

**AGENDA ITEM 29**

Consider approving a change order for the oversight and application of concrete sealer at the Juvenile Services building.

Moved: **Commissioner Heiligenstein**

Seconded: **Judge Doerfler**

Motion: To table this agenda item until next week.

Vote: **5 - 0**

**AGENDA ITEM 30**

Consider approving Victims Assistant Grant Resolution for Victims Services.

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To approve Victims Assistant Grant Resolution for Victims Services.

Vote: **5 - 0**

<Attachment>

STATE OF TEXAS

BEFORE THE COMMISSIONER'S COURT

COUNTY OF WILLIAMSON

OF WILLIAMSON COUNTY, TEXAS

## RESOLUTION

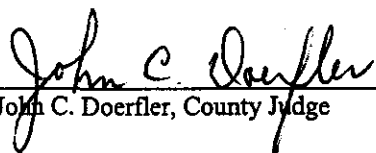
WHEREAS, the desire of the Williamson County Sheriff's Office, Victims Assistance Program is to help the victims of violent crimes in Williamson County; and

WHEREAS, it is necessary and in the best interest of Williamson County to apply for funding through the Office of the Attorney General;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONER'S COURT OF WILLIAMSON COUNTY, TEXAS:

1. That Other Victim Assistance Grants (OVAG) application for the victims of violent crimes is hereby authorized to be filed on behalf of Williamson County Texas with the office of the Attorney General.
2. That the County's application be placed in competition for funding under the OVAG Grant for the use of the Victims Assistance Program with the Williamson County Sheriff's Office.
3. That in the event of loss or misuse of OAG funds, Commissioner's Court of Williamson County, Texas assures that OAG funds will be returned to OAG in full, in the amount of \$34,840.00.
4. That the Commissioner's Court of Williamson County, Texas, will not use the existence of a OVAG award to offset or decrease total salaries, expenses, and allowances that the Victims Assistance program receives from the Commissioner's Court of Williamson County, Texas, at or after the time the grant is awarded.
5. That the Commissioner's Court direct and designate the County Judge as the County's Officer and Authorized Representative to act in all matters in connection with the application and the participation in the office of the Attorney General's other Victims Assistance grants.

RESOLVED this 22<sup>ND</sup> day of July, 2003

  
John C. Doerfler, County Judge

ATTEST:

  
Nancy Rister, County Clerk

## Crime Victim Services Division

## Office of the Attorney General

**COMPREHENSIVE CERTIFICATION FORM****Certified Assurances:**

This certification is a material representation of fact upon which reliance was placed with the agency determined to award the grant. If it is later determined that the grantee knowingly rendered an erroneous certification, the agency, in addition to any other remedies available to the federal/state government or state agency, may take available action.

**I certify to the best of my knowledge and belief:**

1. No federal/state 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 or the Texas Legislature, or an employee of a member of Congress or the Texas Legislature in connection with the awarding of any federal/state contract, the making of any federal/state grant, the making of any federal/state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal/state contract, grant, loan, or cooperative agreement; and
2. If any non-federal/state 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 or the Texas Legislature, an officer or employee of Congress or the Texas Legislature, or an employee of a member of Congress or the Texas Legislature in connection with this federal/state contract, grant, loan, or cooperative agreement, the undersigned shall check here \_\_\_\_\_ and contact the Grants Coordinator of the Office of the Attorney General for the "Disclosure Form to Report Lobbying."

