

APPLICATION/CONTRACT INSTRUCTIONS KIT OPERATION LINEBACKER (FUND 421) PROGRAM

What's Inside:

INTRODUCTION.....	2
TECHNICAL ASSISTANCE.....	2
GENERAL RESOURCES.....	2
SUBMIT THE COMPLETE GRANT APPLICATION/CONTRACT	2
RESOLUTION	2
COVERSHEET	2
BUDGET DETAIL.....	3
GENERATED PROGRAM INCOME (GPI)	3
FUND-SPECIFIC CRITERIA	3
<i>Fund-Specific Certifications (Part 1: Fund-Specific Criteria Form).....</i>	<i>3</i>
PROJECT NARRATIVE	3
<i>Problem Statement.....</i>	<i>3</i>
<i>Supporting Data.....</i>	<i>3</i>
<i>Community Plan</i>	<i>3</i>
<i>Goal Statement.....</i>	<i>3</i>
<i>Target Group</i>	<i>3</i>
<i>Project Activities.....</i>	<i>3</i>
<i>Project Objectives.....</i>	<i>3</i>
<i>Project Summary.....</i>	<i>3</i>
SUPPORTING DOCUMENTS.....	4
<i>Comprehensive Certification and Assurances</i>	<i>4</i>
<i>Cooperative Working Agreement.....</i>	<i>6</i>
ADDITIONAL REQUIREMENTS	6
<i>Progress Reporting</i>	<i>6</i>
SAMPLE DOCUMENTS	7
<i>Sample Resolution.....</i>	<i>7</i>
<i>Sample Cooperative Working Agreement</i>	<i>8</i>

INTRODUCTION

The Grant Application Kit provides the grant applicant with everything needed to apply for funds, including a description of the program and uses of the funds, eligibility and application requirements, and the application forms.

TECHNICAL ASSISTANCE

Please send an email to joserL23@yahoo.com for assistance in completing the application. Describe the problem you are experiencing in the body of the email.

GENERAL RESOURCES

The following is a list of helpful links that will assist the grant applicant in locating local and state resources.

Resource	Link
Governor's Office – Criminal Justice Division	CJD
Title 1, Part 1, Chapter 3, Texas Administrative Code	TAC
Uniform Grant Management Standards	UGMS
Addressing Disproportionate Minority Contact	DMC
Texas Juvenile Probation Commission	TJPC
Secretary of State Texas Register	TXREG

SUBMIT THE COMPLETE GRANT APPLICATION KIT

Please ensure that your completed grant application kit is mailed to the Texas Border Sheriff's Coalition on or before the due date of September 15, 2006. Submit the completed application to:

**Texas Border Sheriff's Coalition
4141 Pinnacle St.
Suite 213
El Paso, TX 79902**

RESOLUTION

(T.A.C. § 3.2021)

Except for state agencies, each applicant must submit a resolution from its governing body, such as the city council, county commissioners' court, school board, or board of directors. Ensure that items one through four below are addressed, as well.

1. Authorization by your governing body for the submission of the application to CJD that clearly identifies the name of the project for which funding is requested;
2. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (*Note: If a name is provided, a new resolution is required should the official change during the grant period.*); and
3. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to CJD.

Note: See Sample Documents for a Sample Resolution.

COVERSHEET

The *Coversheet Form* identifies the project, requested amount of grant funding, grant officials' information, and other pertinent information. The coversheet should be completed before the TBSC can review the application/contract.

- The Authorized Official is the person that is authorized to legally bind the sheriff's office to this contract (**signature required**).
- The Project Director is the main contact and person responsible for overseeing Operation Linebacker for their respective county (**signature required**).

- The Financial Officer is the main contact for financial matters (**signature required**).

BUDGET DETAIL

The *Budget Form* is where the applicant lists details for each of their requested budget categories. Please include a description and justification of line items within the budget and the amounts requested for each (attach additional pages as necessary).

GENERATED PROGRAM INCOME (GPI)

Program income is gross income generated or derived by a directly supported grant activity, or earned as a result of the grant agreement during the grant period.

