

TERRORISM SUBGRANT AGREEMENT

This Agreement is made and entered into this ____ day of _____, 2006, by and between Racine County (County) and City of Racine (Municipality).

WHEREAS, County has acted as an agent to secure funds for Municipality as described in the grant application/contract which is set forth in Exhibit "A" which is incorporated herein as if fully set forth; and

WHEREAS, Municipality has made assurances in order for County to secure such funds as set forth in Exhibit "B" which is incorporated herein as if fully set forth.

In consideration of the mutual promises, conditions and other good and valuable consideration, it is agreed as follows:

1. Municipality accepts all responsibilities and terms and conditions imposed under the above-described grant imposed on County or otherwise, and shall use said funds only as permitted by the above-described grant.

2. Municipality warrants and assures that it will fulfill the assurances and promises made in Exhibit "B".

3. Municipality agrees to indemnify and hold County harmless from any claim, responsibility or requirement arising from the grant or its administration, including but not limited to any claim that said funds were not properly expended pursuant to the terms and conditions of the above-described grant.

4. Municipality agrees to keep records of all of its activities under this contract and as required by the grant and make them available to the County for submission or inspection to the requisite Federal or State agency.

5. County agrees to provide up to \$9032.19 to Municipality , subject to and contingent on the Office of Justice Assistance approving the grant requested and providing the funds for the following:

Fiber Cable Project

6. County will reimburse Municipality upon presentation of actual bills, receipts and proof of completion of said activities described in paragraph 5 above.

7. Municipality hereby certifies that the undersigned has full authority to bind the Municipality to the herein-described terms.

County

Date

Municipality

Date

EXHIBIT A

 **Homeland Security Grant Application**

Last Modified: 10/5/2005 9:52 AM

Applicant

Application #:	05-1998B	Grant Award Number #:	HS-05-SE-0052
Racine County	County of Racine	Emergency Management	1st U.S. Congressional District

Grant

Homeland Security	Equipment	05 HS Local Equipment
--------------------------	------------------	------------------------------

Project Director

Mr	David	Maack	Emergency Management Coordinator
Agency:	Racine County Emergency Management		
Address:	730 Wisconsin Ave		
City/State/Zip:	Racine	WI	53403
Phone:	(262) 636-3515	Ext:	
Fax Number:	(262) 636-3505		
E-Mail:	davidm@racineco.com		

Signing Official

Mr.	William	McReynolds	Racine County Executive
Address:	730 Wisconsin Avenue		
City/State/Zip:	Racine	WI	53403
Phone:	(262) 636-3118	Ext:	
Fax Number:	(262) 636-3549		
E-Mail:	william.mcreynolds@goRacineCounty.org		

Financial Officer

Mr.	Doug	Stansil	Finance Director
Address:	730 Wisconsin Ave		
City/State/Zip:	Racine	WI	53403
Phone:	(262) 636-3706	Ext:	
Fax Number:			

