

NEVADA OPERATING PLAN
FOR THE DEFENSE DEPARTMENT EXCESS PROPERTY PROGRAM
SECTION 1033

1. PURPOSE: The purpose of this plan is to promulgate the policies and operating procedures for execution of the Defense Department Excess Property Program - Section 1033 within the State of Nevada.

2. AUTHORITY: The Secretary of Defense is authorized by United States Code Title 10, Subtitle A, Part IV, Chapter 153, section 2576a to transfer to State Law Enforcement Agencies personal property that is excess to the needs of the Defense Department. The authority granted to the Secretary of Defense under this law has been delegated to the Defense Logistics Agency (DLA). DLA enables the State of Nevada to participate in this program based on a Memorandum of Agreement between the State and DLA (Annex A).

3. TERMS AND CONDITIONS:

A. Program Eligibility Requirements: Participation in the Defense Department (DOD) Excess Property "1033" Program is restricted to law enforcement agencies (LEAs), defined by NAC 289.015 employing personnel as Peace Officers as defined by NRS 289.150 - 289.360 (Persons Possessing Powers of Peace Officers). To be eligible, agencies must employ peace officers, who have the authority to make arrests for violations of Nevada State Law. In cases where the status of the agency requesting to participate in the program is in question, the requesting agency should contact the "1033 State Coordinator" for further determination.

B. State Office Of Responsibility: The Office of Criminal Justice Assistance (OCJA) (1033 Program Office) within the Department of Public Safety will be the responsible State office for administrating the 1033 Program. The State Coordinator will be assigned to OCJA and be appointed by the Governor. Additional staff points of contact assigned to the 1033 Program Office within OCJA will assist in operating the program.

C. Certification Process: To become certified in the "1033" Program , all participating LEAs must submit an Application For Participation for review and approval by the State Coordinator and the Defense Logistics Agency's, Law Enforcement Support Office (LESO). An example of this document is included as Annex B. **Note: This and all LESO forms mentioned in this plan are located on the main LESO website.**

D. Agreement Document: Each LEA desiring to participate in the 1033 Program must also complete a Interlocal Agreement between the State and the LEA. This document (Annex C) describes the responsibilities of the Federal and State agencies as well as the responsibility of the LEA in the operation of the program and the conditions of property acceptance by the LEA. The agreement will be signed and dated by the Chief/Executive of the LEA and must be resubmitted if the agency chief changes.

E. Law Enforcement Agency Application For Participation (Annex B): This primary document requests permission from an LEA to participate in the 1033 Program and is required annually.

Space is provided to identify the specific agency that the form applies, mailing address, internet address, date and the number of sworn officers. The number of sworn officers is necessary to determine initial justification/acquisition limits for quantities of equipment requested through the screening process.

Depending on the needs of the law enforcement agency, space is provided for up to four screeners. Each agency may identify a Weapons Point of Contact (POC) and an Aircraft Point of Contact on this form. An individual listed as a screener can also be identified as either the Weapons or Aircraft POC. If it becomes necessary to amend the screeners, the weapons or aircraft POC or the agency Chief/Executive, a new application must be submitted. An area is also provided for the Chief/Executive to verify 1033 Program property (Inventory Check) already possessed by the LEA. The Application For Participation must be signed and dated by the LEA's Chief/Executive prior to its submission for approval.

F. Submission of Documentation: Upon completion, the Application For Participation and the original Interlocal Agreement document should be submitted to :

Office of Criminal Justice Assistance
1535 Hot Springs Road STE 10
Carson City, NV 89706

Deviations and/or omissions to the established procedures will delay the certification process. **The LEA should contact the 1033 Program Office and submit appropriate documentation when changes to personnel e.g. new agency chief, new screener, occur.**

G. Certification Approval:

(1). Upon receipt, the documentation will be reviewed for jurisdictional accuracy, verification of officers in the agency and overall need to acquire Defense Department property. OCJA will further evaluate the agency and its mission and ensure the agency meets the requirements stipulated in paragraph 3 A above. After review and approval of the documentation submitted, the State Coordinator will sign the Interlocal Agreement document and Application For Participation. The Application For Participation will be forwarded to LESO for final approval and an LEA file within OCJA will be established. If the LEA request for certification is disapproved by the State Coordinator, a letter will be sent to the agency explaining the reason for the disapproval.

(2). LESO will prepare the Authorization Letter for Property Screening (Annex D) and

forward it to the State Coordinator. The State Coordinator will fax/mail/scan a copy of the Authorization Letter to the LEA.

(3). Screening property at a DLA Disposition Services site will not occur until the receipt of the Authorization Letter by the LEA. Prior to admittance to a DLA Disposition Services site, the LEA will be asked for photo identification and a copy of the Authorization Letter.

H. Screening Processes:

(1). Although not used frequently, manual screening is the process of visiting a Disposition Services site, signing in and examining property available for screening. LEA screeners may find slight variations to the screening process for each Disposition Services site. Each Disposition Services site has a Reutilization Section, with representatives that will provide a detailed briefing on the intricacies of the screening process for that particular site. The following steps represent generally accepted screening procedure actions. Note: It is the LESO's intent to gradually depart from the manual screening process and have all approval actions accomplished using the electronic format.

(a). Contact the Disposition Services site your screener(s) plan to visit for operating hours.

(b). Report to the Disposition Services site's Reutilization Section and sign in. No more than two screeners per Disposition Services site are permitted. Screeners must have a copy of the Authorization Letter and a photo ID in their possession. The Disposition Services site representative will provide the screener(s) with access badges and a blank DRMS Form 103 (Screeners Tally Request to Freeze/Hold Excess/Surplus Property - Annex E. Note: Some Disposition Services sites have electronic screening equipment which can be used by screeners.

(c). For property that is desired, screeners will legibly and completely prepare Form 103 (Annex E) and provide it to the Reutilization Section representative for verification of the availability of the equipment screened. Depending on the Disposition Services site, the property will remain "on hold" for a period of 14 calendar days to enable subsequent approvals to be processed.

(d). After property verification, the screener will fax a copy of Form 103 and the Letter of Justification (explaining why the property is required) to the State Coordinator for approval. The State Coordinator will review the documents to assure completeness and legibility. This review will also include making a determination that the equipment and quantities requested are required and reasonable.

(e). If the request is approved, the State Coordinator will sign the DRMS Form 103 and Justification letter and will send the documentation to LESO for preparation of the DD Form 1348 (Annex F). Although the State Coordinator makes the initial approval for equipment and

quantities for Nevada LEAs, LESO has the final approval or denial authority for equipment acquired through this program. If the State Coordinator disapproves the LEA request, a letter will be sent to the LEA detailing the reason for disapproval. If the State Coordinator modifies the request by reducing the quantity approved etc, the LEA will be notified telephonically.

(f). If LESO approves the request, a DD Form 1348 will be prepared and sent to the State Coordinator for distribution to the gaining Nevada LEA. If disapproved by the LESO, the State Coordinator will be notified who will then advise the LEA.

(g). Upon notification of approval, the LEA screener must contact the Disposition Services site within three to five days to ascertain the equipment is available for pick up or to make other transportation arrangements. It is the LEA's responsibility to either pick up the property at the Disposition Services site or make arrangements for shipping the property. Approved property will normally only be held at the Disposition Services site for a period of fourteen calendar days. If arrangements for pickup/shipping of the property are not made by an LEA before the end of this period, the property will be returned to the screening system. If the property acquired is a Demil A vehicle, LEA's need to ensure they receive a Standard Form 97 from the Disposition Services site for registration purposes.

(h). Late Submissions of Form 103: If the Form 103 is not approved by LESO prior to the end of a 14 day hold period, the requesting LEA will lose the property unless a new "hold" date is established. The LEA must contact the Disposition Services site where the property was screened and determine if the property on Form 103 is still available. If so, request a new "hold" date. Note the new date on the Form 103 and resubmit it through the State Coordinator immediately.

(2). Electronic Screening:

(a). Electronic Screening is the preferred process for screening property and involves the LEA searching for property by using the DLA Reutilization/Transfer/Donation website (RTD Web) NOTE: To gain screening access each individual within an LEA must register in the Defense Department Account Management & Provisioning System (AMPS) and select a role within the system and then must register within the Reutilization/Transfer/Donation Website (RTD WEB). Annex G describes the procedures and website locations for this registration process at the time this plan was prepared. Instructions for searching and requesting property are on the website. After an LEA has requested property and received approvals from the State Coordinator and the Defense Department the LEA can begin making preparations for acquiring the property. Direct coordination between the LEA and the Disposition Services site is required to ensure property listed is still available and to accomplish any necessary coordination. Property identified on the website as being available will normally be held for 14 calendar days at the Disposition Services site after the approval process.. It is the LEA's responsibility to either pick up the property at the Disposition Services site or make arrangements for shipping the property within 14 calendar days. LEA's should ensure they receive a 1348-1 accountability document from the Disposition Services site upon equipment pickup or receipt of shipment. If the equipment being acquired is a

vehicle, the LEA should also ensure they receive a Standard Form 97 for Demil A vehicles which will enable registration of the vehicle with the State Department of Motor Vehicles.