PROGRAM INCOME

(T.A.C. § 3.87; Uniform Grant Management Standards Part III, Subpart C, Section 25)

- ❖ Program income may only be used for allowable project costs as reflected in an approved budget. Otherwise, grantees must refund program income to CJD.
- ❖ CJD may require or allow a grantee receiving grant funds under the State Criminal Justice Planning (421) Fund to transfer the CJD portion of program income to another grant, grantee, agency, or to CJD.
- ❖ A grantee receiving grant funds under the State Criminal Justice Planning (421) Fund may request to carry forward program income from one grant period to the next. A request to carry forward program income must be submitted to CJD with the grantee's final financial expenditure report. Program income may not be carried forward without written CJD approval. A grantee must report program income on its quarterly financial expenditure reports in a timely and accurate manner to be eligible to carry forward program income in accordance with *T.A.C. §3.87(f)*. Program income carried forward must be used to further the objectives of the grant project.
- ❖ All funds, accrued interest, and property awarded to a grantee under a forfeiture action represent program income.

FUND-SPECIFIC CRITERIA

This includes information on fund specific certifications, purpose areas and/or eligible activities.

FUND-SPECIFIC CERTIFICATION

Each applicant agency will certify to the following criteria to be eligible for funding:

- ❖ **Prohibition on Serving Certain Adult Offenders** - Applicant agrees that the project will not serve adult offenders charged with, given deferred adjudication for, or convicted of violent or other serious crimes including murder, arson, robbery, sexual assault, aggravated sexual assault, burglary, felony drug crimes, crimes against children, kidnapping, aggravated kidnapping, and manslaughter, unless the executive director of CJD grants an exception. (*T.A.C. §3.111*)

PROJECT NARRATIVE

The *Project Narrative Form* includes the following sections which should be filled in completely:

PROBLEM STATEMENT – Pre-filled

SUPPORTING DATA – Pre-filled

COMMUNITY PLAN – Pre-filled

GOAL STATEMENT – Pre-filled

TARGET GROUP – Geographic area served by the project, target audience, and other relevant characteristics.

PROJECT ACTIVITIES – Pre-filled

PROJECT OBJECTIVES – Pre-filled

PROJECT SUMMARY – Pre-filled

SUPPORTING DOCUMENTS

COMPREHENSIVE CERTIFICATION AND ASSURANCES

All applicants will certify to the following Assurances and Certifications.

ASSURANCES

The applicant must assure and certify compliance with any and all applicable federal and state statutes, regulations, policies, guidelines and requirements, including, but not limited to, OMB Circulars No. A-21, A-110, A-122, A-87, A-133; Office of Justice Programs (OJP) Financial Regulations; Education Department General Administrative Regulations (EDGAR); E.O. 12372 Uniform Administrative Requirements for Grants and Cooperative Agreements — 28 CFR, Part 66, Common Rule; the Uniform Grant Management Standards (UGMS); and Title 1, Part 1, Chapter 3 of the Texas Administrative Code, that govern the application, acceptance and use of Federal and State funds for this project. In instances where multiple requirements apply to a grantee, the more restrictive requirement applies. Specifically, the following applicable requirements must be certified:

