

City of Fayetteville Staff Review Form

2020-0367

Legistar File ID

5/19/2020

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Mike Reynolds

5/1/2020

POLICE (200)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a memorandum of understanding with Washington County, Arkansas and budget adjustment to recognize federal funding from the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) in the amount of \$118,735.

Budget Impact:

2930.200.2960-various

Drug Enforcement

Account Number

Fund

38070-2002

HIDTA - WAMDT 2020

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 118,735.00

Remaining Budget \$ 118,735.00

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

V20180321

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF MAY 19, 2020

TO: Mayor and City Council

A handwritten signature in black ink that reads "Mike Reynolds".

FROM: Mike Reynolds, Chief of Police

DATE: May 1, 2020

SUBJECT: Approval of MOU and Budget Adjustment for Federal Funding from Gulf Coast High Intensity Drug Trafficking Area

RECOMMENDATION:

Staff recommends approval of a memorandum of understanding with Washington County, Arkansas and budget adjustment to recognize federal funding from the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) in the amount of \$118,735.

BACKGROUND:

The Gulf Coast HIDTA provides federal funding from the Office of National Drug Control Policy to multi-jurisdictional drug enforcement initiatives throughout Arkansas, Louisiana, Mississippi, Alabama, and Tennessee. The Fayetteville Police Department has partnered with Washington County Sheriff's Office, Springdale Police Department, Prairie Grove Police Department and the local Drug Enforcement Administration office to create the Western Arkansas Mobile Deployment Team (WAMDT) initiative with Washington County being the fiduciary agency.

DISCUSSION:

WAMDT's mission is to infiltrate and disrupt drug trafficking organizations (DTOs) at the street level. The Gulf Coast HIDTA funds overtime for investigator activity, covert buy money for the purchase of evidence/purchase of information (PEPI), and vehicle allowances. The Gulf Coast HIDTA has approved 2020 funding for the Fayetteville Police Department in the amount of \$118,734.80. This amount represents overtime funding for four (4) investigators at \$11,230.20 each including benefits, PEPI in the amount \$58,114, and two vehicle allowances at \$15,700. This funding has a two-year life span and must be spent by December 31, 2021. WAMDT is currently preparing their 2021 funding request to the Gulf Coast HIDTA, however, future allocations are contingent upon congressional approval.

BUDGET/STAFF IMPACT:

Increase in budgeted revenue equal to the increase in budgeted expense for this non-matching federal funding to reimburse existing DTF Investigators overtime, covert funds, and vehicle allowances. This MOU and budget adjustment has no impact on staffing levels.

Attachments:

Budget Adjustment
Memorandum of Understanding

MEMORANDUM OF AGREEMENT
BETWEEN
WASHINGTON COUNTY, ARKANSAS
AND
FAYETTEVILLE POLICE DEPARTMENT

This Agreement between Washington County, Arkansas and Fayetteville Police Department shall begin on January 1, 2020 and shall not extend beyond December 31, 2021 unless the period is extended by modification of this Agreement.

WHEREAS, Washington County, Arkansas has been designated the fiscal agent for the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) program, all requests for payments and budget reprogramming shall pass through Washington County, Arkansas.

NOW, THEREFORE, Washington County, Arkansas and Gulf Coast HIDTA hereby agree to the disbursement of HIDTA funds in the amount of \$118,734.80 to the resource recipient, Fayetteville Police Department, under the following terms and conditions:

1. Fayetteville Police Department agrees to follow all applicable federal, state, and local guidelines regarding purchases and other expenditures under the HIDTA program, including but not limited to, the following: OMB Circular 87, OM Circular A-102, OMG Circular A-133, 21 CFR Part 1403, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200), and the Fair Labor Standards Act (FLSA).
2. Fayetteville Police Department agrees to abide by and be bound by the attached budget (Appendix A) for purchases including **future reprogramming requests** as approved by Washington County, Arkansas and Gulf Coast HIDTA. All reprogramming requests shall be submitted via email to the Gulf Coast HIDTA Director of Operations.

3. Requests for payment shall be submitted on a quarterly basis to the financial office through the HIDTA State Director of Operations at the following address by the 10th day of each month following the quarterly end:

Brian Chambers
HIDTA State Director of Operations
3730 Appling Road
Bartlett, TN 38133

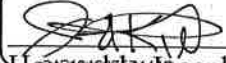
All invoices submitted shall comply with the terms noted in Appendix D. The last invoice from the Resource Recipient (Fayetteville Police Department) shall be received by the HIDTA State Director of Operations no later than the 15th day prior to the grant expiration date, unless the grant is extended.

All reimbursement of Overtime Expenses will be submitted using the appropriate form (Appendix C) which must contain the HIDTA Group Task Force Supervisor's signature, certifying the overtime was HIDTA related and with the HIDTA case number contained therein.