(b) Using the electronic screening/approval process will not enable an agency to physically see the property before it arrives or is picked up. If a situation occurs in which any or all of the property is refused, the LEA must notify the 1033 Program Office immediately to ensure the accountability records accurately reflect the correct property on hand balance.

I. Special Property: There are several types of property which require special acquisition procedures. Currently, the items in these categories include weapons, armored personnel carriers and aircraft. These require completion of the appropriate LESO form (available on the LESO web site) which will be submitted through the State Coordinator's office to the LESO for final approval. Due to the limited number and types of this property available, LESO approval will usually be followed by time spent on a waiting list. Agencies desiring to acquire any property in these special categories should contact the 1033 Program Office to determine the current status of property availability, wait times and submission procedures.

J. Property Maintenance:

(1). General: There are two basic classifications of property in the 1033 Program. The vast majority of property does not require special handling outside of normal accountability/use - this type of property is normally called "non-demil". A second type of property normally called "Demil" short for demilitarization requires the LEA to hold the items and take additional steps to either account, secure or dispose of these unique items. Examples include: weapons, night vision equipment, aircraft and camouflage clothing. Some of these items are further categorized into a number of specialized groupings to include Munitions List Items (MLI), Commerce Control List Items (CCLI) and Flight Safety Critical Aircraft Parts (FLCAP). The State Coordinator will advise any LEA who acquires property in one of these special categories as to any unusual accountability, handling, use, security or disposal actions required for the property.

(2). Accountability Systems: At the time of this plan preparation, the LESO was starting to place a property accountability system called the Federal Excess Property Management Information System (FEPMIS) into effect. This system when totally implemented will allow LEAs to view the property currently listed for the agency and account for new property acquired by the agency. Details on the procedures of this system are still being developed.

(3). Documentation: All property actions require documentation. LESO forms are required for transfer and or disposal actions to provide an audit trail for activity within the program. Only one form can be used for each type of transaction and appropriate 1348-1 Forms must accompany each action. The agency chief and /or designated screeners can sign the LESO forms. LEA will maintain copies of all active LESO forms, 1348-1, 103 screeners forms and letters of justification. Similar paperwork supporting transfer and disposal actions (to include letters where appropriate) will be maintained for three years after completion of the action in an inactive file after which this documentation can be disposed of.

(4). Initial Receipt: Upon initial receipt of the property, the LEA will forward a copy of the 1348-1 Form (See Annex F) to the OCJA.. The primary purpose of this is to verify the exact quantity of property acquired by the LEA. If the property is: not received, is refused, or is received in a quantity not approved by LESO (over or short) notify the 1033 Program Office office immediately.

(5). Accountability: The receiving LEA is responsible for maintaining accountability of the property. The primary accountability document for each line item is the DD1348-1. The LEA will maintain a file of DD1348-1 documents for each line item for which the agency is responsible. A duplicate set of accountability documents will be maintained by OCJA. The LEA will also maintain local documentation for items of equipment not in its immediate possession. This requirement can be met by using an equipment sign out register designed to show, at the minimum: the item of equipment, quantity, serial number if applicable, date signed out and signature of individual receiving the equipment (See example Annex H). Should an LEA discover an item of property missing, they should begin an internal investigation and immediately notify the 1033 Program Office (via phone). After the internal investigation is complete but no longer than 30 days from the initial suspected loss, the LEA will provide the 1033 Program Office details of the loss in writing. A DD Form 200 Financial Liability Investigation of Property Loss document (LESO web site) may also be required. Based on these documents, the State Coordinator will determine the appropriate action.

(6). Inventory: The 1033 Program Office will forward listings of all property for which the LEA is responsible. Particular attention should be paid to the "ONHAND" column on this document as this is the quantity of a particular item for which the LEA is responsible. The source for this property listing will be the LESO database. The LEA will conduct a physical and local documentation inventory of the property to ensure all items are accounted for. Included on this inventory will be any critical items which must be physically inventoried by serial number. In addition to the listing, an inventory verification document (Annex I) will be forwarded which must be signed and dated by the LEA after the inventory is conducted and returned to 1033 Program Office within 60 days.

K. Property Disposal: When property acquired through the 1033 program becomes unuseable, **(at least one year from receipt - but otherwise no specific time limit involved)** an LEA may be required to take action to remove the property from their account on the LESO database. If the item is Demil A, generally no action is required by the LEA. **No disposal actions will be taken without prior approval of the State Coordinator.**

(1). Process: The first step is for the LEA to determine if the property to be disposed is Demil. This can be determined by checking the Demil column in the annual property listing provided by the 1033 Program Office. If an LEA has questions concerning the DEMIL status of any item on their inventory, they should contact the 1033 Program Office for clarification. Demil codes are listed below:

■ **DEMIL code A:** does not require demilitarization and will be removed from the LEA property listing after one year.

■ **DEMIL code Q 6:** does not require demilitarization and will be removed from the LEA property listing after one year..

■ **DEMIL codes B, C, D, E, F, G, P & Q:** require turn-in or in some cases demilitarization. The State Coordinator must obtain the LESOs approval for equipment turn in and or local destruction.

(a). If the item identified for disposal requires demilitarization, disposition instructions will have to be provided by LESO. This may come in the form of turn-in to a local Disposition Services site or submission of a letter describing Demil actions taken by the LEA.. The LEA will type appropriate portions of LESO Turn in Form (Annex J) or LESO Inventory Adjustment (Annex K) and submit the form to the 1033 Program Office along with the applicable 1348-1 documents. After State Coordinator approval, the form will be forwarded to LESO for turn-in documentation or destruction approval. After completion of the appropriate action, the LESO will remove the item/s from the LEA inventory. NOTE: LEAs must telephonically coordinate any turn ins to a Disposition Services site as the site is under no obligation to accept the property without prior coordination and paperwork.

(b). If the item identified for disposal is not Demil, the LEA can dispose of the property in accordance with local department policy. This action should only be taken after receiving permission from the State Coordinator .

(2). The disposing LEA is responsible for shipment of any Demil property back to the Disposition Services site.

L. Property Transfer: Excess property received through the 1033 program can be transferred to another authorized LEA within or outside of the state. Agencies who have acquired property through the 1033 Program but have no further use for said items should contact the 1033 Program Office with a list of those specific items. The 1033 Program Office will attempt to find another LEA who can reutilize the property. Before any out of state transfer actions can be accomplished, the authenticity of the gaining agency must be established and the transfer must be approved by the other State Coordinator and the LESO.

(1). Process: LEA's desiring to transfer property, should contact the 1033 Program Office to determine eligible LEA's. If the gaining agency is authorized to receive property, the appropriate LESO form (Annex L) will be completed and forwarded to the 1033 Program Office where the document will be reviewed and forwarded to the LESO for approval. If approval is granted, the transferring and gaining

agencies will coordinate delivery of the property. LESO will update the appropriate on hand balances for transferred items on each LEA's inventory.

(2). Property transfers between LEAs is encouraged in order to gain the maximum benefit of excess DOD property.

M. Compliance Reviews:

(1). The LESO can conduct compliance reviews at any time of any Nevada State LEA participating in the program. Officials from the LESO may conduct physical property inventories and or accountability paperwork reviews during their visit.

(2). Staff personnel from the 1033 Program Office will conduct compliance reviews of all Nevada agencies certified in the 1033 program as often as possible. Compliance Reviews (Annex M) will consist of training, property inventory, records review and property utilization surveys. A record of the review and any discrepancies discovered will be made and within 60 days of the visit and a copy will be forwarded to the head of the agency for implementation of any corrective action. The agency will report actions taken/planned to resolve discrepancies to OCJA within 90 days of receipt of the original OCJA letter.

N. Termination/Suspension: LEAs or their representatives who do not comply with the procedures outlined in the Interlocal Agreement or any of the procedures contained above can be suspended or terminated from the program by the State Coordinator. Depending on the infraction, the State Coordinator may issue a temporary suspension (time frame to be determined by State Coordinator) or a permanent termination from the program at his/her discretion. Any termination/suspension actions will be submitted in writing via letter from the State Coordinator to the respective LEA. Copies of these actions will be forwarded to the LESO. If flagrant or illegal actions associated with 1033 Property are discovered by OCJA, the following actions will be taken:

Notify LESO

Notify Defense Criminal Investigative Service

Prepare temporary suspension letters for LEA/s involved - until investigation is complete.

