

MEMORANDUM OF AGREEMENT

FOR ELECTIONS SECURITY GRANT UNDER THE HELP AMERICA VOTE ACT

This agreement is between the State of Florida, Department of State, Division of Elections ("Department"), an agency of the State of Florida, and _____ Supervisor of Elections for _____ County, Florida). This agreement governs the receipt and use of federal funds as specified herein.

I. Governing Law

Pursuant to the Omnibus Appropriations Act of 2018 enacted on March 23, 2018, \$380 million in grants were allocated to States to improve the administration of elections for Federal office, including to enhance technology and make certain election security improvements. Through a formula described in Sections 101 and 1043 of the Help America Vote Act (HAVA) of 2002 (Public Law 107-252), Florida was allocated \$19,187,003. The State's non-federal match requirement for this award is \$959,350 (5% of the Federal funds) to be satisfied over a two-year period.

Of the \$19,187,003 distributed to the State of Florida, the Florida Legislative Budget Committee has authorized the Department of State ("Department" hereinafter) to distribute among Florida's 67 county Supervisors of Elections ("Sub-recipients" hereinafter) a sum total of fifteen million, four hundred and fifty thousand dollars and no cents (\$15,450,000) in non-recurring funds for use in the 2018 Primary and General Elections. This authorization is made 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

A. Scope of Work

Funds provided under this agreement shall be used for advance payment for allowable expenses to enhance elections security for the 2018 Primary and General Elections. Those allowable expenses and the timeline by when requests must be submitted and funds must be spent are described below in greater detail in the table in subsection B.

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

Deliverables (Option 1 and/or 2)	Minimum Level of Service	Financial Consequences
1. Federal Election Administration Activities - The purchase of services and/or products that do the following for the 2018 Primary and/or General Elections: <ul style="list-style-type: none">Strengthen the implementation of cybersecurity for election systemsEnhance election	Sub-recipient has from June 20, 2018 through July 18, 2018 to submit an application for these grants using the DOS Online Grants program. At the time of grant application, Sub-recipient shall provide a detailed description of the services and/or products to be provided, received and/or used for the 2018 Primary Election and/or General Election.	An initial application for funds not requested by July 18, 2018, are forfeited to the Department. Any funds, including interests accrued, remaining after November 6, 2018, or not otherwise

<p>technology</p> <ul style="list-style-type: none"> • Facilitate cybersecurity training for local election officials • Implement established cybersecurity best practices for election systems • Continue election administration activities including, but not limited to, voter education, poll worker training, and standardizing elections results reporting 	<p>No later than November 6, 2018, General Election Day, Sub-recipient shall have expended and/or encumbered for services and/or products to be used or implemented.</p> <p>Sub-recipient shall submit a final expenditure report due no later than December 15, 2018, that also includes documentation evidencing the services and/or products purchased, used and/or implemented for the 2018 Primary and/or General Election.</p>	<p>encumbered for services and/or products received or provided on or before November 6, 2018, must be returned to the Department, no later than December 15, 2018.</p> <p>Any funds determined not to be expended in accordance with this agreement shall be forfeited and returned to the Department, within 30 days after the date of written notice.</p>
<p>2. Voting Systems Assistance</p> <p>- The purchase of services and/or products that do the following for the 2018 Primary and General Elections:</p> <ul style="list-style-type: none"> • Upgrade election-related computer systems to address cyber vulnerabilities 	<p>Sub-recipient has between June 20, 2018 and July 18, 2018 to submit an application for these grants using the DOS Online Grants program.</p> <p>At the time of grant application, Sub-recipient shall provide a detailed description of the services and/or products to provided, received and/or used for the 2018 Primary Election and/or General Election.</p> <p>No later than November 6, 2018, General Election Day, Sub-recipient shall have expended and/or encumbered for services and/or products to be used or implemented.</p> <p>Sub-recipient shall submit a final expenditure report due no later than December 15, 2018, that also includes documentation evidencing the services and/or products purchased, used and/or implemented for the 2018 Primary and/or General Election.</p>	<p>An initial application for funds not requested by July 18, 2018, are forfeited to the Department.</p> <p>Any funds, including interests accrued, remaining after November 6, 2018, or not otherwise encumbered for services and/or products received or provided on or before November 6, 2018, must be returned to the Department, no later than December 15, 2018.</p> <p>Any funds determined not to be expended in accordance with this agreement shall be forfeited and returned to the Department, within 30 days after the date of written notice.</p>

