

RESOLUTION NO. 2018 - 227

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING ALBERT NETWORK MONITORING SOLUTION GRANT FUNDS AS UNANTICIPATED REVENUE; AND APPROPRIATING THE GRANT FUNDS WITHIN THE SUPERVISOR OF ELECTIONS' 2018 FISCAL YEAR BUDGET.

WHEREAS, the St. Johns County Supervisor of Elections has been selected to receive the Albert Network Monitoring Solution Grant, a federally-funded grant administered by the Florida Department of State, Division of Elections ("Division"); and

WHEREAS, the Division has provided the attached grant agreement governing use of the funds which total \$8,340; and

WHEREAS, the County, when preparing the budget for Fiscal Year 2018 did not anticipate receiving proceeds from the Albert Network Monitoring Solution Grant; and

WHEREAS, the County has determined that recognizing and appropriating the grant funds will serve the interests of the County.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida:

1. The above recitals are hereby adopted as legislative findings of fact and incorporated herein.
2. The Board of County Commissioners hereby recognizes the grant proceeds described herein as unanticipated revenue and directs the County Administrator, or designee, to appropriate the funds in the Supervisor of Elections' 2018 Fiscal Year budget for use consistent with the grant requirements.
3. To the extent there are administrative, typographical or scriveners' errors that do not substantively change the tone, tenor, or concept of this Resolution, this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 7th day of August, 2018.

[OFFICIAL SEAL]

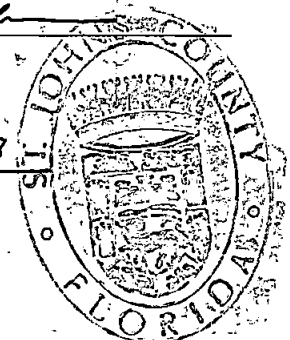
**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: Henry Dean
Henry Dean, Chair

ATTEST: Hunter S. Conrad, Clerk of Court

By: Pam Halteman
Deputy Clerk

RENDITION DATE 8/9/18



MEMORANDUM OF AGREEMENT FOR ALBERT NETWORK MONITORING SOLUTION GRANT

This agreement is between the State of Florida, Department of State, Division of Elections ("Department"), an agency of the State of Florida, and Vicky Oakes Supervisor of Elections for St. Johns County, Florida ("Sub-recipient"). This agreement governs the receipt and use of federal funds as specified herein.

I. Governing Law

Grant funds are made available pursuant to Specific Appropriation 3076, Chapter 2018-9, Laws of Florida, to provide a network monitoring solution for the 67 county supervisor of elections offices in the ongoing effort to improve the administration of federal elections. See Attachment A for the appropriation proviso and incorporated by reference.

The Department of State is authorized to distribute to Florida's 67 county Supervisors of Elections a total of one million, nine hundred and four thousand, one hundred and forty dollars (\$1,904,140) in non-recurring funds for fiscal year 2018-2019 from the Federal Grants Trust Fund, pursuant to section 251 of the Help America Vote Act of 2002 (HAVA) and the Catalog of Federal Domestic Assistance (CFDA) 90.401 ("Help America Vote Act Requirements Payments").

II. Scope of Work, Deliverables, Restrictions

The maximum amount of the funds that may be received by a sub-recipient is \$28,420, subject to satisfying the requirements herein. An initial application for funds must be submitted no later than July 31, 2018.

A. Scope of Work

Funds provided under this agreement shall be used to reimburse expenses, and/or provide advance payment for the purchase of Albert Sensors network monitoring hardware and software, including installation, and one year of maintenance and monitoring services.

Each Sub-recipient may receive up to \$28,420 as follows within the one-year grant period:

- Purchase of Albert Sensor Server (size is based on bandwidth need): Up to \$10,000.
- Installation/set-up fee (standard): \$900.
- Albert network monitoring and maintenance: Up to \$17,520 (\$1,460 per month for a maximum of 12 months of service): Payment for network monitoring and maintenance services beyond June 30, 2019 is not covered.

Covered expenses shall only include items or services purchased, including installation and completion of acceptance testing, between the date chapter law 2018-9, Laws of Florida, became law on March 16, 2018, and June 30, 2019 (inclusive).