4. Resource Recipient (Fayetteville Police Department) agrees to complete all applicable items in Appendix D and return to Washington County, Arkansas along with the signed agreement.
5. Washington County agrees to transfer funds to the resource recipient after funds have been electronically transmitted by Gulf Coast HIDTA and receipted into Washington County's Treasury Funds.
6. Resource Recipient (Fayetteville Police Department) agrees to reimburse Washington County for any invoice paid by Washington County if such is later disallowed after audit for financial review.
7. For any and all disputes arising out of this Agreement the parties hereto agree that jurisdiction will lie within Washington County, Arkansas.

IN WITNESS WHEREOF, the parties acknowledge the Agreement as evidenced by their signatures below.

DocuSigned by:



Honorable Joseph Wood
Washington County Judge

Fayetteville Police Department
Resource Recipient

DocuSigned by:



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HIDTA 2020

Disclosure of High Risk Status

G20GC0004A

Fayetteville Police Department is **not** currently designated high risk by another federal grant making agency.

Fayetteville Police Department
Resource Recipient

ACKNOWLEDGMENT

STATE OF ARKANSAS)

)SS

COUNTY OF _____)

On this day before the undersigned, a Notary Public, duly qualified and acting in and for the county and state aforesaid, personally appeared _____, satisfactorily proven to be the person whose name appears in the foregoing instrument, and stated that he/she had executed the same for the consideration, uses and purposes therein stated.

In witness whereof, I hereunto set my hand and seal on this ____ day of _____, 2020.

Notary Public

My Commission Expires:

APPENDIX A

BUDGET

APPENDIX B

Sub-award Issued To: Fayetteville Police Department

Federal Award Identification No. (FAIN): G20GC0004A

Federal Award Date: 02/26/2020

Period of Performance: 01/01/2020-12/31/2021

Amount of Federal Funds Obligated by this Award to Fayetteville Police Department: \$118,734.80

Total Amount of Federal Funds Obligated to Fayetteville Police Department including the current obligation (G18+G19+G20): \$339,126.80

Total Amount of Federal Award committed to Fayetteville Police Department by Washington County, Arkansas as received from Gulf Coast HIDTA: \$643,554.66

Federal Award Project Description: This grant will support initiatives designed to implement the Strategy proposed by the Executive Board of the Gulf Coast HIDTA and approved by the Office of National Drug Control Policy (ONDCP).

Federal Awarding Agency: Executive Office of the President Office of National Drug Control Policy

Grantee (Pass Through Entity): Washington County, Arkansas
Sheriff Tim Helder
County Judge Joseph Wood
1155 Clydesdale Drive
Fayetteville, AR 72701

CFDA Name and Number: High Intensity Drug Trafficking Areas Program-95.001

No indirect costs (as defined in CFR 200.414 Indirect (F&A) costs) have been authorized with this grant award.

All requests for reimbursement must be by the 10th day of the month following the end of each quarter and shall be directed to:

Brian Chambers

HIDTA State Director of Operations Arkansas/Tennessee
3730 Appling Road
Bartlett, TN 38133

APPENDIX C

Calculation of HIDTA Reimbursable Overtime

TFO's NAME

HIDTA Overtime this period

hrs

TFO's Regular pay rate

TFO's Overtime rate @ 1.5

***fill in below only if agency is claiming fringe associated with HIDTA overtime**

TFO's Fringe

*please note these are the only allowable fringe cost the HIDTA program will reimburse

- FICA
- Life
- Health
- Retirement
- Workman's Comp

Fringe %

percentage \$ - Overtime X Fringe % (\$50.10 X 13.40%)

Calculation of Overtime \$ - Rate X Hours * Please note this total must match what was paid on checkstub or payroll report submitted with claim*

Overtime rate w/ Fringe % \$ - Overtime rate + fringe cost per hour *Please note only utilize this is agency is claiming fringe* 1.5 rate or regular rate + fringe rate (\$50.10+\$6.71)

Total HIDTA Request \$ - without fringe X hours (\$56.81*20 hrs)

APPENDIX D

A. General Terms and Conditions

1. This award is subject to The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200 (the “Part 200 Uniform Requirements”), as adopted and implemented by the Office of National Drug Control Policy (ONDCP) in 2 C.F.R. Part 3603. For this 2020 award, the Part 200 Uniform Requirements supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.

For more information on the Part 200 Uniform Requirements, see <https://cfo.gov/cofar/>. For specific, award-related questions, recipients should contact ONDCP promptly for clarification.