E-Mail: Doug.Stansil@goRacineCounty.org

Amount

Amount

Requested: **\$109,742.00**

Amount Available: **\$109,742.00**

Planning Committee

Name:	Agency:	Address:	Tel:	Fax:	E-Mail:
David Maack, EM Coordinator	Racine County Emergency Management	730 Wisconsin Ave, Racine, WI, 53403	262.636.3515		david.maack@goRacine.org
Vicki Ruffalo, Purchaser	Racine County Purchasing	730 Wisconsin Ave, Racine, WI, 53403	262.636.3129		vickie.ruffalo@goRacine.org
Shirley Vakos, Health Officer	Caledonia-Mt. Pleasant Health Department				svakos@calmpjthealth.com
Bill Bouma, Fire Chief	Mt. Pleasant Fire Department		262.554.8812		WBouma@mtpleasantwi.gov
Mike Mehring, Police Chief	Town of Burlington Police Department				chiefmjm@townofburlington.com
Skip Twardosz, EM Director	Town of Burlington Emergency Management				twodoors42@wi.rr.com
James Formolo, Captain	Racine County Sheriff's Department	717 Wisconsin Ave, Racine, WI, 53403	262.636.3224		james.formolo@goRacine.org
Mike Mehring, Police Chief	Town of Burlington Police Department				chiefmjm@townofburlington.com
Paul Burdick, IT	City of Racine IT	730 Washington Ave, Racine, WI, 53403			pburdick@cityofracine.org
Brian Londre, Sgt	Racine County Sheriffs Department	717 Wisconsin Ave, Racine, WI, 53403	262.636.3236		brian.londre@goRacine.org
William Gabbey, Chief Deputy	Racine County Sheriff's Department	717 Wisconsin Ave, Racine, WI, 53403	262.636.3223		william@gabbey@goRacine.org
Brian Londre, Sgt	Racine County Sheriffs Department	717 Wisconsin Ave, Racine, WI, 53403	262.636.3236		brian.londre@goRacine.org
Paul Petersen, Captain	Mt. Pleasant Police Department				TPetersen@mtpleasantwi.gov
Anna Cremer, Director	Tri-County Public Health Consortium				AClement@co.kenosha.wi.us

Kevin Bush, Lt	Racine Fire Department	810 8th Street, Racine, WI, 53403			Kevin.Bush@cityofracine.org
Matt McVey, Asst. Corp Counsel	Racine County Corporation Counsel	730 Wisconsin Ave, Racine, WI, 53403	262.636.3874		matt.mcvey@goRacine.org

Equipment

Item #:	Category:	Quantity:	Unit Price:	Total:	Location:
----------------	------------------	------------------	--------------------	---------------	------------------

1 **Management and Administrative Personnel** 1 \$2,743.55 \$2,743.55 Racine, County of Emergency Management

Racine County Emergency Management is being charged back for administrative services including finance and purchasing support.

Administer and manage the Homeland Security Grant

2 **Information Technology** 1 \$17,951.00 \$17,951.00 Racine, County of Emergency Management

Hardware, Computer, Integrated

This would purchase workstations/chairs for the EOC. Work stations would have dataports so EOC staff could plug laptops and other devices into the network.

Not intended for general use, other than for allowable M&A activities or otherwise associated preparedness or response functions

Establish/enhance emergency operations center

3 **Interoperable Communications Equipment** 2 \$4,462.00 \$8,924.00 Burlington, Township of Law Enforcement

Radio, Portable

Radios would be used with the Incident Command System

Must be APCO25 compliant

Develop/enhance interoperable communications systems

4 **Personal Protective Equipment** 8 \$197.95 \$1,583.60 Burlington, Township of Law Enforcement

Respirator, Air-Purifying, CBRN

MSA Advantage 1000 Respirators would be issued to LE as a part of PPE

All personnel using must complete initial and annual fit-testing

Enhance capabilities to respond to CBRNE events

5 **Personal Protective Equipment** 8 \$44.95 \$359.60 Burlington, Township of Law Enforcement

CBRN Canister or cartridges, APR

Replacement filters for MSA Advantage 1000 Respirators

All personnel using must be trained to level of equipment requested

Enhance capabilities to respond to CBRNE events

6	Physical Security Enhancement Equipment	1	\$2,230.00	\$2,230.00	Burlington, Township of	Law Enforcement
Surveillance, Warning, Access/Intrusion Control Ground - Barriers: Fences; Jersey Walls						
Provide security around the Police Department						

Assess vulnerability of and/or harden/protect critical infrastructure

7 **Physical Security Enhancement Equipment** 1 \$6,689.00 \$6,689.00 Burlington, Township of Law Enforcement

Doors and Gates, Impact Resistant

Replace doors/frames within BPD to provide security within

Assess vulnerability of and/or harden/protect critical infrastructure

8	Physical Security Enhancement Equipment	1	\$1,026.00	\$1,026.00	Burlington, Township of	Law Enforcement
Portal Systems; locking devices for access control						
Enhance security within BPD						