Funds may be requested as either one of the following:

1. Sub-recipient may request funds as an advance payment to cover the purchase of the server, the setup fee, and the estimated cost for the 1st six (6) months of monitoring and maintenance service once activated. Thirty days before the end of the 1st six (6) months of service, Sub-recipient may submit another request if Sub-recipient determines more funds are needed to cover cost of service

provided during the 1st six (6) months and/or for services in the remaining grant period up through June 30, 2019.

2. If Sub-recipient has already incurred costs for the purchase and installation of the server, and for monitoring and maintenance services from date of activation to date of request for grants funds, funds shall be requested as a reimbursement. If Sub-recipient determines more funds are needed to cover cost of monitoring and maintenance services for remaining months of service during the grant period, Sub-recipient may submit another request to cover cost of services through the end of the grant period ending June 30, 2019.

Request for reimbursement and/or advance payments for service may not total maximum allowable amounts within the grant period. For an advance payment request, a Sub-recipient shall submit a completed Letter of Need (Attachment B, incorporated by reference). Additionally, a Sub-recipient shall submit a completed Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion (Attachment C, incorporated by reference).

B. Deliverables, Minimum Levels of Service, and Financial Consequences

Deliverable	Minimum Level of Service	Financial Consequences
1. Purchase and installation of Albert sensor server	<p>No later than July 31, 2018, Sub-recipient shall have applied for grant funds for cost of purchase and installation of an Albert Sensor network monitoring server.</p> <p>Sub-recipient shall provide documentation to the State demonstrating estimated cost or actual cost incurred, whichever is applicable, for purchase and installation. Once purchased and installed, Sub-recipient shall provide updated documentation no later than 10 days after acceptance testing of installed server.</p>	<p>If Sub-recipient does not apply for grant funds by July 31, 2018, funds revert to the State.</p> <p>If Sub-recipient does not use funds to purchase and install the Albert sensor server within the grant period, funds shall be returned to the Department at the same time the final expenditure report is submitted as set forth in subsection C. 3.</p>
2. Purchase of network monitoring and maintenance services	<p>No later than July 31, 2018, Sub-recipient shall have applied for grant funds for cost of network monitoring and maintenance services.</p> <p>Sub-recipient shall provide documentation demonstrating estimated cost or actual purchase or of monitoring and maintenance services, whichever is applicable. If not yet purchased at time of grant application, Sub-recipient shall submit documentation demonstrating purchase no later than 10 days after initial service is activated.</p>	<p>If Sub-recipient does not apply for grant funds by July 31, 2018, funds revert to the State.</p> <p>If Sub-recipient does not use funds to pay for network monitoring and maintenance services during the grant period, funds shall be returned to the Department at the same time the final expenditure report is submitted as set forth in subsection C. 3.</p>

C. Reporting

1. Prior to distribution of funds, a sub-recipient requesting an advance payment, shall submit with the grant application supporting documentation evidencing allowable expenses to be incurred by Sub-recipient for the purchase and installation of the server and monitoring contract. A Sub-recipient requesting reimbursement for expenditures already incurred shall submit to the Department documentation evidencing the allowable expenses incurred by Sub-recipient.

Supporting documentation may include invoices, canceled checks, purchase orders, vendor contracts, and other records that detail the services provided (or to be provided) and the costs of such services. If the network monitoring service is provided in conjunction with the county, the document shall detail the pro-rata share incurred (or to be incurred) by the Supervisor of Elections' office.

2. Sub-recipient shall submit to the Department quarterly reports detailing the monthly service cost and activity level with the network monitoring solution. The quarterly report shall include the prior 3-month period, starting from the date of active service, and submitted no later than 15 days after the 3-month period. If Sub-recipient has already received more than 3 months of service, Sub-recipient may submit the 1st quarterly report at the same time as the 2nd quarterly report is submitted. If the network monitoring service is provided in conjunction with the county, the report shall detail the pro-rata share of the Supervisor of Elections' office. The last quarterly report shall be submitted with the final report as mentioned in the paragraph below.
3. No later than one year from the date of initial active service of the network monitoring solution, or by July 15, 2019, whichever is earlier, Sub-recipient shall provide to the Department a final report reconciling the expenditure of grant funds. Such report shall include supporting documentation evidencing how the funds were expended for the purchase (including installation and acceptance) of the server and monitoring services and installation. With the submission of this report, Sub-recipient shall also return any remaining advanced funds not spent on allowable expenses to the Department, including any interest that may have accumulated and documentation regarding the amount of interest accumulated.