**I certify that to the best of my knowledge and belief:**

- I. The applicant certifies that it will provide a drug-free workplace by:
  - A. Publishing a statement notifying employees/assignees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
  - B. Establishing a drug-free awareness program to inform employees/assignees about:
    1. The dangers of drug abuse in the workplace;
    2. The applicant's policy of maintaining a drug-free workplace;
    3. Any available drug counseling, rehabilitation, and employee assistance programs; and
    4. The penalties that may be imposed upon employees/assignees for drug abuse violations.
  - C. Making it a requirement that each employee/assignee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (A).
  - D. Notifying the employee/assignee in the statement required by paragraph (A) that, as a condition employment/assignment under the grant, the employees/assignee will:
    1. Abide by the terms of the statement, and
    2. Notify the applicant agency and Grants Coordinator for the Office of the Attorney General 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)(2) from an employee/assignee or otherwise receiving actual notice of such conviction.
  - F. Taking one of the following actions with respect to any employee/assignee so convicted:
    1. Taking appropriate personnel action with respect to any employee/assignee so convicted;
    2. requiring such employee/assignee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
  - G. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (A), (B), (C), (D), (E), and (F).

**I certify (initial the appropriate choices):**

- ☐ The applicant agency currently expends combined federal/state funding of \$300,000 or more, and, therefore, is required to submit an annual single audit by an independent auditor made in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133.
- ☐ The applicant agency currently expends combined state funding of \$300,000 or more, and, therefore, is required to submit an annual single audit by an independent auditor made in accordance with the Uniform Grant Management Standards (UGMS).
- ☐ The applicant agency currently expends no federal/state funding or combined federal/state funding of less than \$300,000 and therefore is exempt from the Single Audit Act and cannot charge audit costs to a OVAG AND VCLG grant. I understand, however, that OAG may require a limited scope audit as defined in OMB Circular A-133.

**If this application is for funds in excess of \$25,000, I certify that (initial the appropriate choice):**

- ☐ By submission of this proposal, that neither the applicant agency or its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or state agency.

**I certify that to the best of my knowledge and belief:**

That the applicant entity will follow the guidelines in the Uniform Grant Management Standards (UGMS) as required for all governmental entities. Both governmental entities as well as non-profit entities are required to follow all UGMS guidelines.

**I certify that to the best of my knowledge and belief:**

The applicant entity will follow all of the following assurances.

The Applicant hereby assures and certifies compliance with all Federal/state statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-87; E.O. 123 72 and Uniform Administrative Requirements for Grants and Cooperative Agreements-28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal/state funds for this federally/state-aided project. Also the Applicant assures and certifies that:

**COMPREHENSIVE CERTIFICATION FORM CON'T.**

1. It possesses legal authority to apply for 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 under-standings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 RL 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal/state and federally/state-assisted programs.
3. It will comply with provisions of Federal and/or state law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal and/or state grants. (5 USC 1501, et seq.)
4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or give 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. It will give the sponsoring agency 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. It will comply with all requirements imposed by the Office of the Attorney General or by a sponsoring Federal agency, if applicable, concerning special requirements of law, program requirements, and other administrative requirements.
8. 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. 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 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. It will assist the Federal and/or state grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical 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 36 CFR Part 800.8) by the activity, and notifying the Federal and/or state grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal and/or state grantor agency to avoid or mitigate adverse effects upon such properties.
11. It will comply, and assure the compliance of all its subgrantees 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 Guide; and all other applicable Federal and/or state laws, orders, circulars, or regulations.
12. 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.
13. It will comply, and all 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 (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
14. 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 for Civil Rights, Office of Justice Programs.

**COMPREHENSIVE CERTIFICATION FORM CON'T.****Nonprocurement Debarment Certification****LISTS OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT OR NONPROCUREMENT PROGRAMS**

The Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs, issued monthly, identifies those parties excluded throughout the U.S. Government (unless otherwise noted) from receiving Federal contracts or federally approved subcontracts and from certain types of Federal financial and nonfinancial assistance and benefits.

The Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs supersedes the Consolidated List of Debarred, Suspended, and Ineligible Contractors. The new Lists of Parties incorporates all listings of the superseded Consolidated List and has a new, additional section, Parties Excluded from Nonprocurement Programs. It is maintained by the U.S. General Services Administration (GSA) for the use of Federal agencies and others involved in Federal programs and activities. The Lists of Parties is structured in accordance with a recommendation from the Interagency Committee on Debarment and Suspension.