1. **LEGAL AUTHORITY** - It possesses legal authority to apply for the grant. A resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative, or their designee of the organization to act in connection with the application and to provide such additional information as may be required. State agencies are not required to adopt a resolution.
2. **DISPLACED PERSONS** - It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions (42 USC §§ 4601 - 4655) which provide for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
3. **POLITICAL ACTIVITY** – It will comply with provisions of Federal law which limit certain political activities of employees of State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC § 1501, et seq.)
4. **LABOR FAIR STANDARDS ACT** - It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 USC §§ 201 - 219) if applicable.
5. **CONFLICT OF INTEREST** - It will establish safeguards to prohibit employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. **EXAMINATION OF RECORDS** - It will give the sponsoring agency, the Office of the Governor, or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. **COMPLIANCE WITH REQUIREMENTS** - It will comply with all requirements imposed by the Federal sponsoring agency, the Office of the Governor, or the Comptroller General, concerning special requirements of law, program requirements, and other administrative requirements.
8. **EPA VIOLATING FACILITIES** - It will insure that the facilities under its ownership, lease or supervision, which shall be utilized in the accomplishment of the project, are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities, and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. **FLOOD INSURANCE** - It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act (50 USC § 4001), which states that, on or after March 2, 1975, communities must purchase flood insurance, where such insurance is available in those communities. This requirement is a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that had been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
10. **HISTORIC PRESERVATION** - It will assist the federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 (16 USC § 470), Executive Order 11593 (identification and protection of historic properties), Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469a-1, et seq.), by (a) consulting with the State Historic Preservation Officer (SHPO) on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. **NATIONAL ENVIRONMENTAL POLICY ACT** – It will assist the federal grantor agency in its compliance with the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, 83 Stat. 852) as amended by P.L. 94-52, July 3, 1975, 89 Stat. 258, and P.L. 94-83, August 9, 1975, 89 Stat. 424), by (a) identifying if any of the following activities will be related to the use of grant funds: (1) new construction; (2) minor renovation or remodeling of a property either listed on or eligible for listing on the National Register of Historic Places or located within a 100-year flood plain; (3) a renovation, lease or any proposed use of a building or facility that will either result in a change in its basic prior use or significantly change its size; and (4) implementation of a new program involving the use of chemicals other than chemicals that are purchased as an incidental component of a funded activity and traditionally used, for example, in office, household, recreational, or education environments; and (b) by complying with the following conditions relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine

methamphetamine laboratories: (1) provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories; (2) provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to either the seizure or closure of clandestine methamphetamine laboratories; (3) as determined by their specified duties, equip the personnel with OSHA required protective wear and other required safety equipment; (4) assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory; (5) utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory; (6) dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licensed recycling facilities; (7) monitor the transport, disposal, and recycling components of subsections numbered (5) and (6), immediately above, in order to ensure proper compliance; (8) have in place and/or implement any required written agreements with the Texas Department of Protective and Regulatory Services regarding the safety of any minors located at the clandestine laboratory site, the Texas Commission for Environmental Quality, and other entities deemed necessary by the State Administrative Agency.

12. **COMPLIANCE WITH LAWS AND GUIDES** - It will comply, and assure the compliance of all its sub grantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
13. **COMPLIANCE WITH CODE OF FEDERAL REGULATIONS** - It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/ Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
14. **NONDISCRIMINATION** –
 - A. It will comply with all State and Federal statutes relating to nondiscrimination.
 - B. It will comply, and all its contractors will comply, with the nondiscrimination requirements which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 USC § 3789(d)); Victims of Crime Act (42 U.S.C. § 10604(e)); Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (U.S.C. §§ 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
 - C. In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Justice Programs, Office for Civil Rights.
 - D. It will provide an Equal Employment Opportunity Program (EEOP) if required to maintain one, where the application is for \$500,000 or more (or \$1,000,000 in an 18-month period) and the applicant has 50 or more employees.
 - E. It will maintain EEOP on file for review when the application is for more than \$25,000 but less than \$500,000 and the applicant has 50 or more employees.
15. **COASTAL BARRIERS** - It will comply with the provisions of the Coastal Barrier Resources Act (16 USC § 3501, et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.
16. **SUPPLANTING PROHIBITION** - It will use funds to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. The applicant understands that potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this Program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.
17. **TAXES** – It will comply with all State and Federal laws and are solely responsible for filing all required State and Federal tax forms.
18. **GRANT ADMINISTRATION** - It will maintain an appropriate grant administration system to ensure that all terms, conditions and specifications of the grant, including these standard assurances, are met.
19. **PUBLIC INFORMATION** - It will ensure that all information collected, assembled or maintained by the applicant relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.
20. **CHILD SUPPORT PAYMENTS** – It will comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.
21. **SUSPECTED CHILD ABUSE** - It will comply with Section 261.101 of the Texas Family Code, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Grantees shall also ensure that all program personnel are properly trained and aware of this requirement.
22. **RELATIVES** - It will comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body, or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person, who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.
23. **OPEN MEETINGS** - If the applicant is a governmental entity, it will comply with Texas Government Code, Chapter 551, which requires all regular, special or called meeting of governmental bodies to be open to the public, except as otherwise provided by law or specifically excluded in the Texas Constitution.