D. Restrictions

1. Per appropriation proviso, the State is not responsible for ongoing maintenance, monitoring, or costs beyond one year, nor will the State be responsible for individual county voter registration data security and any associated risks.
2. No Sub-recipient shall use any funds received hereunder to support lobbying activities to influence proposed or pending federal or state legislation or appropriations, but this does not affect the right of Sub-recipient, or that of any other organization to petition Congress, or any other level of Government, through the use of other resources.
3. If Sub-recipient expends any funds on expenses that are not allowable, Sub-recipient must reimburse immediately the Department the full cost of all funds received under this agreement.
4. If Sub-recipient receives advanced funds, Sub-recipient must establish and maintain these public funds in an interest-bearing account in a "qualified public depository" (section 280.02, Florida Statutes). Sub-recipient must segregate the funds in a separate account established to hold only

such funds. Sub-recipient must comply with the applicable requirements of chapter 280, including but not limited to:

- The execution and retention in sub-recipient's official records of a Public Deposit Identification and Acknowledgement Form.
- The submission each year by November 30th of a Public Depositor Annual Report to the Chief Financial Officer (DFS-J1-1009)

For more information refer to the Department of Financial Services Collateral Management for Governmental Units webpage or contact the Program Administrator at 850-413-3167.

III. Electronic Payments

Sub-recipient is encouraged to use electronic funds transfer (EFT) to receive payment. All sub-recipients wishing to receive funds through electronic funds transfer must submit a Direct Deposit Authorization form to the Florida Department of Financial Services. If EFT has already been set up for your organization, you do not need to submit another authorization form unless you have changed bank accounts.

IV. Monitoring, Audits, and Reporting

The administration of resources awarded to Sub-recipient, as indicated in Exhibit 1 contained in Attachment D, may be subject to monitoring, audits, and reporting requirements herein.

A. Monitoring

In addition to reviews of audits conducted in accordance with OMB Circular A-133, as revised, and Section 215.97, F.S., (see Part B "Audits") monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, Sub-recipient agrees to comply and cooperate with any monitoring procedures/processes the Department deems appropriate.

B. Audits

1. Federally Funded Audits (OMB Circular A-133, as revised in supplemental 2017.)

If Sub-recipient expends \$750,000 or more in Federal awards in its fiscal year, Sub-recipient is **required** to have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. In determining the Federal awards expended in its fiscal year, Sub-recipient shall consider all sources of Federal awards, including Federal resources received from the Department. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit conducted by the Auditor General must satisfy the requirements of Subpart E of OMB Circular A-133, as revised. In connection with the audit requirements, Sub-recipient shall fulfill the responsibilities of an auditee as provided in Subpart C of OMB Circular A-133, as revised. If Sub-recipient expends less than \$750,000 in Federal awards in its fiscal year, an audit is **not required**. Sub-recipient, however, must make records available for review or audit upon request by appropriate officials of U.S. Election Assistance Commission, the Department, and the General Accounting Office (GAO). If Sub-recipient elects to have an audit conducted in

accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-federal resources (i.e., resources obtained from other than Federal entities).

2. Other audits

The Department may conduct a limited scope audit of federal funds as defined by OMB Circular A-133 (as revised) or other financial analysis or review of federal funds as permitted by federal law. In the event the Department determines that a limited scope audit or other type of audit of Sub-recipient is appropriate, Sub-recipient agrees to comply with any additional instructions provided by Department staff to Sub-recipient regarding such audit. If the Department determines that federal funds received under this Agreement were used for any unauthorized purpose or that Sub-recipient did not comply with this agreement or state or federal requirements for receipt, expenditure, or accounting, Sub-recipient must return or repay these federal funds in an amount sufficient to ensure or obtain compliance, including expenses for any corrective or remedial action. Sub-recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Department of State, Chief Financial Officer (CFO) or Auditor General.

Additional guidance to state and federal monitoring and auditing requirements may be found at <http://www.eac.gov>.