**Purpose of List of Parties**

The functions of the two sections of the Lists of Parties are distinct and are explained below.

The first section, Parties Excluded from Procurement Programs, lists contractors that are excluded government-wide, unless otherwise noted, from Federal procurement and/or sales programs. Such an exclusion may be based on the administrative debarment or suspension of a contractor by an agency in accordance with Federal Acquisition Regulation (FAR) 9.4, Federal Property Management Regulations (FPMR) 101-45.6, Government Printing Office (GPO) Instructions 110.11A, or U.S. Postal Service (PS) Publication 41. An exclusion may also be the result of action by a Federal agency under the authority of a statute, executive order, or regulation applying to procurement programs.

The second section, Parties Excluded from Nonprocurement Programs, lists person (individuals and entities) excluded government-wide, unless otherwise noted, from certain types of Federal financial and non-financial assistance and benefits. An exclusion may be based on an administrative debarment or suspension by any Federal agency or the voluntary exclusion of a person under agency regulations implementing Executive Order 12549. Parties Excluded from Nonprocurement Programs also includes actions under the authority of a statute, another executive order, or a regulation applying to nonprocurement programs.

For either section, the treatment to be accorded to a party listed depends on the type of exclusionary action and the authority under which the action was taken. The cause for the exclusion and the treatment of the party excluded are noted by a code in the listing. These codes are explained under the heading "Cause and Treatment Codes" for the Parties Excluded from Procurement Programs and the Parties Excluded from Nonprocurement Programs.

A user of the List of Parties should refer to the appropriate cause and treatment code explanation before determining a listed party's status.

**How To Obtain Copies**

Federal agencies may purchase annual bulk subscriptions to the Lists of Parties at cost from the U.S. Government Printing Office. Agencies should arrange for their own internal distribution. The agency contracts under the heading "For Additional Information" are aware of the procedures for purchasing and distributing subscription copies.

Nonfederal persons or organizations interested in obtaining subscriptions to the Lists of Parties should contact the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The telephone number is (202) 783-3238 on commercial lines or 783-3238 on the FTS (Federal Communications System).

**Electronic Supplement**

A weekly supplement to the Lists of Parties is available on GSA's Information Resources Center electronic bulletin board. When using the latest issue of the publication, the electronic supplement will provide up-to-date information on excluded parties.

To use the electronic bulletin board, you must have access to an asynchronous, ASCII terminal (e.g., a word processor or a microcomputer) equipped with communications software and a "modem" or "coupler." A modem is a device that permits signals from the terminal to be sent across the telephone lines. Users can access the bulletin board using AUTOVAN, FTS, or commercial lines. The telephone numbers are:

FTS	300 baud 535-8308
	1200 baud 535-7661
	2400 baud 786-9014
AUTOVON	300 baud 294-0524
	1200 baud 294-0521
COMMERCIAL	300 baud (202) 535-8308
	1200 baud (202) 535-7661
	2400 baud (202) 786-9014

For further information on how to access the electronic bulletin board, call Mrs. Juan L. Smith at (FTS/202) 523-4873.

**Telephone Inquiry Service:**

A telephone-inquiry answering service is available in GSA's Office of Acquisition Policy for general questions about entries in the List of Parties. The number to call either during or after normal business hours is (FTS202) 786-0688. Your call will be recorded and answered either the same day or the following working day.

## COMPREHENSIVE CERTIFICATION FORM CON'T.

Prior to the release of funds by OVAG and VCLG for federal grants, your agency/program must review, sign, and return to the Grants Coordinator for the Office of the Attorney General the attached OJP Form 4061/1—Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion, Lower Tier Covered Transactions.<sup>1</sup> The form must be signed by the Authorized Official designated in the grant.

