have a long relationship collaborating on a multitude of grant funded projects. The New Hampshire Department of Safety, Division of State Police, Criminal Records Unit, is the state's sole submitting agency of fingerprint images to the FBI, in accordance with, and compliance to, the Interstate Identification Index (III). Federal grant funding enables the state to provide our law enforcement agencies the tools and technology to better facilitate the exchange of tenprint data from those agencies to the FBI and respond back to the state police.

Capabilities and Competencies

In 2016, 47,385 criminal and applicant Livescan fingerprint images were processed by the state police Criminal Records Unit. The FBI requires electronic fingerprint submission, and the use of Livescans is critical in complying with the FBI's directive. Below shows the location and usage for Livescan machines operated by the New Hampshire State Police for the last five

years:

		2012	2013	2014	2015	2016	Avg/Yr
Charzool	Livescan - LSS-R	Criminal - 583 Applicant - 238	Criminal - 509 Applicant - 258	Criminal - 538 Applicant - 184	Criminal - 529 Applicant - 215	Criminal - 432 Applicant - 233	840
Conroy	Livescan - LSS-R	Criminal - 720 Applicant - 199	Criminal - 763 Applicant - 216	Criminal - 877 Applicant - 184	Criminal - 651 Applicant - 207	Criminal - 844 Applicant - 115	876
IV Slava/Slavna	Livescan - LSS-R	Criminal - 237 Applicant - 8	Criminal - 166 Applicant - 138	Criminal - 215 Applicant - 4	Criminal - 220 Applicant - 9	Criminal - 122 Applicant - 4	224
Derry	Livescan - LSS-R	Criminal - 994 Applicant - 58	Criminal - 910 Applicant - 21	Criminal - 1036 Applicant - 52	Criminal - 725 Applicant - 30	Criminal - 765 Applicant - 57	950
North Haven/B	Livescan - LSS-R	Criminal - 622 Applicant - 52	Criminal - 467 Applicant - 115	Criminal - 623 Applicant - 82	Criminal - 327 Applicant - 60	Criminal - 191 Applicant - 73	522
Podaca	Livescan - LSS-R	Criminal - 816 Applicant - 102	Criminal - 714 Applicant - 75	Criminal - 816 Applicant - 59	Criminal - 640 Applicant - 69	Criminal - 678 Applicant - 19	823
Londaderry	Livescan - LSS-R	Criminal - 585 Applicant - 36	Criminal - 577 Applicant - 2	Criminal - 679 Applicant - 3	Criminal - 668 Applicant - 5	Criminal - 583 Applicant - 57	641
Merriam	Livescan - LSS-R	Criminal - 512 Applicant - 21	Criminal - 504 Applicant - 195	Criminal - 411 Applicant - 206	Criminal - 418 Applicant - 202	Criminal - 377 Applicant - 21	657
Coacord	Livescan - LSS-R	Criminal - 714 Applicant - 22	Criminal - 623 Applicant - 185	Criminal - 823 Applicant - 142	Criminal - 613 Applicant - 72	Criminal - 562 Applicant - 42	760
W. Galloway	Livescan - LSS-R	Criminal - 153 Applicant - 72	Criminal - 114 Applicant - 31	Criminal - 183 Applicant - 102	Criminal - 162 Applicant - 112	Criminal - 178 Applicant - 73	223
Rockstar	Livescan - LSS-R	Criminal - 963 Applicant - 138	Criminal - 1229 Applicant - 112	Criminal - 1406 Applicant - 120	Criminal - 1414 Applicant - 168	Criminal - 1372 Applicant - 122	1413
Seabrook	Livescan - LSS-R	Criminal - 307 Applicant - 12	Criminal - 277 Applicant - 31	Criminal - 345 Applicant - 80	Criminal - 228 Applicant - 71	Criminal - 276 Applicant - 18	347

In 2016 the Criminal Records Unit processed 19,221 Livescanned applicant fingerprint images for licensing and employment purposes. Timeliness of these submissions is critical to employing individuals in environments sensitive to the safety, health, and well-being to the vulnerable population in our state. At the present time, a scheduling backlog is up to six weeks for an applicant to be fingerprinted. To that reasoning, a portable Livescan machine, with printer, at a quoted cost of \$19,925, is valuable in providing a more convenient and timely fingerprinting process to our residents.

The quoted cost of a ruggedized Livescan station, with printer, is \$21,825. To replace our 12 outdated Livescans, the cost is \$261,900.00. The added cost of one portable Livescan machine at \$19,221 brings the total cost to: \$281,121.