C. Audit Reporting

Copies of financial reporting packages as described in Subpart C- Auditees, section ____ .320(c), OMB A-133 (as revised) for audits conducted by or on behalf of Sub-recipient pursuant to Section IV.B.1 of this agreement, shall be submitted as required by sections .320(d) of such circular to:

<i>Department of State Division of Elections R.A. Gray Building, Ste 316 500 S. Bronough St. Tallahassee, FL 32399-0250</i>	<i>Department of State Office of Inspector General R.A. Gray Building, Rm. 406 500 S. Bronough Street Tallahassee, FL 32399-0250</i>	<i>Auditor General's Office Claude Pepper Bldg. 111 West Madison St. Tallahassee, FL 32399-1450</i>	<i>Federal Audit Clearinghouse Bureau of the Census 1201 East 10th St. Jeffersonville, IN 47130</i>
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Any reports, management letter, or other information required to be submitted to the Department pursuant to this agreement shall be submitted timely and in accordance with OMB Circular A-133, the Florida Statutes, and/or Chapter 10.550 (local governmental entities) of the Rules of the Auditor General, whichever is applicable. The correspondence accompanying the financial reporting package forwarded to the Department must include the date Sub-recipient received the reporting package.

V. Record Retention

Sub-recipient shall keep and maintain accurate and detailed records sufficient to demonstrate its compliance with the terms of this agreement. Sub-recipient shall retain these records for five fiscal years in accordance with the guidelines of the Department of Financial Services and the Office of the Auditor General, or three years after the date an audit report is issued, whichever is later. Sub-recipient shall allow the Department or its designee, CFO, or Auditor General access to such records, including access to the audit working papers upon request.

VI. Entirety of the Agreement

All terms and conditions of this agreement are fully set forth in this document and its attachments and shall be governed by the laws of the State of Florida regardless of any conflict of laws provisions. In any proceeding or action brought under this section, the parties agree that the prevailing party will be entitled to its reasonable attorney's fees from the other party. The parties agree that proper venue will be in Leon County, Florida. This agreement is effective as of the date it is fully executed.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by their undersigned officials as duly authorized.

By County Supervisor of Elections/Sub-recipient

By Department of State, Division of Elections

Signature: *Vicky Oakes*

Signature: _____

Name and Title: Vicky Oakes
Supervisor of Elections

Name and Title: _____

Address: 4455 Avenue A #101
St. Augustine, FL 32095

Address: R.A. Gray Building
500 S. Bronough Street, Ste. 316
Tallahassee, Florida 32399

County FEID No. 59-6000825

Witness: *Erika E. Ward*

Witness: _____

Date: 7-6-18

Date: _____

LEGISLATIVE PROVISIO LANGUAGE

3076 SPECIAL CATEGORIES

CONTRACTED SERVICES

FROM GENERAL REVENUE FUND

\$ 283,502

FROM FEDERAL GRANTS TRUST FUND

\$ 2,204,198

From the funds in Specific Appropriation 3076, \$1,904,140 of nonrecurring funds from the Federal Grants Trust Fund is provided to establish a one year grant program to provide a network monitoring solution for the 67 counties in Florida. The department shall enter into a Memorandum of Agreement with each county that applies and is approved for the grant. The state will not be responsible for ongoing maintenance, monitoring, or costs beyond year one, nor will the state be responsible for individual county voter registration data security and any associated risks.

LETTER OF NEED

I, Vicky Oakes, Supervisor of Elections of St. Johns

County, Florida, do hereby state that my office is in need of advance funds in order to purchase a networking monitoring solution. These advance funds will enable this office to purchase the network security devices and services detailed below in advance of the 2018 General Election. These devices and services are essential to the operations of this office and the integrity of the election.

Advance funds are requested for following (check all that are applicable):

- \$ _____ for Albert Server Purchase and Installation
- \$ 7,440.00 for Network monitoring and maintenance contract

Supervisor of Elections

Date

** Not required to be completed
as we are not in need of
advance funds - EW*

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION
LOWER TIER COVERED TRANSACTIONS (ED Form GCS-009, 6/88)**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Vicky Oakes, Supervisor of Elections, St. Johns County

Name and Title of Authorized Representative

Vicky Oakes

Signature

7/5/18

Date

INSTRUCTIONS FOR 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. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further 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.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it 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 principals. Each participant may, but is not required to, check the Nonprocurement List (Telephone Number).
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.