C. Request and Disbursement Process

The Department shall distribute to each eligible Sub-recipient upon request and submission of a completed grant application a minimum payment amount of fifty thousand dollars (\$50,000) plus a proportional amount based on the 2010 Census voting age population. The amount per county is based on the aggregated remaining amount of the total grant for the 67 Sub-recipients divided by the total number of voting age population for the State in the most recent decennial and then multiplied by the respective county's voting age population. The amount that each eligible Sub-recipient may receive is set forth in **Attachment A**.

In order to receive funds, the Sub-recipient shall submit a complete grant application between June 20, 2018 and July 18, 2018, using the Department of State's Online Grants Program at <http://www.dosgrants.com>. The application must contain a description of the plan to be implemented.

Additionally, before the Sub-recipient may receive funds, the Sub-recipient must submit the following:

1. A completed ED Form GCAS-009 (6/88), entitled "*Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions*", and attached hereto as **Attachment B**. [Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35, prohibits the disbursement of federal funds to the intended recipient of such funds or to any sub-recipient thereunder unless such recipient and each sub-recipient, if any, certify that they are not excluded or disqualified from receiving federal funds by any federal department or agency.]
2. A completed "Certificate of Equipment for Casting and Counting Ballots" (DS-DE 135, Effective 8/16), attached hereto as **Attachment C**. This is required if the request, in part or in full, is to use HAVA funds for the purpose of purchasing emerging or enhancing software and hardware technology.

D. Final Expenditure Report

The Sub-recipient must provide a final expenditure report including supporting documentation evidencing allowable expenses no later than November 30, 2018. Supporting documentation shall include invoices, canceled checks, purchase orders, vendor contracts, and other records that detail the services or products provided and the costs of such services and/or products. Failure to submit the report may result in immediate forfeiture of all funds, including any interest accrued. Any funds determined not to be expended in accordance with this agreement shall be forfeited and returned, including any interest earned, to the Department within 30 days of written notice.

E. Restrictions

Sub-recipient shall not 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 the Sub-recipient, or that of any other organization to petition Congress, or any other level of Government, through the use of other resources.

If the Sub-recipient expends any funds on expenses that are not allowable, the Sub-recipient must reimburse immediately the Department the funds, not otherwise expended for allowable costs, including any interest earned during the term of this agreement.

If the Sub-recipient receives advanced funds, the Sub-recipient must establish and maintain these public funds in an interest bearing account in a "qualified public depository" as defined by section 280.02(26),

Florida Statutes. The 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 your 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. Payments

The Sub-recipient is encouraged to use electronic funds transfer (EFT) to receive payment as an alternative to receipt of payment by warrant. 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 Audit Reporting

The administration of resources awarded to the Sub-recipient, as indicated on **Attachment D- Exhibit 1**, 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. (see **Attachment D**) By entering into this agreement, the 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.)

In the event that the Sub-recipient expends \$750,000 or more in Federal awards in its fiscal year, the 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, the 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 the Sub-recipient shall fulfill the responsibilities of an auditee as provided in Subpart C of OMB Circular A-133, as revised.

If the Sub-recipient expends less than \$750,000 in Federal awards in its fiscal year, an audit is **not required**. The 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 the 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 the Sub-recipient is appropriate, the Sub-recipient agrees to comply with any additional instructions provided by Department staff to the Sub-recipient regarding such audit. If the Department determines that federal funds received under this Agreement were used for any unauthorized purpose or that the Sub-recipient did not comply with this agreement or state or federal requirements for receipt, expenditure, or accounting, the 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.