O. Single Audit Act: LEAs should be aware the property acquired through the 1033 Program is subject to provisions of the Single Audit Act of 1984 (Title 31 United States Code, Subtitle V, Chapter 75).

AUTHENTICATION PAGE

The Nevada State Operating Plan for the 1033 Program has been reviewed and is approved

Date

Additional Reviews:

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Date

State Coordinator

State Coordinator

Date

State Coordinator

Date

LIST OF ANNEXES

Annex A - Memorandum of Agreement between the State of Nevada and Defense Logistics Agency

Annex B - Application For Participation (example)

Annex C - Interlocal Agreement (example)

Annex D - Authorization Letter (example)

Annex E - DRMS Form 103 Screener's Sheet (example)

Annex F - DD Form 1348-1 Issue Release/Receipt Document (example)

Annex G - AMPS/RTD WEB Registration Process

Annex H - Property Sign Out Register (example)

Annex I - LEA Property Inventory Verification Letter (example)

Annex J - LESO Form - Turn In (example)

Annex K - Inventory Adjustment (example)

Annex L - LESO Form - Property Transfer (example)

Annex M - Compliance Review Checklist (example)

ANNEX A

AGREEMENT BETWEEN
THE DEFENSE LOGISTICS AGENCY
AND
THE STATE OF NEVADA

PURPOSE:

This Memorandum of Agreement (MOA) is entered into between the Defense Logistics Agency (DLA) and the State of Nevada to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property which is transferred pursuant to 10 USC§ 2576a and to promote the efficient and expeditious transfer of the property and to ensure accountability of same.

AUTHORITY:

The Secretary of Defense is authorized by 10 USC§ 2576a to transfer to Federal and State Agencies, personal property that is excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with emphasis on counter-drug/counter-terrorism activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the DLA in determining whether property is suitable for use by agencies in law enforcement activities. DLA defines law enforcement activities as activities performed by government agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated law enforcement officers have powers of arrest and apprehension.

TERMS AND CONDITIONS:

The DOD, through the DLA, has final authority to determine the type, quantity, and location of excess DOD personal property suitable for law enforcement activities, if any, which will be transferred to the State. This agreement creates no entitlement in the State to receive excess DOD personal property. Property available under this agreement is for the current use of authorized program participants; it will not be requested nor issued for speculative use/possible future use with the exception of authorized Transitional Distribution Points (TDPs) and/or Customer Reserve Stock (CRSs), which are required to utilize property within one year or schedule its return to the nearest Defense Reutilization Marketing Office (DRMO). Property will not be obtained for the purpose of sale, lease, rent, exchange, barter, to secure a loan, or to otherwise supplement normal Law Enforcement Agency (LEA) or State/local governmental entities budgets. All requests for property will be based on bona fide law enforcement requirements. Requests for property for the purpose of cannibalization will be considered for approval on a case by case basis. A memorandum must be submitted to the Director of the Law

Enforcement support Office (LESO) requesting approval. Any transportation, repair, maintenance, insurance, disposal, or other expenses associated with this excess DOD personal property is the sole responsibility of the State/LEA.

The State will establish and submit to the DLA, a State Plan of Operation, developed in accordance with Federal and State law and conforming to the provisions of this MOA. This State Plan of Operation will detail organizational and operational authority including staffing and facilities. It will also address procedures for making determinations of LEA eligibility, allocation and equitable distribution of material, accountability and responsibility concerning excess DOD personal property, training and education, Operational Effectiveness Reviews (OERs), and procedures for turn-in, transfer, and disposal. Property obtained under this MOA must be placed into use within one (1) year of receipt and utilized for a minimum of one (1) year, unless the condition of the property renders it unusable. Only in special circumstances will property be obtained and held for the minimum time frames and then sold, bartered, exchanged, or traded. Approval will be considered on a case by case basis. A memorandum must be submitted to the Director of LESO requesting approval. Property will not physically move until the approval process is complete. If property is not put into use by the recipient within one (1) year, the State/LEA must contact the DLA LESO to coordinate the return of the property to the nearest DRMO for proper disposition. Once the DLA LESO is notified and a DRMO is identified, property must be returned within thirty (30) days. The State/LEA will bear the burden of returning the property to the nearest DRMO. Under no circumstances will property be sold or otherwise transferred to non-U.S. persons or exported.

Only the Governor appointed State Coordinator identified at the end of this document is authorized to enter into this Agreement on behalf of the State. An Appointment Letter from the State Coordinator, authorizing the State Point of Contact (POC) signature authority or to act on the behalf of the State Coordinator must be on file with the DLA LESO in order to actively participate in the program. The State Coordinator is required to sponsor LEAs that want to actively participate in the program and the State Coordinator must screen all LEAs requests for excess DOD personal property. The State Coordinator will validate that all approved requests for property are legitimate and for law enforcement purposes. In so doing, the State Coordinator assumes the responsibility to maintain records ensuring LEA accountability for all excess DOD personal property received through the 1033 Program for his/her state. In conjunction with each request, the State Coordinator will furnish a detailed justification for the property. Property received through the 1033 Program can only be distributed to an authorized LEA for whom the initial request was made and justification was provided, unless the property was requested for a TDP or from CRS.

The DOD has authorized the transfer and use of excess Federal property to the State/LEA and as such reserves the right to recall any and all property issued through the 1033 or 1208 Programs. As stipulated in Federal regulation, title may be conditionally granted to the State/LEA upon receipt of the property, however approval will be considered on a case by case basis. A memorandum must be submitted to the Director of LESO requesting approval before the disposal, sale, auction, trade-in, salvage or transfer of any 1033 or 1208 property can occur. Property will not physically move until the approval process is complete. Costs of shipping or repossession of the excess DOD personal property by the U.S. Government will be borne by the

LEA. To the extent permitted by law, the State Coordinator/LEA shall indemnify and hold the U.S. Government harmless from any and all actions, claims, debts, demands, judgments, liabilities, cost, and attorney's fees arising out of, claimed on account of, or in any manner predicated upon loss of or damage to property and injuries, illness or disabilities to or death of any and all persons whatsoever, including members of the general public, or to the property of any legal or political entity including states, local and interstate bodies, in any manner caused by or contributed to by the State/LEA, its agents, servants, employees, or any person subject to its control while in, upon or about the sale site and/or the site on which the property is located, or

agents, servants, employees, or any person subject to its control while in, upon or about the sale site and/or the site on which the property is located, or against, its property, in the possession of property, or subject to the control of the State/LEA, its control. The State will maintain or assure that the LEA maintains adequate insurance to cover damages or injuries to persons or property relating to the use of the property. Self-insurance by the state/LEA is considered acceptable. The U.S. Government assumes no liability for damages or injuries to any person(s) or property arising from the use of the property.

All excess DOD personal property will be managed utilizing property accounting records. These records will be concise, accurate, and be able to provide timely and relevant information. Records will be maintained in accordance with the DLA Record Management Procedures and Records (DLA Directive (DLAD) 5025.30 - See Appendix).

The DLA LESO will conduct an OER for all Federal Agencies, States, and U.S. Territories enrolled in the 1033 Program every two (2) years. If a Federal Agency, State, or U.S. Territory fails an OER, the DLA LESO will temporarily suspend their operations. If a Federal Agency, State, or U.S. Territory fails to correct identified deficiencies the DLA LESO will permanently suspend their operations. The Federal Agency, State, or U.S. Territory will bear all expenses related to the turn-in to the nearest DRMO, the transfer to an approved Federal Agency, State, or U.S. Territory or the disposal of all excess DOD personal property.

All property missing, lost, stolen, damaged, or destroyed must be reported to the DLA LESO. Excess DOD personal property with a Demilitarization Code of C, D, E, F, or G must be reported to the DLA LESO within twenty-four (24) hours. Excess DOD personal property with a Demilitarization Code of A, B, or Q must be reported to the DLA LESO within seven (7) days. Extensions will be granted on a case by case basis.

In the event of a domestic disaster, accountability of excess DOD personal property must be conducted by every Federal Agency, State, and U.S. Territory within the effected area. Excess DOD personal property with a Demilitarization Code of C, D, E, F, or G must be reported to the DLA LESO within seven (7) days. Excess DOD personal property with a Demilitarization Code of A, B, or Q must be reported to the DLA LESO within thirty (30) days. Extensions will be granted on a case by case basis.