ATTACHMENT D
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Florida Single Audit Act Requirements

The administration of resources awarded by the Department of State to the Supervisor may be subject to audits and/or monitoring by the Department of State, as described in this section.

MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department of State staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, the Supervisor agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of State." In the event the Department of State determines that a limited scope audit of the Supervisor is appropriate, the Supervisor agrees to comply with any additional instructions provided by the Department of State staff to the Supervisor regarding such audit. The Supervisor further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the Supervisor is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the Supervisor expends \$300,000 (*\$500,000 for fiscal years ending after December 31, 2003*) or more in Federal awards in its fiscal year, the Supervisor must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this agreement indicates Federal resources awarded through the Department of State by this agreement. In determining the Federal awards expended in its fiscal year, the Supervisor shall consider all sources of Federal awards, including Federal resources received from the Department of State. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the Supervisor conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the Supervisor shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the Supervisor expends less than \$300,000 (*\$500,000 for fiscal years ending after December 31, 2003*) in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the Supervisor expends less than \$300,000 (*\$500,000 for fiscal years ending after December 31, 2003*) in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from Supervisor resources obtained from other than Federal entities).

ATTACHMENT D
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PART II: STATE FUNDED

This part is applicable if the Supervisor is a non-state entity as defined by Section 215.97(2), Florida Statutes.

1. In the event that the Supervisor expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such Supervisor (for fiscal years ending September 30, 2004 or thereafter), the Supervisor must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this agreement indicates state financial assistance awarded through the Department of State by this agreement. In determining the state financial assistance expended in its fiscal year, the Supervisor shall consider all sources of state financial assistance, including state financial assistance received from the Department of State, other state agencies, and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1, the Supervisor shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the Supervisor expends less than \$500,000 in state financial assistance in its fiscal year (for fiscal years ending September 30, 2004 or thereafter), an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the Supervisor expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the Supervisor's resources obtained from other than State entities).

The Internet web addresses listed below will assist recipients in locating documents referenced in the text of this agreement and the interpretation of compliance issues.

State of Florida Department Financial Services (Chief Financial Officer)
<https://www.myfloridacfo.com/>

State of Florida Legislature (Statutes, Legislation relating to the Florida Single Audit Act)
www.leg.state.fl.us/

PART III: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the Supervisor directly to each of the following:
 - A. The Department of State at each of the following addresses:

ATTACHMENT D
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Department of State
Division of Elections
R.A. Gray Building, Ste 316
500 S. Bronough St.
Tallahassee, FL 32399-0250

- B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

- C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. In the event that a copy of the reporting package for an audit required by PART I of this agreement and conducted in accordance with OMB Circular A-133, as revised, is not required to be submitted to the Department of State for the reasons pursuant to Section .320 (e)(2), OMB Circular A-133, as revised, the Supervisor shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the Supervisor's audited schedule of expenditures of Federal awards directly to each of the following:

Department of State
Division of Elections
R.A. Gray Building, Ste 316
500 S. Bronough St.
Tallahassee, FL 32399-0250

3. Copies of financial reporting packages required by PART II of this agreement shall be submitted by or on behalf of the Supervisor directly to each of the following:

- A. The Department of State at each of the following addresses:

Department of State
Division of Elections
R.A. Gray Building, Ste 316
500 S. Bronough St.
Tallahassee, FL 32399-0250

- B. The Auditor General's Office at the following address:

Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Any reports, management letter, or other information required to be submitted to the Department of State pursuant to this agreement shall be submitted timely in accordance with

ATTACHMENT D
MOA 2018-2019-002

OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

5. Supervisors, when submitting financial reporting packages to the Department of State for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Supervisor in correspondence accompanying the reporting package.