Plan for Collecting Performance Measurement Data

The New Hampshire Department of Safety has a tabulating process in place to measure the amount of 10-point records submitted to the FBI's NCI, along with other performance measurements as required.

The New Hampshire Department of Justice is well versed in completing required PMT reports and does so consistently with multiple other U.S DOJ awards received by this office. The NH DOJ will work closely with the Department of Safety in order to ensure timely and accurate submission of all performance measurements as required by the grant.

EXHIBIT B

-SCHEDULE/TERMS OF PAYMENT-

1. The Subrecipient shall receive reimbursement in exchange for approved expenditure reports as described in EXHIBIT A.
2. The Subrecipient shall be reimbursed within thirty (30) days following the DOJ's approval of expenditures. Said payment shall be made to the Subrecipient's account receivables address per the Financial System of the State of New Hampshire.
3. The State's obligation to compensate the Subrecipient under this Agreement shall not exceed the price limitation set forth in the Interagency Memorandum of Understanding.

copy of item
appearing on
same agenda

FIS 19-010
1-4-19

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 21, 2018

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

His Excellency Governor, Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, authorize the Department of Justice to accept and expend a grant in the amount of \$240,408 from the Bureau of Justice Statistics, Office of Justice Programs entitled National Criminal History Improvement Program (NCHIP) in order to purchase outdated fingerprinting machines for use by law enforcement agencies around the state upon Fiscal Committee of the General Court and Governor and Executive Council approvals through June 30, 2019. 100% Federal Funds.

Funds are to be budgeted in account #02-20-20-201510-3426, Department of Justice, Grants Administration entitled NCHIP as follows:

<u>Class/ Expense</u>	<u>Class Title</u>	<u>Current SFY19 Budget</u>	<u>Increase Amount</u>	<u>Revised SFY19 Budget</u>
040-500800	Indirect Costs Audit Fund Set	\$45	\$0	\$45
041-500801	Aside	\$284	\$0	\$284
072-500576	Grants Federal	\$282,612	\$240,408	\$523,020
		<u>\$282,941</u>	<u>\$240,408</u>	<u>\$523,349</u>
<u>Source of Funds</u>				
000-400338	Federal Funds	<u>\$282,941</u>	<u>\$240,408</u>	<u>\$523,349</u>

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
And the Honorable Council

December 21, 2018
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EXPLANATION

The New Hampshire Department of Justice (DOJ) is seeking approval to accept and expend the FFY 2018 National Criminal History Improvement Program (NCHIP) grant. These funds were not previously budgeted because the grant was awarded on a competitive basis with no guarantee that New Hampshire would receive an award.

Upon approval, DOJ will subgrant these funds to the New Hampshire Department of Safety (DOS) to purchase replacement fingerprinting machines. Many of the 42 fingerprinting devices have exceeded the intended shelf life. This funding, combined with the FFY17 award, will be utilized to replace approximately 22 of the oldest machines because required repair/maintenance parts are no longer manufactured. DOS will also utilize the funds to purchase one portable digital fingerprinting machine.

In accordance with, and in compliance to, the Interstate Identification Index (III), the DOS, Division of State Police, Criminal Records Unit is the State's sole submitting agency of fingerprint images to the FBI. The fingerprinting devices give various New Hampshire law enforcement agencies the tools and technology to provide tenprint fingerprint data to the FBI and State Police.

Federal award funds are budgeted to support grant activities as follows:

040-500800-Indirect Costs

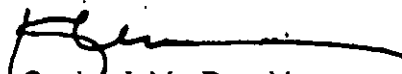
041-500801-Audit Fund Set-Aside

072-500576-Federal Grant to be subgranted to the Department of Safety to support the replacement of outdated fingerprint devices.

In the event federal funds become no longer available, general funds will not be requested to support this program.

Please let me know if you have any questions. Your consideration of this request is greatly appreciated.

Respectfully submitted,



Gordon J. MacDonald
Attorney General



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

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PROJECT NUMBER 2018-RU-BX-K021

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SPECIAL CONDITIONS

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

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

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

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

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

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2018 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2018 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2018 award.

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

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

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



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SPECIAL CONDITIONS

3. Compliance with DOJ Grants Financial Guide

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

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

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

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

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

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after: (1) the date of OJP's approval of the "Change Grantee Contact" OAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

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

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

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

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

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7. Requirement to report potentially duplicative funding

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

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

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

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

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

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

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

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

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

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

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

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

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

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

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

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

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

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

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

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

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

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

15. OJP Training Guiding Principles

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

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16. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

17. Potential imposition of additional requirements

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

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

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

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

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

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

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

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 the CFR "current" data.