All aircraft (fixed wing and rotary wing), Flight Safety Critical Aircraft Parts (FSCAP), Demilitarization required Munitions List Items (MLI), Commerce Control List Items (CCLI) may be transferred to the State for its use in law enforcement activities. The State Plan of Operation must ensure that all LEAs and all subsequent users are aware of and agree to

provide all required controls in accordance with applicable laws and regulations for these items. Additionally, the following conditions apply:

A. LEAs may transfer aircraft and FSCAP with other authorized LEAs, provided the aircraft and components are maintained in accordance with applicable airworthiness standards and procedures for maintenance and repair and provided further that the LEAs perpetuate repair and maintenance documentation. The LEA must request the transfer of aircraft and FSCAP through the State Coordinator, who in turn must request approval from the LESO. Aircraft and FSCAP will not physically move until the approval process is complete. All costs related to the transfer of aircraft and FSCAP will be borne by the State/LEA.

B. LEAs may transfer FSCAP and MLI items requiring demilitarization (Demilitarization Codes C, D, E, and F) to another authorized LEA within their State or they must be turned-in to the nearest DRMO when no longer required for law enforcement use. The LEA must request the transfer or turn-in of FSCAP and MLI items through the State Coordinator, who in turn must request approval from the LESO. Aircraft and FSCAP will not physically move until the approval process is complete. All costs related to the transfer or turn-in of FSCAP and MLI items will be borne by the State/LEA.

C. LEAs enrolled in the 1208 Program can sell, trade or barter aircraft and aircraft parts issued on or before September 30, 1996. LEAs that received aircraft or aircraft parts after September 30, 1996 have the following options: retain the aircraft or aircraft parts, transfer them to another LEA or turn them in to the nearest DRMO. The LEA must request to sell, trade, barter, transfer or turn-in aircraft and aircraft parts through the State Coordinator, who in turn must request approval from the LESO. Aircraft and aircraft parts will not physically move until the approval process is complete. All costs related to the sell, trade, barter, transfer or turn-in will be borne by the State/LEA.

LEAs may transfer weapons provided through the 1033 or 1208 Program to an authorized LEA within their State, to an authorized LEA in another participating State, or they must turn-in their weapons to the U.S. Army Tank-Automotive and Armaments Command (TACOM) when no longer required for law enforcement use. The LEA must request the transfer or turn-in of weapons through the State Coordinator, who in turn must request approval from the LESO. Weapons will not physically move until the approval process is complete. All costs related to the transfer or turn-in of weapons will be borne by the State/LEA.

When the State Coordinator/LEAs no longer require MLI/CCLI (Demilitarization Bands B and Q), the State Coordinator/LEA must transfer the equipment to another authorized LEA or turn-in to the nearest DRMO. The State Plan of Operation must reflect these two options. The LEA must request the transfer or turn-in to the nearest DRMO through the State Coordinator, who in turn must request approval from LESO. MLI/CCLI (Demilitarization Codes B and Q) property will not physically move until the approval process is complete. All costs related to transfer, turn-in, or disposal of property will be borne by the State/LEA.

Except where indicated in this MOA, the State/LEAs may transfer, turn-in to the nearest DRMO, or dispose of other types of property (Demilitarization Code A items) in accordance with applicable Federal, State, and local laws when it is determined that the State/LEA no longer requires the property for law enforcement use. The LEA must request the transfer, turn-in to the nearest DRMO, or disposal through the State Coordinator, who in turn must request approval from LESO. Demilitarization Code A property will not physically move until the approval process is complete. All costs related to transfer, turn-in, or disposal of property will be borne by the State/LEA.

By signing this MOA or accepting excess DOD personal property under this MOA, the State pledges that it and each LEA agrees to comply with applicable provisions of the following national policies prohibiting discrimination:

- A. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) as implemented by DOD regulations 32 CFR Part 195.
- B. On the basis of age, in the Age Discrimination Act of 1975 (42 USC 6101, et seq.) as implemented by Department of Health and Human Services regulations in 45 CFR Part 90.
- C. On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, P.L. 93-516 (29 U.S.C. 794), as implemented by Department of Justice regulations in 28 CFR Part 41 and DOD regulations at 32 CFR Part 56.

These elements are considered the minimum essential ingredients for establishment of a satisfactory business agreement between the State and the DOD. The State Plan of Operation is subject to Federal review and will require DLA LESO approval prior to any subsequent transfer of excess DOD personal property.

THE DLA LESO SHALL:

- 1. Maintain an accessible website that will provide timely and accurate guidance, information, and links for all individuals who work or have an interest in the 1033 Program.
- 2. Receive and approve/disapprove applications for participation by a State in the 1033 Program.
 - A. Receive and approve/disapprove applications for an approved State to conduct a TDP. Approved States will receive an Authorization Letter from DLA LESO.
 - B. Receive and approve/disapprove applications for an approved State to conduct a CRS. Approved States will receive an Authorization Letter from DLA LESO.
 - C. Maintain a current and accurate approved/disapproved list of all State Coordinators and all State POCs.

3. Receive and approve/disapprove applications for participation by a LEA in the 1033 Program.

A. LEAs must be certified by their State Coordinator as having powers of arrest and apprehension.

4. Provide a comprehensive overview of the 1033 Program to all State Coordinators prior to or within thirty (30) days of their assumption of their duties.

A. Encourage and assist State Coordinators and LEAs in the use of electronic screening of the Defense Reutilization and Marketing Service (DRMS) world-wide inventory and the procedures to search for, identify, and request property.

B. Encourage and assist State Coordinators and LEAs with scheduling formalized instruction from the DLA/LESO and/or DRMS.

5. Upon receipt of a valid Request for property through LESO Automation, ensure equitable distribution and proper identification of the property.

A. Identify High Profile (Weapons/Night Vision Devices (NVDs), Aircraft/Watercraft, High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs)/Armored Personnel Carriers (APCs)), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLJ, CCLI, FSCAP) property, and then issue-free of charge-to the State Coordinator or designee for further transfer to an authorized LEA. All transportation costs will be borne by the State/LEA.

B. Provide the State Coordinator/LEAs with the available flight historical records and related documentation to FSCAP components. This documentation will be available for inspection by LEAs prior to transfer. The documentation will be sufficient to be accepted by a Federal Aviation Administration (FAA) authorized repair facility for evaluation and possible determination for use on an aircraft. DOD makes no representation as to the property's conformance to FAA requirements. The LEA must subject the assets to safety inspection, repair, and/or overhaul by competent manufacturer or other entity such as those certified by the FAA prior to placing into use. The property that is provided to the State Coordinator/LEA may not meet FAA design standards, and/or may have been

operated outside the limitations required by the Federal Aviation Regulations.

6. Maintain all records in accordance with the DLA Record Management Procedures and Records (DLAD 5025.30 - See Appendix). All files records, with the exception of consumable items, will be retained for five (5) fiscal years (Example: October 1, 2007 to September 30, 2008 constitutes a fiscal year).

A. All excess DOD personal property records of consumable items will have their files maintained in an active status for (1) year, then placed in an inactive status for (1) year, then may be destroyed.

B. All excess DOD personal property records that are more than five (5) fiscal years old may be purged with the exception of Demilitarization Code B through Q excess DOD personal property, property deemed "sensitive to theft", and property deemed "high dollar". The DLA LESO defines "high dollar" as excess DOD personal property that has an Acquisition Value of more than \$20,000.

C. All excess DOD personal property with a Demilitarization Code A will have their files maintained in an active status for two (2) years, then placed in an inactive status for three (3) additional years, then may be destroyed.

D. All excess DOD personal property with a Demilitarization Code B through Q will have their files maintained through the life cycle of the property. If an item is approved for turn-in, transfer, or disposal, then the file will move to an inactive status and will be maintained for an additional three (3) fiscal years, then may be destroyed.

7. Maintain LESO Automation to approve/disapprove transfer, turn-in, and disposal requests from a State/LEA.

A. Assist State Coordinators with request procedures.

B. Assist State Coordinators/LEAs with transfer, turn-in, and disposal procedures.

8. Provide Reconciliation Reports through the Law Enforcement Equipment Database System (LEEDS) so that State Coordinators and DLA LESO can conduct monthly reconciliations of property records.

9. Validate the accountability of all High Profile (Weapons/NVDs, Aircraft/Watercraft, HMMWVs/APCs), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property annually with the State Coordinator.

10. Validate the accountability of all High Profile (Weapons/NVDs, Aircraft/Watercraft, HMMWVs/APCs), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property with the State Coordinator following a domestic disaster within the timeframes established in this MOA.

11. Conduct an OER of each State participating in the program, at a minimum, every two (2) years or as needed. OER results will be provided electronically and in hard copy within thirty (30) days.