Assess vulnerability of and/or harden/protect critical infrastructure

9 **Physical Security Enhancement Equipment** 1 \$2,155.00 \$2,155.00 Burlington, Township of Law Enforcement

Doors and Gates, Impact Resistant

Replacement of glass with bullet proff composite window to enhance security within BPD

Assess vulnerability of and/or harden/protect critical infrastructure

10	CBRNE Operational and Search and Rescue Equipment	1	\$10,000.00	\$10,000.00	Raymond, Township of	Fire Service
Search cameras (including thermal and infrared imaging)						
Thermal Imaging Camera would be used by Rapid Intervention Team						

Enhance capabilities to respond to CBRNE events

11 **Interoperable Communications Equipment** 23 \$276.22 \$6,353.06 Racine, City of Law Enforcement

Transmission Device, Wireless, Remote Sensor

Designed for use with the Advantage 1000 Respirators and the Millennium Chemical-Biological Mask, the ESP II Communications System is a self-contained electronic speech projection device. The compact, battery-operated unit clearly amplifies and projects the wearer's voice, allowing ungarbled speech to be heard, even in areas with high ambient noise. Easily installed in a few seconds, the ESP II System is designed to clip onto the

respirator facepiece's speaking diaphragm housing. The System is NIOSH approved, water-resistant, requires two AAA batteries.

Enhance capabilities to respond to CBRNE events

12	CBRNE Operational and Search and Rescue Equipment	1	\$10,900.00	\$10,900.00	Racine, City of	Law Enforcement
Search cameras (including thermal and infrared imaging)						
TST-X20 Hand Held Imaging Camera would be tactical equipment used by the Racine PD SWAT team						

Enhance capabilities to respond to CBRNE events

13	CBRNE Operational and Search and Rescue Equipment	1	\$795.00	\$795.00	Racine, City of	Law Enforcement
Search cameras (including thermal and infrared imaging)						
Tactical video flexible fiber cam kit with recorder would be used for tactical surveillance						

Enhance capabilities to respond to CBRNE events

14	Medical Supplies and Limited Types of Pharmaceuticals	2	\$2,000.00	\$4,000.00	Mount Pleasant, Village of	Fire Service
Defibrillator/Cardiac Monitors/Pacing						
(2) Lifepac 500 Defibrillators would be put in MPFD Staff Cars						

All personnel using must be trained to level of equipment requested

Enhance capabilities to respond to CBRNE events

15	Information Technology	1	\$500.00	\$500.00	Racine, County of	Law Enforcement
System, Operations Area Personnel Tracking and Accountability						
A Passport Accountability System would be used by the Racine County Dive Team, made up of individuals from various departments across Racine County.						

Enhance capabilities to respond to CBRNE events

16	CBRNE Prevention and Response Watercraft	1	\$2,000.00	\$2,000.00	Racine, County of	Law Enforcement
Watercraft, CBRNE Prevention and Response						
10.5 inflatable Zodiac Boat would be used by the Racine County Dive Team						

Not intended for general use

Enhance capabilities to respond to CBRNE events

17	CBRNE Operational and Search and Rescue Equipment	1	\$4,800.00	\$4,800.00	Racine, County of	Law Enforcement
Underwater equipment including: lights, metal detectors, communication and video units, lift bags, water rescue helmets, ice hooks, buoyancy compensator, and underwater						

scooter/DPV

Underwater towable video system would be used by the Racine County Dive Team

Enhance capabilities to respond to CBRNE events

18	CBRNE Operational and Search and Rescue Equipment	2	\$4,000.00	\$8,000.00	Racine, County of	Law Enforcement
SCUBA equipment including: exposure and pressurized suites, face masks, regulators, air tanks, and pony bottles.						
(2) Viking Brand Butyl Rubber Dry Suits, (2) AGA Full Face Masks and (2) AGA Full Face Mask Underwater Communication Systems would be used by the Racine County Dive Team						