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SPECIAL CONDITIONS

21. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

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

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

22. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm>, and are incorporated by reference here.

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

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

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

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) 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 <https://oig.justice.gov/hotline>.

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SPECIAL CONDITIONS

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

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

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

1. In accepting this award, the recipient--

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

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

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

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

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

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

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SPECIAL CONDITIONS

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

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

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

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

26. Encouragement of policies to ban text messaging while driving

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

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

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

28. Recipient agrees that AFIS (Automated Fingerprint Identification System) equipment purchased under this award will conform to the American National Standards Institute (ANSI) Standard, "Data Format for the Interchange of Fingerprint, Facial & Other Biometric Information" (ANSI/NIST-ITL 1-2007 PART 1) and other reporting standards of the FBI.

29. Recipient is or will be following a comprehensive strategy for information sharing systems to improve the functioning of the criminal justice system, with an emphasis on integration of all criminal justice components, law enforcement, courts, prosecution, corrections, and probation and parole. Further, the strategy must be developed in consultation with State and local officials with emphasis on the recommendation of officials whose duty it is to oversee, plan, and implement integrated information technology systems, and contain-- (a) a definition and analysis of integration in the State and localities developing integrated information sharing systems; (b) an assessment of the criminal justice resources being devoted to information technology; (c) State and local resource needs; (d) Federal, State, regional, and local information technology coordination requirements; and (e) statewide priorities for planning and implementation of information technology systems.



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SPECIAL CONDITIONS

30. This NCHIP/NARIP related project is to be funded as a cooperative agreement. The basis for using a cooperative agreement is the substantial involvement of the Bureau of Justice Statistics (BJS) in providing information, guidance, and direction relative to criminal history records improvements within the states. BJS will exercise general approval over the entire project. In addition, the substantial involvement of BJS will include, but not be limited to:
- a. Determining the types of criminal history record information that will be useful to Federal, state, and local agencies.
 - b. Identifying Federal information reporting standards and guidelines and making them available to the recipient or providing access to them.
 - c. Providing technical assistance to the recipient to enhance state criminal history records, identify convicted felons, and improve the quality and timeliness of criminal history information.
 - d. Informing the recipient of the status of Federal program requirements, specifications, and funding levels.
 - e. Requesting and obtaining statistical data as needed to monitor and assess performance with respect to criminal records improvement goals.
31. Recipient agrees that activities supported under this award will be coordinated with Federal, State, and local activities relating to homeland security and pre-sale firearm checks, as appropriate.
32. In order to ensure that the National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP) are realizing the objectives in the most productive manner, the recipient agrees to participate in a comprehensive evaluation effort. It is anticipated that the evaluation will take place during the course of the program and will likely involve each participating state. It is expected that the evaluation will have a minimal impact on state program personnel and resources.
33. Recipient agrees that criminal justice information systems designed, implemented, or upgraded with NCHIP or NARIP funds will be compatible, where applicable, with the National Incident-Based Reporting System (NIBRS), the National Crime Information Center system (NCIC 2000), the National Criminal Instant Background Check System (NICS), the Integrated Automated Fingerprint Identification System (IAFIS), and applicable national, statewide or regional criminal justice information sharing standards and plans.
34. Recipient has or intends to establish a program that enters into the National Crime Information Center (NCIC) records of: (a) Protection orders for the protection of persons from stalking or domestic violence; (b) Warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence; and (c) Arrests or convictions of persons violating protection orders intended to protect victims from stalking or domestic violence.
35. Recipient agrees that activities funded under this award will be closely coordinated with related activities supported with OJP, State, local, or tribal funds.
36. Protective order systems developed with funds awarded under this cooperative agreement will be designed to permit interface with the National Protective Order file maintained by the FBI.

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37. Within 45 calendar days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and
- 14) any other costs associated with the event.

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

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

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

Further instructions regarding the submission of this data, and how to determine costs, are available in the OJP Financial Guide Conference Cost Chapter.



U.S. Department of Justice
Office of Justice Programs
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SPECIAL CONDITIONS

38. Justification of consultant rate

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

39. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

40. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <https://it.ojp.gov/technology-contacts>.
41. The recipient agrees that federal funds under this award will be used to supplement but not supplant state or local government funds.
42. The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due no later than 90 days following the close of this award period or the expiration of any extension periods. This report will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.
43. The recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov/>) using the SF 425 Federal Financial Report form (available for viewing at <https://www.gsa.gov/forms-library/federal-financial-report>), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.
44. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.
45. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.

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