A. If a State fails an OER, they will be verbally notified by DLA LESO that their operations have been suspended. The OER results will be provided within fourteen (14) days.

B. The State Coordinator will have twenty-one (21) days to draft a Corrective Action Plan for approval/disapproval by the DLA LESO. The State Coordinator has ninety (90) days to implement an approved Corrective Action Plan. At, or before the end of the

ninety (90) day Corrective Action Plan, the State Coordinator should schedule a second OER with the DLA LESO. Failure to properly execute the Corrective Action Plan and receive a Mission Capable grade on a second OER may result in termination from the 1033 Program.

C. If a State is terminated from the 1033 Program, the State/LEA will bear all expenses related to the turn-in to the nearest DRMO, the transfer to an approved Federal Agency, State, or U.S. Territory or the disposal of all excess DOD personal property.

12. Suspend or terminate a State from the 1033 Program if a State Coordinator or a LEA materially fails to comply with any term of this MOA, any federal statute or regulation, any assurance provided in a State Plan of Operation or application, or a State MOA with a LEA.

A. Temporarily Suspend Operations-Pending Review (TSO-PR): withhold approval of excess DOD property or release of property under previously approved requests, transfers, turn-ins, or disposals pending administrative or legal review by the DLA LESO or appropriate Federal or State agency and/or LEAs.

B. Temporarily Suspend Operations-Pending Deficiency Corrections (TSO-PD): withhold approval of excess DOD property or release of property under previously approved requests, transfers, turn-ins, or disposals pending correction of administrative or legal deficiencies identified by the DLA LESO or appropriate Federal or State agency and/or LEAs.

C. Suspend Operations (SO): withhold approval of excess DOD property or release of property under previously approved requests, transfers, turn-ins, or disposals until major deficiencies are corrected and personnel changes are effected as recommended following administrative or legal review/action by the DLA LESO or appropriate Federal or State agency and/or LEAs.

D. Terminate Operations (TO): at the expense of the State/LEA(s) require the State Coordinator and/or identified LEA(s) to transfer, turn-in, or dispose of all property previously received through the 1033 or 1208 Program. DLA LESO will provide oversight.

THE STATE SHALL:

1. Access the DLA LESO website on a weekly basis for timely and accurate guidance, information, and links concerning the 1033 Program and ensure that all relevant information is passed on to participating LEAs.

2. Create a comprehensive State Plan of Operation, forward to the DLA LESO for approval/disapproval, and implement to conduct operations in accordance with the regulations of the 1033 Program. Maintain the approved MOA and State Plan of Operation on file.

- A. If operating as a TDP, create a comprehensive TDP Plan of Operation, forward to the DLA LESO for approval/disapproval, and implement to conduct operations in accordance with regulations of the 1033 Program. Maintain TDP Authorization Letter and TDP Plan of Operation on file.
 - B. If operating as a CRS, create a comprehensive CRS Plan of Operation, forward to the DLA LESO for approval/disapproval, and implement to conduct operations in accordance with regulations of the 1033 Program. Maintain CRS Authorization Letter and CRS Plan of Operation on file.
 - C. Ensure the DLA LESO has a current and accurate listing of the State Coordinator and State POC Listing. Allow a maximum of four (4) screeners. The screeners must be full-time and/or part-time, sworn and/or non-sworn officers, per LBA performing this duty. The screeners must be named in a "Data Sheet", provided and approved by the State Coordinator, and approved by the DLA LESO and in the LEBDS/LEA File. Notify DLA LESO immediately upon notification of change of Governor or State Coordinator.
 - D. Enter into written agreement with each LBA, via the State Plan of Operation, to assure they fully comply with the terms, conditions, and limitations applicable to property transferred pursuant to this agreement. The State Plan of Operation must be signed by the Chief Law Enforcement Officer of the respective LBA.
3. Receive and approve/disapprove applications for participation by a LBA in the 1033 Program.
- A. The State Coordinator will only certify LBAs that have powers of arrest and apprehension.
4. Provide a comprehensive overview of the 1033 Program to all LEAs once they are approved.
- A. Encourage and assist LEAs in the use of electronic screening of DRMS world-wide inventory and the procedures to search for, identify, and request property.
 - B. Encourage and assist LEAs with scheduling formalized instruction from the State Coordinator, DLA LESO and/or DRMS.
5. Create requests or upon receipt of a valid Request for property from a LBA, ensure equitable distribution within the State and properly identify all property. Properly justify all requests and ensure identification of TDP, CRS or LBA.
- A. Ensure LEAs are aware that High Profile (Weapons/NVDs, Aircraft/Watercraft, HMMWVs/APCs), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLJ, FSCAP) property is identified by DLA LESO and is subject to additional controls.
 - B. Request from the DLA LESO all available flight historical records and related documentation to FSCAP components. This documentation will be available for

inspection by LEAs prior to transfer. The documentation will be sufficient to be accepted by a FAA authorized repair facility for evaluation and possible determination for use on an aircraft. DOD makes no representation as to the property's conformance to FAA requirements. The LEA must subject the assets to safety inspection, repair, and/or overhaul by a competent manufacturer or other entity such as those certified by the FAA prior to placing into use. The property that is provided to the State Coordinator/LEA may not meet FAA design standards, and/or may have been operated outside the limitations required by the Federal Aviation Regulations.

C. If a State/LEA request is approved, the State Coordinator or a designee will receipt for property-free of charge-for a TDP (if approved), CRS (if approved), or further transfer to an authorized LEA. All transportation costs will be borne by the State/LEA.

D. The State Coordinator will bear responsibility for the allocation, receipt, transfer, turn-in, and disposal of all excess DOD property received through the 1033 Program (TDP, CRS, or LEA).

6. Maintain all records in accordance with the DLA Record Management Procedures and Records (DLAD 5025.30 - See Appendix). All files records, with the exception of consumable items, will be retained for five (5) fiscal years (October 1, 2007 to September 30, 2008 constitutes a fiscal year). These records must provide an audit trail for all excess DOD property from receipt "cradle" to transfer, turn-in, or disposal "grave". These documents include, but are not limited to the following: DRMS Form 103 (Scraper Tally sheet) optional for TDPs, with all justifications or printouts of automated requests, DD Form 1348 (Disposal Turn-In Document (DTID)), all requests for transfer, turn-in, or disposal, approved Bureau of Alcohol, Tobacco, and Firearms (ATF) Form 5, ATF Form 10, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC 8050-1) and any pertinent documentation associated with the 1033 Program.

A. All excess DOD personal property records of consumable items will have their files maintained in an active status for (1) year, then placed in an inactive status for (1) year, then may be destroyed.

B. All excess DOD personal property records that are more than five (5) fiscal years old may be purged with the exception of Demilitarization Code B through Q excess DOD personal property, property deemed "sensitive to theft", and property deemed "high dollar". The DLA LESO defines "high dollar" as excess DOD personal property that has an Acquisition Value of more than \$20,000.

C. All excess DOD personal property with a Demilitarization Code A will have their files maintained in an active status for two (2) years, then placed in an inactive status for three (3) additional years, then may be destroyed.

D. All excess DOD personal property with a Demilitarization Code B through Q will have their files maintained through the life cycle of the property. If an item is approved

for turn-in, transfer, or disposal, then the file will move to an inactive status and will be maintained for an additional three (3) fiscal years, then may be destroyed.

B. The records must also satisfy any and all pertinent requirements under applicable Federal statutes and regulations for the 1033 Program and for this property.

7. Maintain access to LESO Automation to approve/disapprove transfer, turn-in, and disposal requests from an LEA or to generate these requests at the State level and forward, all approvals to the DLA LESO for action.

A. Assist the LEAs with request procedures.

B. Assist the LEAs with transfer, turn-in, and disposal procedures.

8. Review Reconciliation Reports through LEBDS and conduct monthly reconciliations of property records.

9. Validate the accountability of all High Profile (Weapons/NVDs, Aircraft/Watercraft, HMMWVs/APCs), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property annually with each LEA by having them conduct and certify a physical inventory. All inventories will be maintained on file indefinitely.

10. Validate the accountability of all High Profile (Weapons/NVDs, Aircraft/Watercraft, HMMWVs/APCs), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property with each LEA following a domestic disaster within the timeframes established in this MOA by having them conduct and certify a physical inventory. All inventories will be maintained on file indefinitely.

11. Conduct an OER of LEAs participating in the program in order to ensure accountability, responsibility, and program compliance.

12. Suspend or terminate a LEA from the 1033 Program if a LEA materially fails to comply with any term of this MOA, any Federal statute or regulation, any assurance provided in a State Plan of Operation or application, or a State MOA with an LEA. Report all LEA terminations to the DLA LESO immediately upon termination.