The 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 the 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 Bldg., Ste 316 500 S. Bronough St. Tallahassee, FL 32399-0250</i>	<i>Department of State Office of Inspector General R.A. Gray Bldg., 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 the Sub-recipient received the reporting package.

V. Record Retention

The Sub-recipient shall keep and maintain accurate and detailed records sufficient to demonstrate its compliance with the terms of this agreement. The 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. The 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

Signature: _____

Name and Title: _____

Address: _____

County FEID No. _____

Witness: _____

Date: _____

By Department of State, Division of Elections

Signature: _____

Name and Title: _____

Address: R.A. Gray Building

500 S. Bronough Street, Ste. 316

Tallahassee, Florida 32399

Witness: _____

Date: _____

FLORIDA DEPARTMENT OF STATE-DIVISION OF ELECTIONS
Allocation of Election Security Grants under Help America Vote Act

County	Voting Age Population (2010 Census)	Amount - Federal Election Activities Funds Minimum Payment	Amount - Federal Election Activities Funds Voting Age Population	Amount - Federal Election Activities Funds Total	Amount - Unspent Grant Funds As of June 2017
Levy	32,172	\$ 50,000.00	\$ 26,304.17	\$ 76,304.17	0.00
Liberty	6,588	\$ 50,000.00	\$ 5,386.42	\$ 55,386.42	0.00
Madison	15,037	\$ 50,000.00	\$ 12,294.41	\$ 62,294.41	0.00
Manatee	256,550	\$ 50,000.00	\$ 209,758.03	\$ 259,758.03	61,589.16
Marion	267,117	\$ 50,000.00	\$ 218,397.72	\$ 268,397.72	0.00
Martin	120,572	\$ 50,000.00	\$ 98,580.96	\$ 148,580.96	56,293.72
Miami-Dade	1,950,707	\$ 50,000.00	\$ 1,594,918.94	\$ 1,644,918.94	0.00
Monroe	62,089	\$ 50,000.00	\$ 50,764.63	\$ 100,764.63	0.00
Nassau	57,395	\$ 50,000.00	\$ 46,926.77	\$ 96,926.77	0.00
Okaloosa	140,434	\$ 50,000.00	\$ 114,820.34	\$ 164,820.34	61,908.05
Okeechobee	30,412	\$ 50,000.00	\$ 24,865.18	\$ 74,865.18	0.00
Orange	875,809	\$ 50,000.00	\$ 716,070.82	\$ 766,070.82	198,808.18
Osceola	198,269	\$ 50,000.00	\$ 162,106.86	\$ 212,106.86	0.00
Palm Beach	1,051,250	\$ 50,000.00	\$ 859,513.26	\$ 909,513.26	102,851.47
Pasco	366,124	\$ 50,000.00	\$ 299,346.90	\$ 349,346.90	65,050.38
Pinellas	753,654	\$ 50,000.00	\$ 616,195.58	\$ 666,195.58	341,296.47
Polk	460,359	\$ 50,000.00	\$ 376,394.45	\$ 426,394.45	731,114.87
Putnam	57,579	\$ 50,000.00	\$ 47,077.21	\$ 97,077.21	39,213.91
St. Johns	146,188	\$ 50,000.00	\$ 119,524.87	\$ 169,524.87	18,314.84
St. Lucie	215,781	\$ 50,000.00	\$ 176,424.86	\$ 226,424.86	52,469.65
Santa Rosa	115,163	\$ 50,000.00	\$ 94,158.50	\$ 144,158.50	77,233.47
Sarasota	319,713	\$ 50,000.00	\$ 261,400.77	\$ 311,400.77	0.00
Seminole	325,537	\$ 50,000.00	\$ 266,162.54	\$ 316,162.54	38,989.92
Sumter	84,908	\$ 50,000.00	\$ 69,421.69	\$ 119,421.69	46,873.66
Suwannee	32,102	\$ 50,000.00	\$ 26,246.94	\$ 76,246.94	7,318.07
Taylor	18,125	\$ 50,000.00	\$ 14,819.19	\$ 64,819.19	4,310.06
Union	12,525	\$ 50,000.00	\$ 10,240.57	\$ 60,240.57	0.00
Volusia	401,320	\$ 50,000.00	\$ 328,123.53	\$ 378,123.53	298,747.71
Wakulla	23,851	\$ 50,000.00	\$ 19,500.83	\$ 69,500.83	3,052.65
Walton	43,713	\$ 50,000.00	\$ 35,740.22	\$ 85,740.22	0.00
Washington	19,626	\$ 50,000.00	\$ 16,046.43	\$ 66,046.43	11,353.30
TOTAL	14,799,219	\$3,350,000.00	\$ 12,100,000.00	\$ 15,450,000.00	4,478,561.92