PART IV: RECORD RETENTION

1. The Supervisor shall retain sufficient records demonstrating its compliance with the terms of this agreement for a period of 5 years from the date the audit report is issued, and shall allow the Department of State, or its designee, CFO, or Auditor General access to such records upon request. The Supervisor shall ensure that audit working papers are made available to the Department of State, or its designee, CFO, or Auditor General upon request for a period of 3 years from the date the audit report is issued, unless extended in writing by the Department of State. *NOTE: Records need to be retained for at least five years to comply with record retention requirements related to original vouchers prescribed by the Department of State, Division of Library and Information Services, Bureau of Archives and Records Management.*

Exhibit 1

**FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT
CONSIST OF THE FOLLOWING:**

Federal Program: Section 251 of the Help America Vote Act of 2002
Federal Agency: U.S. Election Assistance Commission
CFDA No./Title: 90.041, Help America Vote Act Requirements Payments
Award Amount: Maximum of \$ 28,420 per sub-recipient

**COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED
PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:**

Federal Program: Section 251 of the Help America Vote Act of 2002.
List applicable compliance requirements as follows:

1. See Help America Vote act of 2002 - <https://www.gpo.gov/fdsys/pkg/PLAW-107publ252/pdf/PLAW-107publ252.pdf>
2. See Florida's HAVA State Plan, as updated in 2009. <http://dos.myflorida.com/elections/laws-rules/help-america-vote-act/>
3. See Florida Division of Elections' Reference Guide 0018 - Allowable and Non-Allowable Expenses for HAVA Expenditures. <https://soe.dos.state.fl.us/pdf/DEGuide0018-Allowable-and-Non-AllowableExpenses-for-HAVA-Expenditures.pdf>

**STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT
CONSIST OF THE FOLLOWING:**

MATCHING RESOURCES FOR FEDERAL PROGRAMS: N/A

SUBJECT TO SECTION 215.97, FLORIDA STATUTES: N/A

**COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED
PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:** N/A

NOTE: Section .400(d) of OMB Circular A-133, as revised, and Section 215.97(5), Florida Statutes, require that the information about Federal Programs and State Projects included in Exhibit 1 be provided to the recipient.

Exhibit - 2

December 3, 2014

CHIEF FINANCIAL OFFICER'S MEMORANDUM NO. 03 (2014 - 2015)

SUBJECT: COMPLIANCE REQUIREMENTS FOR AGREEMENTS

This memorandum supersedes the Chief Financial Officer's Memorandum No. 4 (2005-2006) **minimum** requirements and confirms state agencies must follow for proper accountability over state and federal resources. While the State is accountable to the federal government, sub-recipients of federal financial assistance must be accountable to the State. Recipients/sub-recipients of state financial assistance must also be accountable to the State.

FEDERAL FUNDS

This memorandum is applicable to discretionary grants, which the State receives from the federal government. Applicability to federal entitlement programs or formula based awards should be determined on a case by case basis pursuant to federal regulations for these programs.

State agencies must determine whether they are passing on federal awards in the form of federal financial assistance to sub-recipients or procuring goods and services from a contractor. This determination is critical for the proper accountability over federal financial assistance, which is passed on to sub-recipients. State agencies will use the criteria established in Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, Code of Federal Regulations Title 2, Part 200.330 to make this determination. Agencies must retain documentation to support this determination.

In 2005 the Office of Federal Financial Management confirmed to the Department of Financial Services, if the State receives an award of federal financial assistance in the form of a grant or cooperative agreement, any sub-award for the purpose of the grant is subject to the rules applicable to the grant, **even if the sub-award is on a fixed price basis.** Agreements (sub-awards) with sub-recipients of federal financial assistance must require compliance with the published requirements entitled Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (also known as the Super Circular), Code of Federal Regulations Title 2, Part 200 (2 CFR, Part 200). This guidance supersedes and consolidates the requirements from the Office of Management and Budget (OMB) Circulars A-21, A-87, A-110, A-122, A-89, A-102 and A-133 and is effective for awards or increments of awards issued on or after December 26, 2014.

The Super Circular also applies to **sub-awards** made by State and local governments to an organization covered by the circular and provides that:

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- a. A grant may be charged only allowable costs resulting from obligations incurred during the specified funding period.
- b. Any balance of unobligated cash that has been advanced or paid that is not authorized to be retained for other projects must be refunded to the federal government.
- c. Any funds paid in excess of the amount to which the recipient is finally determined to be entitled, under the terms and conditions of the award, constitutes a debt to the Federal government.

Agreements with vendors must be procured in a manner that ensures a fair and reasonable price to the Federal government and compliance with applicable rules and regulations, including, but not limited to:

- a. 2 CFR, Part 200
- b. Section 287.057, Florida Statutes (F.S.)
- c. Section 215.917, F.S.
- d. Section 216.3475, F.S.