All personnel using must be trained to Ops2 or higher

Enhance capabilities to respond to CBRNE events

19	Personal Protective Equipment	12	\$350.00	\$4,200.00	Mount Pleasant, Village of	Law Enforcement
Law Enforcement PPE Kit						
12 LE PPE Kits would be used by MPPD						

Enhance capabilities to respond to CBRNE events

20	Power Equipment	1	\$1,000.00	\$1,000.00	Mount Pleasant, Village of	Public Health
Generator						
Portable generator and heavy cords would be used to keep vaccines refrigerated during power outages						

Not intended for general use

Enhance capabilities to respond to CBRNE events

21	Interoperable Communications Equipment	1	\$9,032.19	\$9,032.19	Racine, County of	Public Safety Communications
Radio, Microwave Link						

A 2nd fiber cable between the courthouse and city hall would be run. The connection to the Courthouse infrastructure is the only path that supports the public safety radio, paging and computer systems. The project is critical for the City of Racine to create a short-term back up path for their radio communications infrastructure that hubs at the Courthouse to the rest of the City radio network. The project will also provide a back up path for the computer system that is used by most agencies in the County. The public safety system has a server located in the City Public Safety Building and another server at the Courthouse that are clustered together to act as one system. We are looking at the reconstruction of a major roadway. Without the second fiber path the City's access to the rest of the County radio and computer networks are susceptible to damage by a single act of digging along that path. For public safety that is an unacceptable exposure. The second path will be run in new conduit

that is expected to not be disturbed during the reconstruction and continue to be in use after the road is completed in the future. The cost is approximately \$15,000 to pull 2500' of 24 count MMF including terminations at each end.

Enhance capabilities to respond to CBRNE events

22	Interoperable Communications Equipment	9	\$500.00	\$4,500.00	Racine, County of	Law Enforcement
Paging						
Minitor 5 Pagers would be used to page out members of the Racine County Dive Team, a multi-jurisdictional, multi-agency county wide response team.						
<input checked="" type="checkbox"/> Enhance capabilities to respond to CBRNE events						

Applicant Summary Sentence

The equipment requested will be used to enhance the overall response to a CBRNE event in Racine County. Many of the requests will be used by specialized teams or shared amongst different jurisdictions.

Equipment Category Summary

Category:	Total:
Personal Protective Equipment	\$6,143.20
CBRNE Operational and Search and Rescue Equipment	\$34,495.00
Information Technology	\$18,451.00
Interoperable Communications Equipment	\$28,809.25
Medical Supplies and Limited Types of Pharmaceuticals	\$4,000.00
Power Equipment	\$1,000.00
Physical Security Enhancement Equipment	\$12,100.00
CBRNE Prevention and Response Watercraft	\$2,000.00
Management and Administrative	\$2,743.55
Total:	\$109,742.00

EXHIBIT B

Certified Assurances

The Applicant hereby assures and certifies compliance with all Federal Statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-1 10, A-1 22, A-1 28, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements – 28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally assisted project. The applicant further assures the Office of Justice Assistance (OJA) that all information contained in the application is correct; that the applicant will comply with all provisions of applicable Federal and State laws, regulations and guidelines. In addition, the applicant agrees that:

1. Recipient possesses legal authority to accept the grant; that 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 assurance contained therein, and directing and authorizing the person identified as official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
3. It will comply with provisions of Federal law which limit certain political activities of employees of a unit of government whose principal employment is in connection with an activity financed, whole or in part, by Federal grants. (5 USC 5101, et seq.)
4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act.
5. It will comply with applicable provisions of the program and with the administrative provisions of the Office of Justice Programs' current edition of "Financial Guide" and all other applicable Federal laws, orders, circulars, or regulations.
6. Recipient will keep all fund accounting, auditing, monitoring, and evaluation procedures as prescribed by OJA, to assure fiscal control, proper management of funds received under the program. Progress and financial reports will be submitted to OJA in accordance with specified requirements.
7. The fiscal accountability of the funds will be managed and accounted for by its Chief Comptroller. This individual must have the authority to ensure compliance with documentation, record keeping, accounting, and reporting guidelines; it will give the Office of Justice Assistance access to and the right to examine all records, books, papers, or documents related to the grant.