The U.S. Attorney General Order No. 1271-88, published in the Federal Register, Volume 53, No. 102, May 26, 1988, announced the adoption of a government-wide uniform system on Nonprocurement Debarment and Suspension that will be applicable to the nonprocurement assistance activities of the offices, bureaus, and divisions of the Department of Justice which have grant-making authority.<sup>2</sup> All agencies/organizations receiving federal funds from OVAG AND VCLG in the amount of \$25,000, or more, must complete OJP Form 4061/1 (9/88) which certifies that neither the agency/organization or its officers are debarred, suspended, ineligible, or are voluntarily excluded from receiving federal funds before entering into a financial agreement (i.e., grants and contracts).<sup>3</sup> In addition, any organization contracting for goods and/or services of \$25,000 or more (federal funds) must secure the same certification from the prospective contractor. The latter certifications must accompany the contract which, by requirement, is sent to OAG for approval.

Agencies/organizations must base their certification upon a review of the monthly publication "Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs" and the weekly supplements to that issued prepared by the U.S. General Services Administration, to confirm that the agency/organization or its officers are not ineligible. Attached is an information sheet that explains the "List of Parties . . ." and how to obtain it.

### INSTRUCTIONS FOR NONPROCUREMENT DEBARMENT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
5. The prospective lower tier participant agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause title "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principal. Each participant may check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

<sup>1</sup>Lower Tier Covered Transactions may be interpreted as any grant or contract transaction of \$25,000 or more at the state or lower level.

<sup>2</sup>Nonprocurement may be interpreted as any form of grant or contract having the principal purpose of assistance activities, rather than federal procurement activities.

<sup>3</sup>Agency/organizations may be interpreted as the entity in whose name the grant or contract is awarded. Officers of the agency/organization may be interpreted as any of the following persons who will have critical influence on or substantive control over that transaction (i.e., grant or contract): members of governing boards, directors, other employees, and consultants. Participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including

**COMPREHENSIVE CERTIFICATION FORM CON'T.**

John C. Doertler  
Name of Authorized Signator

County Judge  
Title of Authorized Signator

John C. Doertler  
Signature

7 / 22 / 03  
Date

Williamson County  
Name of Organization

**AGENDA ITEM 31**

Discuss and consider approving the use of County technical training by non-County personnel.

Moved: **Commissioner Heiligenstein**

Seconded: **Judge Doerfler**

Motion: To approve the use of County technical training by non-County personnel.

Vote: 5 - 0

< Attachment >



### Information Technology Services




---

**INTEROFFICE MEMO**

July 22, 2003

To: Commissioners' Court  
 From: Jay Schade  
 Subject: Training of Non-County Employees (i.e. Non-Profits)

---

Recently, the Sheriff's Office requested that some employees of Non-Profits with whom they work closely, be given the opportunity to take advantage of the technical training offered by the County. There are also other departments who work so closely with non-profits that it is difficult to distinguish between who is a County employee and who is not. In other cases, non-Profits actually have full-time employees assigned to a Williamson County department (i.e. Juvenile Services). Those departments might have an interest in offering County training as well. In addition, we have had some discussions with various cities within the county expressing an interest in the County's technical training.

The County Attorney's Office has ruled that it is legal for us to give them that training, but the County would have to be reimbursed for the actual cost of the class.

Following is a conservative estimate of what it costs the County to train a single student:

Trainer (\$24.50/hour x 8 hours / 8 students).....	\$24.50
Materials (70 pages x .10/page).....	7.00
Overhead.....	3.50
<b>Total.....</b>	<b>\$35.00</b>

**RECOMMENDATION:** It is recommended that the County charge a non-County student \$35.00 per day for training (\$70 for a two-day class, \$17.50 for a half-day class, etc.).

**NOTE:** One requirement we would make is that the Non-County student would only be placed in a class when there is an opening and not at the expense of taking a County employee's place in the class. If there is an opening one week or less before the beginning of the class, a non-County employee would have the opportunity to sign up for the class.

*approved 7-22-03*  
*John C. Doerfler*