2. This award is subject to the following additional regulations and requirements:
 - a. 28 CFR Part 69-“New Restrictions on Lobbying”
 - b. 2 CFR Part 25-“Universal Identifier and System of Award Management”
 - c. Conflict of Interest and Mandatory Disclosure Requirements, set out in paragraph 7 of these terms and conditions
 - d. Non-profit Certifications (when applicable)
3. Audits conducted pursuant to 2 CFR Part 200, Subpart F, “Audit Requirements” must be submitted no later than 9 months after the close of the grantee’s audited fiscal year to the Federal Audit Clearinghouse at <https://harvester.census.gov/facweb/>.
4. The recipient gives ONDCP or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.
5. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the grantee, its fiscal agent(s), employees, contractors, as well as state, local and Federal participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.
6. These general terms and conditions as well as archives of previous versions of the general terms and conditions are available online at www.whitehouse.gov/ondcp/grants .
7. Conflict of Interest and Mandatory Disclosures
 - a. Conflict of Interest Requirements

As a non-Federal entity, you must follow ONDCP’s conflict of interest policies for Federal awards. Recipients must disclose in writing any potential conflict of interest to an ONDCP Program Officer; recipients that are pass-through entities must require disclosure from sub-recipients or contractors. This disclosure must take place immediately whether you are an applicant or have an active ONDCP award.

The ONDCP conflict of interest policies apply to sub-awards as well as contracts, and are as follows:

- i. As a non-Federal entity, you must maintain written standards of conduct covering conflicts of interest and governing the performance of your employees engaged in the selection, award, and administration of sub-awards and contracts.
- ii. None of your employees may participate in the selection, award, or administration of a sub-award or contract supported by a Federal award if he or she has an apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an organization considered for a sub-award or contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from sub-recipients or contractors or parties to sub-awards or contracts.
- iii. If you have a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, you must also maintain written standards of conduct covering organizational conflict of interest. Organizational conflict of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, you are unable or appear to be unable to be impartial in conducting a sub-award or procurement action involving a related organization.

b. Mandatory Disclosure Requirement

As a non-Federal entity, you must disclose, in a timely manner, in writing to ONDCP all violations of Federal criminal law involving fraud, bribery or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award that includes the term and condition outlined in 200 CFR Part 200, Appendix XII "Award Term and Condition for Recipient Integrity and Performance Matters," are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in remedies such as: temporary withholding of payments pending correction of the deficiency, disallowance of all or part of the costs associated with noncompliance, suspension, and termination of award, debarment, or other legally available remedies outlined in 2 CFR 200.338 "Remedies for Noncompliance".

c. FFATA/DATA Act Compliance

Each applicant is required to

- i. Be registered in the System for Award Management (SAM) before submitting its application
- ii. Provide a valid DUNS number in its application
- iii. Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award
- iv. Provide all relevant grantee information required for ONDCP to collect for reporting related to FFATA and DATA Act requirements.

8. Washington County, Arkansas, as the Grantee, is required to monitor this subaward as outlined in 2 CFR 200.331.
9. Recipients must comply with the Government-wide Suspension and Debarment provision set forth at 2 CFR Part 180.
10. As specified in the HIDTA Program Policy and Budget Guidance, recipient must:
 - a. Establish and maintain effective internal controls over the Federal award that provides reasonable assurance that Federal award funds are managed in compliance with Federal statutes, regulations and award terms and conditions. These internal controls should be in compliance with the "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States and the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
 - b. Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
 - c. Evaluate and monitor compliance with applicable statutes, regulations, and the terms and conditions of the Federal awards.
 - d. Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
 - e. Take reasonable measures to safeguard protected personally identified information (PII) and other information ONDCP or the recipient designates consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality.

B. Program Specific Terms and Conditions

The following special conditions are incorporated into each award document.

1. This grant is awarded for above program. Variation from the description of activities approved by ONDCP and/or from the budget attached to this letter must comply with the reprogramming requirements as set forth in ONDCP's HIDTA Program Policy and Budget Guidance.
2. This award is subject to the requirements in ONDCP's HIDTA Program Policy and Budget Guidance.
3. No HIDTA funds shall be used to supplant state or local funds that would otherwise be made available for the same purposes.
4. The requirements of 28 CFR Part 23, which pertain to information collection and management of criminal intelligence systems, shall apply to any such systems supported by this award.
5. Special accounting and control procedures must govern the use and handling of HIDTA Program funds for confidential expenditures; i.e., the purchase of information, evidence, and services for undercover

operations. Those procedures are described in Section 6 of the HIDTA Program Policy and Budget Guidance.

6. Property acquired with these HIDTA grant funds is to be used for activities of the Gulf Coast HIDTA, this equipment must be made available to the HIDTA's Executive Board for use by other HIDTA participants.
7. All law enforcement entities that receive funds from this grant must report all methamphetamine laboratory seizure data to the National Clandestine Laboratory Database/National Seizure System at the El Paso Intelligence Center.

C. Federal Award Performance Goals

1. All entities that receive funds from this award are responsible for achieving performance goals established in the HIDTA Performance Management Process (PMP) and approved by the HIDTA's Executive Board and ONDCP.
2. All entities that receive funds from this award must report progress in achieving performance goals at least quarterly using the PMP.

ACCEPTANCE OF GRANT CONDITIONS

Date: _____

Fayetteville Police Department
Resource Recipient