NOTICES:

Any notices, communications or correspondence related to this agreement shall be provided by the United States Postal Service, express service, or facsimile to the cognizant DLA office. The DLA LESO, may, from time to time, propose modifications or amendments to the provisions of this MOA. In such cases, reasonable opportunity will, insofar as practicable, be afforded the State Coordinator to conform changes affecting their operations.

TERMINATION:

This MOA may be terminated by either party, provided the other party receives thirty (30) days notice, in writing, or as otherwise stipulated by Public Law.

The undersigned State Coordinator hereby agrees to comply with all provisions set forth herein and acknowledges that any violation of the terms and conditions of this MOA may be grounds for immediate termination and possible legal consequences, to include pursuit of criminal prosecution if so warranted.

IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.

Michael W Lambrecht

Type/Print State Coordinator Name

Michael W Lambrecht

State Coordinator Signature

04/08/2009
Date (MM/DD/YYYY)

Tina Alarich

Type/Print DLA/LESO Representative Name

Tina Alarich

DLA/LESO Representative Signature

04/13/2009
Date (MM/DD/YYYY)

Attachment

CLEAR

**LAW ENFORCEMENT AGENCY (LEA)
APPLICATION FOR PARTICIPATION**

*This application must be updated and resubmitted within 30 days of any changes or on an annual basis

NEW ☐ UPDATE ☐ SCREENER ID (Update Only): _____

AGENCY: _____

PHYSICAL ADDRESS (No P.O. Box): _____

MAILING ADDRESS (If different than above): _____

CITY: _____ STATE: _____

ZIP: _____ EMAIL: _____

PHONE: _____ FAX: _____

NUMBER OF COMPENSATED OFFICERS WITH ARREST AND APPREHENSION AUTHORITY

FULL-TIME: _____ PART-TIME: _____ RESERVE: _____

SCREENER(S) POC: MUST HAVE AT LEAST ONE

***MAIN POC: Designated POC for calls and emails on 1033 Program requests and property pickup**

SCREENER/MAIN POC: _____

SCREENER/POC #2: _____

SCREENER/POC #3: _____

SCREENER/POC #4: _____

WEAPON POC (Optional): _____

AIRCRAFT POC (Optional): _____

INVENTORY CHECK

Does the Agency currently have any equipment from the 1208/1033 Program? YES ☐ NO ☐

WEAPONS: YES ☐ NO ☐ AIRCRAFT: YES ☐ NO ☐ WATERCRAFT: YES ☐ NO ☐

TACTICAL VEHICLES: YES ☐ NO ☐ OTHER CONTROLLED PROPERTY: YES ☐ NO ☐ DEMIL A : YES ☐ NO ☐
(LESS THAN A YEAR OLD)

***By signing this application, the Chief Executive Official/Head of Agency (Local Field Office) is aware of 1208/1033 Property currently in the possession of their department.**

***Upon acceptance into the 1033 Program, I understand that I have 30 days to familiarize myself with the State Plan of Operation and all 1033 Program guidance that is provided by the State Coordinator and that by signing, I certify that all information contained above is valid and accurate.**

CHIEF EXECUTIVE OFFICIAL/: _____ **DATE:** _____
HEAD OF LOCAL AGENCY PRINTED NAME

SIGNATURE

STATE COORDINATOR: _____ **DATE:** _____
(NOT REQUIRED FOR FEDERAL) PRINTED NAME

SIGNATURE

ANNEX C

INTERLOCAL AGREEMENT BETWEEN PUBLIC AGENCIES

An Agreement Between the State of Nevada
Acting By and Through Its

**NEVADA DEPARTMENT OF PUBLIC SAFETY
OFFICE OF CRIMINAL JUSTICE ASSISTANCE
1535 Hot Springs Road Unit A, Carson City, Nevada 89706
(775) 687-3700, Fax (775) 687-4171
("OCJA")**

and

**(NAME, ADDRESS, PHONE AND FACSIMILE NUMBER OF AGENCY)
("Law Enforcement Agency")**

WHEREAS, NRS 277.180 authorizes any one or more public agencies to enter into agreements with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the agreement is authorized by law to perform; and

WHEREAS, the Secretary of the U.S. Department of Defense ("DoD") is authorized by 10 U.S.C. §2576a to transfer to Federal and State Law Enforcement Agencies (LEA), property that is excess to the needs of the DoD and which property the Secretary of Defense determines is suitable for use by such agencies in law enforcement activities, including counter-drug and counter-terrorism activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of the DoD have been delegated to the Defense Logistics Agency (DLA); and

WHEREAS, the Governor of the State of Nevada has appointed a State Coordinating Officer within the OCJA who will manage and coordinate the program known as the 1033 Program (Defense Excess Property Program) authorized by 10 U.S.C. §2576a; and

WHEREAS, the OCJA has entered into an agreement with the DLA which sets forth the terms and conditions with respect to excess DoD property transferred pursuant to 10 U.S.C. §2576a.

WHEREAS, the DLA and OCJA have the authority to determine the type, quantity, and location of excess property suitable for use in law enforcement activities, if any, that will be transferred to the Law Enforcement Agency.

WHEREAS, it is deemed that the services hereinafter set forth are both necessary and in the best interests of the State of Nevada;

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. **REQUIRED APPROVAL.** This agreement shall not become effective until and unless approved by appropriate official signatory action of each party.
2. **DEFINITIONS.** "State" means the State of Nevada (Office of Criminal Justice Assistance), its officers, employees and immune contractors as defined in NRS 41.0307.
3. **AGREEMENT TERM.** This Agreement shall be effective upon execution of authorized representative signatures and DLA approval (agencies new to the program only), unless sooner terminated by either party as set forth in this Agreement. If an agency Chief/Executive (either LEA or OCJA) changes, an updated agreement between the two parties containing the new signatures shall be executed as soon as possible.
4. **TERMINATION.** Prior to any termination action, active property inventories for a Law Enforcement Agency (LEA) maintained by the DLA must be cleared through property turn-in or disposal actions. Any termination of this agreement shall not be effective until **30 days** after a party has served written notice upon the other party. This Agreement may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Agreement shall be terminated immediately if for any reason State and/or Federal funding ability to satisfy this Agreement is withdrawn, limited, or impaired.
5. **NOTICE.** All notices or other communications required or permitted to be given under this Agreement

postage prepaid on the date posted, and addressed to the other party at the address set forth above.

6. INCORPORATED DOCUMENTS. The parties agree that the services to be performed shall be specifically described; this Agreement incorporates the following attachments in descending order of constructive precedence:

ATTACHMENT A: Nevada Operating Plan for the Defense Department Excess Property Program
– Section 1033

ATTACHMENT B: Agreement Between the State of Nevada and the Defense Logistics Agency

7. CONSIDERATION. The OCJA agrees to provide the services set forth in the incorporated documents (paragraph 6). In return, the Law Enforcement Agency agrees to comply with the terms set forth in the incorporated documents (paragraph 6) in their entirety. The LEA agrees to source all shipping, transportation, maintenance, repair and disposal costs associated with obtaining and operating property under this agreement.

8. ASSENT. The parties agree that the terms and conditions listed in the incorporated documents of this Agreement are also specifically a part of this Agreement and are limited only by their respective order of precedence and any limitations expressly provided.

9. INSPECTION & AUDIT.

a. Books and Records. Each LEA agrees to keep and maintain under general accepted accounting principles full, true and complete records, agreements, books, and documents as are necessary to fully disclose to the State or United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with any applicable regulations and statutes.

b. Inspection & Audit. Each LEA agrees that the relevant books, records (written, electronic, computer related or otherwise), including but not limited to relevant accounting procedures and practices of the party, financial statements and supporting documentation, and documentation related to the work product shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office or location where such records may be found, with or without notice by the State Auditor, the Department of Administration, Budget Division, the Nevada State Attorney General's Office or its Fraud Control Units, the State Legislative Auditor, and with regard to any federal reviews, the relevant Federal agency, the Comptroller General, the General Accounting Office, the Office of the Inspector General, or any of their authorized representatives. Property acquired by an LEA under this program is subject to the provisions of Single Audit Act of 1984 (31 United States Code, Subtitle V, Chapter 75).

c. Period of Retention. All books, records, reports, and statements relevant to property acquired through this Agreement must be retained by the LEA for a minimum of three years after the date the property was disposed of. Administrative documentation associated with this agreement (e.g. screener sheets) should be retained for three years after the documents are superseded. Retention time shall be extended when an audit is scheduled or in progress for a period reasonably necessary to complete an audit and/or to complete any administrative and judicial litigation which may ensue.