8. Recipient and its contractors will comply with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II, of the Americans with Disabilities Act of 1990; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Department of Justice Nondiscrimination Regulations, 28 CFR Part 42, Subparts C,D,E and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and 39.
9. 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, or sex against a recipient of funds, the applicant will forward a copy of the finding to OJA.
10. If required, the recipient will formulate an Equal Employment Opportunity Plan (EEOP) in accordance with 28 CFR 42.301 et. seq. Federal guidelines require that any recipient having 50 or more employees which would receive an amount of \$500,000 or more, or an award to the same recipient which in the aggregate exceeds \$500,000 or more, in any fiscal year, to submit a current Equal Employment Opportunity Plan (EEOP) to the Office of Justice Assistance for review and approval by the Federal Office of Civil Rights.
11. State and local governments, nonprofit organizations and institutions of higher education are governed by OMB Circular A-133, as amended. Recipients that expend \$300,000 or more in a fiscal year in Federal awards shall have a single or project-specific audit conducted for that year in accordance with the provisions of A-133.
12. Recipient will comply with Federal laws and regulations applicable to Federal assistance projects and 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; and Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
13. 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 on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify OJA 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.

14. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of and Federal Financial assistance for construction or acquisition purposes for use in any area that has 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. Please mark box if your department is in such an area:
15. It will assist in compliance with Section 106 of the National Historic Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer 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 CFR Part 800.8) by the activity, and notifying OJA of the existence of any such properties and by (b) complying with all requirements established by OJA to avoid or mitigate adverse effects upon such properties.
16. Recipient fully understands OJA has the right to suspend or terminate grant funds to any recipient that fails to conform to the requirements (Special/General Conditions and General Operating Policies) or that fails to comply with the terms and conditions of its grant award.
17. Recipient agrees to complete and keep on file, as appropriate, an Immigration and Naturalization Service Employment Eligibility Verification Form (1-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.
18. 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.
19. It will comply, and assure the compliance of any 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 OJA Financial Guide; and all other applicable Federal laws, orders, circulars, or regulations.
20. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within units of the Coastal Barrier Resources System.
21. It will indemnify, defend and hold harmless the State and all of its officers, agents, and employees from all suits, actions or claims of any character brought for or on

account of injuries or damages received by any persons or property resulting from the operation or use by of the equipment purchased under this grant.

22. It will certify that all applicable OSHA, NIOSH and NFPA standards relative to the domestic preparedness equipment purchased under this grant and the personnel utilizing the equipment will be met.

Applicable assurances above will be applied to all recipients of assistance by appropriate language incorporated in each document under which funds are to be disbursed.

CERTIFICATION

Chief Executive: I certify that applicant will comply with the above certified assurances.

Signature of Highest Elected Official (Mayor)

Date

Typed Name/Title

Telephone Number

**NOTE: The original signature of the Highest Elected Official is required.
Substitute signing or stamping is not accepted.**

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

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

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

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510--

A. The applicant certifies that it and its principals:

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

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery,

bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

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

3. DRUG-FREE WORKPLACE (APPLIES TO STATE AGENCIES ONLY)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620--

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

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness project to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance projects; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Projects, ATTN: Control Desk, 633 Indiana Ave. NW, Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following sections, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation project approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (street address, city, county, state, zip code):

Check if there are workplaces on file that are not identified here.

Section 67, 603 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check if the State has elected to complete OJP Form 4061/7

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

1. Grantee Name and Address:

Grantee Name:

Address 1:

Address 2: _____

Address 3: _____

City: _____ **State:** _____ **Zip:** _____

2. Application Number and/or Project Name: State Homeland Security Grant Program

3. Grantee IRS/Tax Exempt Number: _____

4. Typed Name and Title of Highest Elected Official:

Signature

/
/
Date

NOTE: The original signature of the Highest Elected Official is required.
Substitute signing or stamping is not accepted.