Formula for Allocation: Each county starts with a minimum payment (\$50,000). Remaining funds are allocated by voting age population (2010 Census) in each county.

Election Security Grants Appropriation		\$15,450,000
Minimum Payment Funds - Per County	\$50,000.00	
Funds to be allocated by minimum payment - Statewide		\$3,350,000
Funds to be allocated by voting age population		\$12,100,000
Voting Age Population (2010 Census) - Statewide		14,799,219
Per voting age population funding multiplier		\$0.8176

FLORIDA DEPARTMENT OF STATE-DIVISION OF ELECTIONS
Allocation of Election Security Grants under Help America Vote Act

County	Voting Age Population (2010 Census)	Amount - Federal Election Activities Funds Minimum Payment	Amount - Federal Election Activities Funds Voting Age Population	Amount - Federal Election Activities Funds Total	Amount - Unspent Grant Funds As of June 2017
Alachua	203,051	\$ 50,000.00	\$ 166,016.67	\$ 216,016.67	252,573.73
Baker	20,068	\$ 50,000.00	\$ 16,407.81	\$ 66,407.81	5,069.22
Bay	131,776	\$ 50,000.00	\$ 107,741.47	\$ 157,741.47	14,758.20
Bradford	22,885	\$ 50,000.00	\$ 18,711.02	\$ 68,711.02	0.00
Brevard	435,690	\$ 50,000.00	\$ 356,224.81	\$ 406,224.81	112,506.21
Broward	1,356,717	\$ 50,000.00	\$ 1,109,266.35	\$ 1,159,266.35	80,712.14
Calhoun	11,493	\$ 50,000.00	\$ 9,396.80	\$ 59,396.80	11,715.41
Charlotte	137,100	\$ 50,000.00	\$ 112,094.43	\$ 162,094.43	182,051.63
Citrus	118,842	\$ 50,000.00	\$ 97,166.49	\$ 147,166.49	28,781.72
Clay	140,695	\$ 50,000.00	\$ 115,033.74	\$ 165,033.74	224,895.43
Collier	258,873	\$ 50,000.00	\$ 211,657.34	\$ 261,657.34	0.00
Columbia	52,338	\$ 50,000.00	\$ 42,792.11	\$ 92,792.11	0.00
DeSoto	27,027	\$ 50,000.00	\$ 22,097.56	\$ 72,097.56	3,163.64
Dixie	13,278	\$ 50,000.00	\$ 10,856.24	\$ 60,856.24	15,883.93
Duval	660,749	\$ 50,000.00	\$ 540,235.46	\$ 590,235.46	431,236.35
Escambia	233,465	\$ 50,000.00	\$ 190,883.49	\$ 240,883.49	9,364.30
Flagler	76,660	\$ 50,000.00	\$ 62,678.04	\$ 112,678.04	58,876.77
Franklin	9,579	\$ 50,000.00	\$ 7,831.89	\$ 57,831.89	0.00
Gadsden	35,184	\$ 50,000.00	\$ 28,766.82	\$ 78,766.82	0.00
Gilchrist	13,308	\$ 50,000.00	\$ 10,880.76	\$ 60,880.76	10,843.81
Glades	10,467	\$ 50,000.00	\$ 8,557.93	\$ 58,557.93	0.00
Gulf	13,289	\$ 50,000.00	\$ 10,865.23	\$ 60,865.23	0.00
Hamilton	11,886	\$ 50,000.00	\$ 9,718.12	\$ 59,718.12	0.00
Hardee	20,056	\$ 50,000.00	\$ 16,398.00	\$ 66,398.00	0.00
Hendry	28,254	\$ 50,000.00	\$ 23,100.77	\$ 73,100.77	4,780.28
Hernando	138,620	\$ 50,000.00	\$ 113,337.20	\$ 163,337.20	105,269.13
Highlands	80,814	\$ 50,000.00	\$ 66,074.39	\$ 116,074.39	0.00
Hillsborough	935,018	\$ 50,000.00	\$ 764,480.73	\$ 814,480.73	226,037.15
Holmes	15,645	\$ 50,000.00	\$ 12,791.52	\$ 62,791.52	3,097.94
Indian River	112,076	\$ 50,000.00	\$ 91,634.54	\$ 141,634.54	65,024.09
Jackson	39,839	\$ 50,000.00	\$ 32,572.79	\$ 82,572.79	8,034.91
Jefferson	12,013	\$ 50,000.00	\$ 9,821.96	\$ 59,821.96	15,950.07
Lafayette	7,085	\$ 50,000.00	\$ 5,792.77	\$ 55,792.77	0.00
Lake	235,311	\$ 50,000.00	\$ 192,392.79	\$ 242,392.79	128,026.55
Lee	497,885	\$ 50,000.00	\$ 407,076.11	\$ 457,076.11	208,003.78
Leon	221,514	\$ 50,000.00	\$ 181,112.22	\$ 231,112.22	55,115.99