10. LIMITED LIABILITY. The parties will not waive and intend to assert available NRS chapter 41 liability limitations in all cases. Agreement liability of both parties shall not be subject to punitive damages. To the extent applicable, actual damages for any breach shall be limited by NRS 353.260 and NRS 354.626.

11. FORCE MAJEURE. Neither party shall be deemed to be in violation of this Agreement if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including, without limitation, earthquakes, floods, winds, or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Agreement after the intervening cause ceases.

12. INDEMNIFICATION. Neither party waives any right or defense to indemnification that may exist in law or equity. Notwithstanding the preceding, the Law Enforcement Agency agrees to indemnify and hold harmless the Federal Government, State of Nevada and OCJA from any and all actions, claims, debts, demands, judgments, liabilities, costs and attorney's fees arising out of or in any manner predicated upon the loss of or damage to property and injuries, illness or death of any person whatsoever in any manner caused by or contributed to by the Law Enforcement Agency, its agents, servants, employees or any person subject to its control while, in, upon or about the site on which the excess DoD property is located, or while the excess DoD property is in the possession of, used by or subject to the control of the Law Enforcement Agency.

13. INDEPENDENT PUBLIC AGENCIES. The parties are associated with each other only for the purposes and to the extent set forth in this Agreement, and in respect to performance of services pursuant to this Agreement, each party is and shall be a public agency separate and distinct from the other party and, subject only to the terms of this Agreement, shall have the sole right to supervise, manage, operate, control, and direct performance of the details incident to its duties under this

Agreement. Nothing contained in this Agreement shall be deemed or construed to create a partnership or joint venture; to create relationships of an employer-employee or principal-agent; or to otherwise create any liability for one agency whatsoever with respect to the indebtedness, liabilities, and obligations of the other agency or any other party.

14. INSURANCE. By executing this Agreement, the LEA certifies to the OCJA that it has and agrees to maintain at no expense to the Federal Government or OCJA adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims arising from acquisition, use or disposal of the property to be transferred.

15. SEVERABILITY. If any provision contained in this Agreement is held to be unenforceable by a court of law or equity, this Agreement shall be construed as if such provision did not exist and the nonenforceability of such provision shall not be held to render any other provision or provisions of this Agreement unenforceable.

16. ASSIGNMENT. Neither party shall assign, transfer or delegate any rights, obligations or duties under this Agreement without the prior written consent of the other party.

17. PUBLIC RECORDS. Pursuant to NRS 239.010, information or documents may be open to public inspection and copying. The parties will have the duty to disclose unless a particular record is made confidential by law or a common law balancing of interests.

18. CONFIDENTIALITY. Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required by this Agreement.

19. PROPER AUTHORITY. The parties hereto represent and warrant that the person executing this Agreement on behalf of each party has full power and authority to enter into this Agreement and that the parties are authorized by law to perform the services set forth in paragraph (6).

20. GOVERNING LAW; JURISDICTION. This Agreement and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the United States of America and State of Nevada. The parties consent to the jurisdiction of the United States of America and/or Nevada district courts for enforcement of this Agreement.

21. ENTIRE AGREEMENT AND MODIFICATION. It should be noted that the Federal Government and/or the Department of Defense may change the 1033 Program unilaterally the result of which may require modification of this Agreement. The preceding notwithstanding, this Agreement and its incorporated documents constitute the entire Agreement of the parties and as such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Agreement specifically displays a mutual intent to amend a particular part of this Agreement, general conflicts in language between any such attachment and this Agreement shall be construed consistent with the terms of this Agreement. Unless otherwise expressly authorized by the terms of this Agreement, no modification or amendment to this Agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and intend to be legally bound thereby.

Law Enforcement Agency

Office of Criminal Justice Assistance

Chief/Executive Name Title

Date

Signature Date

ANNEX D



IN REPLY
REFER TO

J-363

DLA DISPOSITION SERVICES
LAW ENFORCEMENT SUPPORT OFFICE
74 WASHINGTON AVENUE NORTH
BATTLE CREEK, MICHIGAN 49037-3084

March 30, 2011

MEMORANDUM FOR DLA DISPOSITION SERVICES SITE SPECIALIST
SUBJECT: Authorization Letter for Property Screening

In accordance with DOD 4160.21-M, Chapter 5, Section B.2.C, screeners may present an authorization on the letterhead of the sponsoring activity, identifying the bearer and indicating the nature of authorization. In accordance with the above reference, this office authorizes the following individual(s) to screen excess property at your facilities in support of Law Enforcement Activities (LEAs) under DODAAC H9DEB1:

Weapons POC:
Aircraft POC:
Chief Executive Official:

Only two individuals will be authorized to screen per visit; however, additional personnel may assist receiving material previously screened and approved for transfer.

This letter supersedes all other screening authorization letters for this Law Enforcement Agency for this DLA Disposition Services Site. Questions concerning this matter should be directed to your State Coordinator.

(Prescribing Directive: DRMS-H 4160.3 Vol II)

DATE

[illegible]

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More Great Tips!

Before you begin the registration process, take note of these helpful hints.

- Do NOT use the “Back” button on your browser. Click the “Back” button on the bottom of each page
- Make sure to fill out every field marked with an asterisk(*). If you miss a required field, you can still proceed to the next screen, but an error message will appear before you are ready to submit your request
- After selecting buttons or items from drop down menus, the page will refresh. You must wait for the page to refresh before moving on to the next step
- If the desired radio button is already selected, click it again before clicking the “Next” button
- *Note:* You will need to contact the AMPS Help Desk, if there is no activity in your account within a 60—day period. (DSN 695-4357 or 1-866-335-4357)

ANNEX G

What's New?

DLA Disposition Services is using a new system that requires customers to register prior to using web applications such as ETID (Electronic Turn-In Document) and RTD (Reutilization, Transfer & Donation). Use the AMPS website and the DLA Enterprise External Business Portal to register.

For Assistance

AMPS Help Desk: 1-855 352-0001
or send an email to support.services@dla.mil
Accessible 24 hours a day, 7 days a week.
Visit <https://amps.dla.mil>

DLA Customer Interaction Center: 1-877-DLA-CALL
(1-877-352-2255) or send an email to
DLACustomerCenter@dla.mil
Accessible 24 hours a day, 7 days a week

DLA Enterprise External Business Portal
<https://business.dla.mil> for detailed instructions
on how to use the external portal

DLA Disposition Services
<http://www.dispositionservices.dla.mil> for
detailed instructions and information about the
change

RBIQuestions@dla.mil Ask DLA Disposition
Services experts about the new system

RBIHumanPerformance@dla.mil For information
about access to our systems



DLA Disposition Services
Hart-Dole-Inouye Federal Center
74 N. Washington Ave
Battle Creek, MI 49037
(1-877-352-2255)
DLACustomerCenter@dla.mil

DEFENSE LOGISTICS AGENCY
DISPOSITION SERVICES



For
Public Users

REGISTRATION REQUIRED

NEW
Registration
Process to access
ETID and RTD

Helpful Hints inside!

*Complete registration instructions
available at DLA Disposition Services
<http://www.dispositionservices.dla.mil>*

Register by AUG . 27, 2012

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HELPFUL HINTS ON HOW TO REGISTER FOR ACCESS TO DLA DISPOSITION SERVICES WEB APPLICATIONS

1 CREATE AN ACCOUNT

- Log on to the AMPS website to create your account at:

<https://amps.dla.mil>

HELPFUL HINTS

- Select **"Public"** under **User Type**. (The screen will refresh and ask for additional information)

- Select **"Leave AMPS Registration"** on the **Final Screen** to begin Step 2
- Make note of your **User ID** and **password** when completing your registration. You will use this in the future to access RTD and ETID

2 REQUEST A ROLE

Once you have created your account, you can request access to specific applications, such as ETID or RTD. You do this by requesting a "role" on the AMPS website. Select **"Request a Role"** and continue through the screens and provide the information requested

HELPFUL HINTS

- Select **"DISP"** on the **Application Screen**
- Select **"Production"** on the **Environment Screen**
- Select the **ETID or RTD role(s)** you need from the **Application Request Screen**:
 - DDS 413 RTD Customer
 - DDS 514 ETID Customer

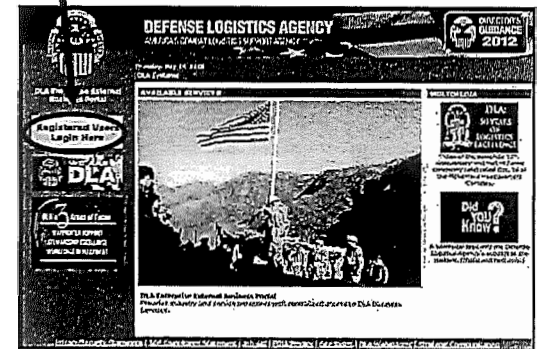
3 ACCESS ETID OR RTD

- You can access **ETID or RTD** after **AUGUST 27, 2012**. Log on the DLA Enterprise External Business Portal at:

<https://business.dla.mil>

HELPFUL HINTS

- Click on the yellow button **"Registered Users Login Here"** on the **DLA Enterprise External Business Portal**. Use the User ID and password you created earlier to log in



- For access to **ETID or RTD**, click on the **Disposition Services** tab
- Continue through the screens to complete the registration for **ETID or RTD**

External Web Process

To obtain access to DLA Web applications (i.e. LESO) as an external user, it is necessary to apply for the following:

1. AMPS

- a. User ID and Password
- b. Role Request – “DLA Disposition Services Prod EX - RTD Customer DDS-413”

DO NOT PROCEED UNTIL YOU HAVE REGISTERED IN AMPS AND RECEIVED EMAIL VERIFICATION OF DLA DISPOSITION SERVICES PROD EX - RTD CUSTOMER DDS-413 ROLE APPROVAL

PROBLEMS THAT MAY OCCUR

1. Time to complete AMPS to RTD WEB SYNC

- a. The sync could take up to 24 hours to complete. If AMPS does not sync with the RTD web you will get authentication errors

Solution: Do not try to log into the RTD Web until you receive confirmation email that your requested roles have been approved

2. Users attempting to log in multiple times into the RTD Web prior to the completion of the AMPS to RTD WEB sync will inadvertently lock the user account.

- a. After resetting password in AMPS the user must wait 24 hours prior to attempting to log into the RTD Web to allow AMPS to sync with the RTD WEB application

Solution: 1. Reset your password in AMPS, wait 24 hours and try again, if that does not work then contact the Customer Interaction Center (CIC) at 1.8177.352.2255 option 5 and request your account to be unlocked, please inform them you had already tried a password reset in AMPS and waited 24 hours before you tried it again.

Step 3 – RTD web Registration

Go to <https://business.dla.mil>

Click on the “Registered Users Login Here” box

Click “I Accept” button on Use and Consent screen

Enter User ID and Password, click “Log on” button

Click the “Disposition Services” tab

The RTD Pre-Register screen should appear, if not click “RTD”, then click “Request Role”

From the Application drop down select “Law Enforcement Support Office LESO”

From the Role drop down select “LESO State/Local Screener”

Click “Submit” button

The Customer Registration - Law Enforcement Agency (LEA) screener should appear

Complete the User Information and Law Enforcement Agency (LEA) Information

Error notification appears when you move to the next field

Use the Agency Name from the DODAAC spreadsheet for the Organization Name block

Enter the “2YT” DODAAC for your LEA from the DODAAC spreadsheet (column A highlighted in yellow)

Complete all fields as appropriate.

Click submit, you will get a “thank you for registering message.”

ANNEX A

1033 PROGRAM

INTERNAL PROPERTY SIGN OUT REGISTER (EXAMPLE)

LAW ENFORCEMENT AGENCY (Section – e.g. Property Division)

<u>PROPERTY</u>	<u>QUANTITY</u>	<u>DATE SIGNED OUT</u>	<u>OFFICER</u>
Gas Mask 8470-01-130-3794 (NSN)	1 ea	Jan 8, 2004	Signature Typed/Print Name
M14 Rifle SN 2534755*	1 ea	Jan 8, 2004	Signature Typed/Print Name
Night Vision Goggles AN/PVS-5C SN 65784*	1 ea	Jan 8, 2004	Signature Typed/Print Name

VALIDATED**: DATE

* If the item being signed out is accounted for by serial number, that serial number will appear on the sign out register.

** During the annual reconciliation all equipment sign out registers should be reviewed and updated as necessary. A record of this review should be kept and can be annotated as above.

DATE

TO: (Name of Agency, Accountable Officer and address of Law Enforcement Agency)

Reference: 1033 Program Property Inventory

The attached document identifies Defense Department equipment acquired through the 1033 Program on the inventory of your agency. You are requested to conduct an inventory using this list to ensure you can account for all the property contained therein. This inventory needs to be completed within 45 days from the date of this letter. Agencies with cannot meet this time frame should contact FALCON'S NEST with a request for extension. Based on the inventory results, the accountable officer should complete only the appropriate block/s below, sign and date the form and return it to FALCON'S NEST.

_____ All items accounted for.

_____ The following item/s on the inventory list can not be accounted for:

ITEM	NSN	DTID	QTY (Attach a separate list if required)
1			
2			
3			
4			
5			
6			
7			
8			

_____ The follow item/s were never received by this agency.

ITEM	NSN	DTID	QTY (Attach a separate list if Required)
1			
2			
3			
4			
5			

Signature of Accountable Officer

Date

1033 Program Turn-in Request

Date of the Request: _____

Requesting Agency: Screeners ID: Address: City, State, Zip: Phone: Requesting Agency Signature: State Coordinator or Federal Approval: YES NO Printed Name: Signature:	Receiving Site: Comments:
--	--

The property listed below must be turned into the DLA Disposition Services Field Site no later than 30 DAYS from the date printed on the 1348-1A(s) that will be provided by the LESO. The property will not be removed from the LEA's inventory until this property has been turned in.

	Item Name	NSN/Serial #	File #	DTID	Requisition Number	QTY	DEMIL Code
1							
2							
3							
4							
5							
6							

LESO Use Only

Turn-in approved by LESO: YES ☐ NO ☐ Turn-in complete in LEEDS: YES ☐ NO ☐

This Turn-in was not approved due to the following: _____

LESO Coordinator: _____ Date: _____

1033 Program Inventory Adjustment

CLEAR

Date of the Request: _____

Requesting Agency:	ID:	Comments:
Address:		
City, State, Zip:		
Phone:		
Requesting Agency Signature:		
State Coordinator or Federal Approval: YES NO		
Printed Name:		
Signature:		

A Memorandum for Record (MFR) must accompany this template for controlled property only. The MFR must include details concerning what happened to the property and actions the agency took to recover it. It must be printed on official agency letterhead and must be signed by the Chief Executive Official (State Agency) or the Head of Local Agency (Federal).

	Item Name	NSN/Serial #	File #	DTID	Requisition Number	QTY	DEMIL Code
1							
2							
3							
4							
5							
6							

LESO Use Only

Inventory Adjustment approved by LESO: YES ☐ NO ☐ Inventory Adjustment complete in LEEDS: YES ☐ NO ☐

This Inventory Adjustment was not approved due to the following: _____

LESO Coordinator: _____ Date: _____

1033 Program Transfer Request

CLEAR

Date of the Request: _____

Releasing Agency:	ID:	Receiving Agency:	ID:
Address:		Address:	
City, State, Zip:		City, State, Zip:	
Phone:		Phone:	
Releasing Agency Signature:		Receiving Agency Signature:	
		<i>The below is N/A if the transfer is within the same State or Federal Agency</i>	
State Coordinator/Federal Approval: YES NO		State Coordinator/Federal Approval: YES NO N/A	
Printed Name:		Printed Name:	
Signature:		Signature:	

The State Coordinator or Federal Chief Executive Official must review and approve the transfer request. The property may not physically move until the LEA receives approval from the LESO. This form must be signed by the Releasing LEA and State Coordinator or Federal Chief Executive Official as well as the Receiving LEA and State Coordinator or Federal Chief Executive Official (only if the property is being transferred to another State or Federal Agency).

	Item Name	NSN/Serial #	File #	DTID	Requisition Number	QTY	DEMIL Code
1							
2							
3							
4							
5							
6							

LESO Use Only

Transfer approved by LESO: YES ☐ NO ☐

Transfer complete in LEEDS: YES ☐ NO ☐

The Transfer was not approved due to the following: _____

LESO Coordinator: _____ Date: _____

Annex ^M

COMPLIANCE REVIEW CHECKLIST

DOCUMENTATION:

AGREEMENT _____ Date _____
LEA Data Sheet _____ Date _____
1348-1 Forms _____
103 Screener Forms _____
657 Forms _____
Acquisitions _____
Transfers _____
Disposals _____
Procedures Manual _____
Reconciliation Paperwork _____

INVENTORY:

High Dollar Value Items _____
Weapons/Physical Security _____
Aircraft and Components _____
Demil/Sensitive Items _____
Items in Storage _____
Items assigned to Officers _____

PROPERTY UTILIZATION SURVEY

Items Used in Past Year _____
Unused Items Reported as Excess _____
Training Records for Weapons _____

ADDITIONAL COMMENTS: