



State of Delaware  
Office of Auditor of Accounts

Request for Proposal

For

**Municipal Grants  
Agreed-Upon Procedures Engagements**

Professional Services

April 16, 2013

**RFP13-CPA-04**

by

State of Delaware  
Office of Auditor of Accounts  
Townsend Building, Suite 1  
401 Federal Street  
Dover, Delaware 19901

**Deadline to Respond: 3:00 p.m. (EST), May 7, 2013**

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I. Introduction

In accordance with 29 Del. C. Chapter 69, Subchapter VI, *Professional Services*, the Office of Auditor of Accounts (AOA) is distributing this Request for Proposal (RFP) to, and requesting proposals from, qualified certified public accounting firms to perform one two-year engagement in accordance with Section IV., for the State fiscal years ending June 30, 2010 and June 30, 2011, with the option of extending the engagement for one two-year period.

There is no expressed or implied obligation for AOA to reimburse firms for any costs or expenses incurred in preparing proposals in response to this request. AOA will **not** pay any costs or expenses incurred by any firm associated with any aspect of responding to this RFP, including proposal preparation, printing, delivery, or the negotiation process. Additionally, no indirect reimbursements (e.g., in the form of credits or reductions to any agreed upon compensation) will be made to any responding firm by AOA for any such costs or expenses.

Public notice has been provided in accordance with 29 Del. C. § 6981.

II. Proposal Process

All inquiries concerning this RFP must be submitted in writing and must be received by 4:00 p.m. EST on April 23, 2013 via e-mail directly to:

Kathleen Davies  
Chief Administrative Auditor  
302-857-3919  
[Kathleen.Davies@state.de.us](mailto:Kathleen.Davies@state.de.us)

**Direct contact with the State of Delaware, municipalities, or AOA employees other than the above-referenced contacts regarding this RFP is expressly prohibited without prior consent.**

Firms contacting the State of Delaware or AOA employees risk elimination of their proposal from further consideration.

To be considered, the *technical* proposal and the *cost* proposal **must be emailed separately** to Wendy Roberts ([Wendy.Roberts@state.de.us](mailto:Wendy.Roberts@state.de.us)) on or before 3:00 p.m. on May 7, 2013.

AOA reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. AOA reserves the right without prejudice to reject any or all proposals.

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By submitting a bid, each proposer must be deemed to acknowledge that it has carefully read all sections of this RFP, including all forms, schedules and exhibits hereto, and has fully informed itself as to all existing conditions and limitations.

Once the selection of a firm is completed, all proposers will be notified and the executed contract will be completed reasonably thereafter.

### III. Term of Engagement

The contract period is for one year, with the option to renew the contract at AOA's request for one additional two-year period subject to the satisfactory negotiation of terms (including a cost acceptable to both AOA and the selected firm) and the annual availability of an appropriation by the Legislature.

### IV. Nature of Services Required

#### A. Engagement Description and Cycle

Biennially, AOA will provide a list of 10 municipalities for performance of agreed-upon procedures. Each engagement, unless otherwise notified, will cover two fiscal years starting with the fiscal years ended June 30, 2010 and June 30, 2011.

#### B. Engagement Standards

To meet the requirements of this RFP, the review must be performed in accordance with standards established by the American Institute of Certified Public Accountants and the U.S. Government Accountability Office.

#### C. Deliverables

The firm agrees it will not prepare (1) the schedule of State Aid to Local Law Enforcement Funds (SALLE) and Emergency Illegal Drug Enforcement Funds (EIDE) grant awards and expenditures or (2) the schedule of Municipal Street Aid Fund (MSAF) expenditures shown in Appendix F. The firm should notify AOA immediately of any request to perform such services.

Following the completion of the engagement, the firm must issue a written report in accordance with standards established by the American Institute of Certified Public Accountants and the U.S. Government Accountability Office. The report must also include the following:

- the background section in Appendix G;
- the schedules prepared by the municipalities, shown in Appendix F; and,
- a separate appendix of the Fiscal Year 2010 and Fiscal Year 2011 State of Delaware Municipal Grants Awarded schedule, located in Appendix H.

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Refer to Appendix K for an example of how the report should look. AOA will distribute copies of the reports to the appropriate officials.

In the report, all findings from application of the agreed-upon procedures must be reported. The concept of materiality does not apply to findings to be reported in an agreed-upon procedures engagement unless the definition of materiality is agreed to by the specified parties.

Irregularities and illegal acts: All situations or transactions that come to the firm's attention that could be indicative of fraud, abuse, illegal acts, material errors, defalcations, or other irregularities must be promptly reported to AOA. AOA will determine the appropriate course of action.

D. Retention and Access to Engagement Documentation

All engagement documentation and reports must be retained, at the firm's expense, for a minimum of three years, unless the firm is notified in writing by AOA of the need to extend the retention period. The firm is required to make engagement documentation available, upon request, to the AOA or its designees.