24. **HEALTH, HUMAN SERVICES, PUBLIC SAFETY OR LAW ENFORCEMENT AGENCY** - If the applicant is a health and human services agency or public safety or law enforcement agency, it will not contract with or issue a license, certificate or permit to the owner, operator or administrator of a facility if the license, permit or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.
25. **LAW ENFORCEMENT AGENCY** - If the applicant is a law enforcement agency regulated by Texas Government Code, Chapter 415, it will comply with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Texas Government Code, Chapter 415, or it must provide the Criminal Justice Division with a certification from the Texas Commission on Law Enforcement Officer Standards and Education stating that the agency is in the process of achieving compliance with such rules.

CERTIFICATIONS

1. **DRUG-FREE WORKPLACE** - The applicant certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
 - B. Establish a drug-free awareness program to inform employees about:
 - i. the dangers of drug abuse in the workplace;
 - ii. the applicant's policy of maintaining a drug-free workplace;
 - iii. any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. the penalties that may be imposed upon employees for drug abuse violations.
 - C. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
 - D. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. abide by the terms of the statement, and
 - ii. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
 - E. Notifying the agency within ten days after receiving notice under subparagraph (d) (ii) from an employee or otherwise receiving actual notice of such conviction.
 - F. Taking one of the following actions with respect to any employee who is so convicted:
 - i. taking appropriate personnel action against such an employee, up to and including termination; or
 - ii. requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
 - G. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (a), (b), (c), (d), (e), and (f).
2. **LOBBYING** - The applicant certifies that:
 - A. It will not use grant funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, without the express prior approval of the Criminal Justice Division.
 - B. If any non-grant funds have been or will be used in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, it will notify the Criminal Justice Division to obtain the appropriate disclosure form.
 - C. It will include the language of paragraphs A and B of this section in the award documents for all sub-awards at all tiers and will require all sub-recipients to certify accordingly.

COOPERATIVE WORKING AGREEMENT

(T.A.C. § 3.2009)

When a grantee intends to carry out a project by cooperating with one or more outside organizations, the grantee will obtain authorized approval signatures on the cooperative working agreement from each outside participating organization. The grantee will maintain a signed copy of all such agreement(s). Cooperative Working Agreements do not involve an exchange of funds.

ADDITIONAL REQUIREMENTS

PROGRESS REPORTING

If funded, all grant applicants are required to submit progress reports to Texas A&M University, Public Policy Research Institute (PPRI). PPRI will contact each grantee as to their specific reporting requirements after the grantee organization has executed the acceptance of the grant award.

SAMPLE DOCUMENTS

SAMPLE RESOLUTION

WHEREAS, The _____ (Governing Body) finds it in the best interest of the citizens of _____, (Geographic Area) that the _____ (Name of Project) be operated for the _____ (Year); and

WHEREAS, _____ (Governing Body) agrees to provide applicable matching funds for the said project as required by the _____ (Funding Source) grant application; and

WHEREAS, _____ (Governing Body) agrees that in the event of loss or misuse of the Criminal Justice Division funds, _____ (Governing Body) assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, _____ (Governing Body) designates _____ (Name and/or Position Title) as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that _____ (Governing Body) approves submission of the grant application for the _____ (Name of Project) to the Office of the Governor, Criminal Justice Division.

Signed by:

Passed and Approved this _____ (Day) of _____ (Month), _____ (Year)

Grant Application Number: _____

SAMPLE COOPERATIVE WORKING AGREEMENT

This is to certify that the objectives of the grant application submitted to the Criminal Justice Division of the Office of the Governor have been reviewed and that it is mutually agreed to cooperate to whatever extent is necessary in carrying out the objectives described in this application.

In addition, if the outside organization has personnel assigned to the grant-funded project, that agency certifies that it is cognizant of the rules and regulations governing the operation of the grant and agrees to abide by any and all such rules or special conditions relating to the application.

PART I: APPLICANT ORGANIZATION

_____	_____	_____
Applicant's Organization	Project Title	
_____	_____	_____
Printed Name and Title of Applicant's Authorized Official	Signature of the Applicant's Authorized Official	Date

PART II: OUTSIDE ORGANIZATION

_____	_____	_____
Outside Organization	Project Title	
_____	_____	_____
Printed Name and Title of Outside Organization's Authorized Official	Signature of the Outside Organization's Authorized Official	Date