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION
LOWER TIER COVERED TRANSACTIONS**

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.

Name and Title of Authorized Representative

Signature

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 voluntary 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 C
MOA 2018-2019-001

Certificate of Equipment for Casting and Counting Ballots

We, _____ Supervisor of Elections and
_____ Chairperson of Board of County Commissioners, of
_____ County, Florida, do hereby certify that prior to the receipt and use of funds for the
purchase of State-approved or certified (whichever is applicable) emerging or enhancing
software or hardware technology, the county has purchased and made available sufficient
equipment for casting and counting ballots to meet the needs of the county electors for the
next regularly scheduled general election. If the Florida Department of State determines that
there is insufficient equipment for casting and counting ballots for the next regularly scheduled
general election as herein certified, we shall return the HAVA funds that were used to purchase
other emerging or enhancing software and hardware technology to the State.

Supervisor of Elections

Chairman, Board of County Commissioners

Date

Date

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

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cost of such an audit must be paid from Supervisor resources obtained from other than Federal entities).

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:

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- 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 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

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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 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 SUPERVISOR PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

NOTE: If the resources awarded to the Supervisor represent more than one Federal program, provide the same information shown below for each Federal program and show total Federal resources awarded.

Federal Help America Vote Act—Catalog of Federal Domestic Assistance (CFDA) § 90.401 Help America Vote Act Requirements Payments

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: See Attachment A – Funds per County

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

CFDA Number 90.401, Help America Vote Act Requirements Payments

Part 1 of Subtitle D of Title II (Sections 251-258) and Title III of Public Law 107-252, the Help America Vote Act of 2002, Sections 301-305, and Sections 902 and 906. EAC has determined that the following Office of Management and Budget guidelines apply: Cost Principles for State, Local, and Indian Tribal Governments, 2 § CFR Part 225; Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, OMB Circular A-110 (amended 9/30/99).

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>

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.

State resources awarded to the recipient pursuant to this agreement consist of the following: N/A

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

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

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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:

- 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 individuals 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

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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 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.