- (1) Non-competitive procurements and competitive procurements that result in less than 2 responses must be supported by a detailed cost analysis. Cost must be reasonable, necessary and allowable in accordance with state and federal laws, rules and regulations. Agencies must maintain documentation to evidence the agency's review of individual's cost elements included on the detailed budget submitted by the person or entity awarded funding.

STATE FUNDS

State agencies must determine whether they are awarding state financial assistance to a recipient or procuring goods and services from a vendor. State agencies will use the Florida Single Audit Checklist for Non-state Organizations – Recipient/Sub-recipient vs Vendor Determination to make this determination. Agencies must retain copy of the checklist.

Agreements with recipients of state financial assistance, **even if awarded on a fixed price basis**, must require:

- a. Compliance with Section 215.97, F.S.
- b. Compliance with Section 215.971, F.S.
- c. Expenditures of state financial assistance be in compliance with laws, rules and regulations applicable to expenditures of State funds, including, but not limited to, the Reference Guide for State Expenditures

Agreements involving the State University System, the Florida Community College System, district school board, or charter schools using state funds must be procured in a manner that ensures a fair and reasonable price to the State and compliance with applicable rules and regulations, including, but not limited to:

- a. Section 216.3475, F.S.
 - (1) Non-competitive procurements and competitive procurements that result in less than two (2) responses must be supported by a detailed cost analysis. Cost must be reasonable, necessary and allowable in accordance with state laws, rules and regulation. Agencies must maintain documentation to evidence the

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agency's review of individual cost elements included on the detailed budget submitted by the person or entity awarded funding.

- b. May be fixed price contract that entitles the provider to receive compensation of the fixed contract amount upon completion of all deliverables.
- c. May be fixed rated per unit contract that entitles the provider to receive compensation for each deliverable provided.
- d. May be a cost reimbursable contract that entitles the provider to receive compensation for actual allowable costs incurred in performing contract deliverables.
- e. May be a combination of b, c and d.

Agreements with vendors must be procured in a manner that ensures a fair and reasonable price to the State and compliance with applicable rules and regulations, including, but not limited to:

- a. Section 287.057, F.S.
- b. Section 216.3475, F.S.
 - (1) Non-competitive procurements and competitive procurements that result in less than two (2) responses must be supported by a detailed cost analysis. Costs must be reasonable, necessary and allowable in accordance with state laws, rules and regulations. Agencies must maintain documentation to evidence the agency's review of individual cost elements included on the detailed budget submitted by the person or entity awarded funding.

Please contact the Bureau of Auditing at (850) 413-5512 if you have any questions.



INVOICE

31 Tech Valley Drive
East Greenbush, NY 12061
www.cisecurity.org
Federal Tax ID #52-2278213

PO Number: 20180105001

Account Name St. Johns County Supervisor of Elections
Bill To 4455 Avenue A Ste 101
Saint Augustine, Florida 32095-5200
United States
Contact Name Wayne Fusco

Date Sent 3/19/2018
Due Date 4/18/2018
CIS Number SJCSE 18-003-INV-00004859

Quantity	Product	Line Item Description	Sales Price	Total Price (USD)
12.00	NETWORK MONITORING & ANALYSIS SERVICE - UTILIZATION OF INTERNET CONNECTION - SIZE UP TO 100 Mbps		\$620.00	\$7,440.00
1.00	NETWORK SECURITY MONITORING & ANALYSIS SERVICE - SENSOR INITIATION SERVICE ONE-TIME FEE	Sensor On-Line 3/10/18	\$900.00	\$900.00

Vicay Oakes
Grand Total \$8,340.00

Sensor On-Line 3/10/18
Billing Period 3/10/18 - 3/9/19

Prepared By Mark Perry
Email mark.perry@cisecurity.org

Phone 5182663476

Please refer any questions regarding this invoice to Accounts Receivable at 518-266-3460 or email accountsreceivable@cisecurity.org.

Please make checks payable to Center for Internet Security, 31 Tech Valley Drive, East Greenbush, NY 12061.

*Paid by St. Johns County
Finance Dept.*

Check# 556007

Dated 4/3/2018

\$8,340.00

0029-53120

\$8,340.00

Vicay Oakes

3/20/18