In addition, the firm must respond to the reasonable inquiries of successor firms and allow the firms to review engagement documentation relating to matters of continuing engagement significance.

V. Description of the Entity

A. Engagement Contact and Location

Each engagement entity's principal contacts will be the Mayor, Town Manager, Town Council, or a designated representative, who will coordinate the assistance to the firm.

B. Background Information

This engagement focuses on three types of Municipal Grants: MSAF, SALLE, and EIDE. The background section, located in Appendix G provides detailed information on each grant. Additional information on each grant can be found at the links included below:

**MSAF** –The fund's website can be viewed at the following link: [Delaware Department of Transportation - Projects](#)

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For the fiscal years ended June 30, 2010 and June 30, 2011, the Budget Act and Grant-In-Aid Bill provide the amount of funding distributed through each municipal grant.

[General Assembly Bill Tracking - Fiscal Years 2010 and 2011](#)

**SALLE** – The SALLE manual is located in Appendix I.

**EIDE** – The EIDE manual is located in Appendix J.

The following website lists all of the Delaware municipalities and provides a link to each municipality's website: [Delaware League of Local Governments Directory - Delaware Municipalities](#)

## VI. Time Requirements

### A. Proposal Calendar

- Request For Proposal issued April 16, 2013
- Deadline for proposal questions April 23, 2013
- Due date for proposals May 7, 2013

### B. Preliminary Engagement Planning

The engagement records are expected to be available immediately for review.

### C. Entrance Conference

An entrance conference must be held with each engagement entity's key personnel prior to the commencement of fieldwork for each two-year period. At the entrance conference, the firm must provide the engagement entity with a time schedule for the engagement and a listing of all information needed.

The firm must make the AOA Liaison aware of the date and location of the entrance conference in case the AOA Liaison wishes to attend.

### D. Progress Reporting and Exit Conference

The firm must keep each engagement entity and AOA updated on the progress of the engagement. After the engagement has been completed, an exit conference must be held with each engagement entity's key personnel and the AOA Liaison, unless the AOA Liaison declines.

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E. Reports

1. Draft Reports – Prior to providing management with a draft report, but after going through a supervisory and technical review, each draft report will be submitted via email to the AOA Liaison on or before the following dates. The AOA Liaison requires a minimum of 10 business days for review and to return any comments to the firm. In addition to requirements under the professional standards, reports **must** be formatted in accordance with AOA’s Style Guide.

- Fiscal Year 2010 and 2011 August 1, 2013

The firm must provide an electronic version of each draft report to the engagement entity’s principal contact or designee for management response and approval. The engagement entity’s principal contact or designee must review the draft report as expeditiously as possible. During management review, the firm must be available to discuss the engagement report and resolve any issues. After all issues are resolved, an electronic version of each draft report must be forwarded to the AOA Liaison for final review by the following dates.

- Fiscal Year 2010 and 2011 August 29, 2013

2. Final Reports – Once the AOA Liaison approves the report for issuance, each final report must be emailed in an unsecured PDF format to the AOA Liaison by the following dates.

- Fiscal Year 2010 and 2011 September 12, 2013

Report preparation and editing is the responsibility of the firm.

VII. Proposal Content

A. Technical Proposal

There must be **no dollars or total costs** included in the Technical Proposal. Inclusion of such information will result in disqualification of the proposal. The Technical Proposal **must** address all the points outlined in the RFP in the following format:

1. Transmittal Letter - The signed transmittal letter must briefly discuss the following: RFP subject, reference number, the proposer’s understanding of the work to be done, the commitment to perform the work within the time period, a statement why the firm believes it is best qualified to perform the engagement, and a statement that the proposal is a firm and irrevocable offer for one month after the due date of proposal. The transmittal letter must also clearly state and

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justify any exception to the requirements of the RFP that the applicant may have taken in presenting the proposal.

2. Table of Contents - A table of contents must clearly identify each section by page number.
3. Mandatory Criteria - **No proposal will move forward for full technical review and scoring unless the mandatory items are fully addressed as requested in this section.**

a. Independence

The firm **must** provide an affirmative statement that it is independent of the State of Delaware, the municipalities listed at section V. B., and AOA as defined by engagement standards in the U.S. Government Accountability Office's *Government Auditing Standards*.

The firm **must** also list and describe the firm's professional relationships involving the State of Delaware and the engagement entity for the past five years, together with a statement explaining why each relationship does not constitute a conflict of interest relative to performing the proposed engagement. If the firm has had no relationships within the last five years, the proposal **must** include a declarative statement.

In addition, the firm **must** give AOA immediate written notice and obtain approval from AOA of any professional relationships with the State of Delaware and its related entities before they are entered into during the contract period.

b. License to Practice in Delaware & Delaware Business License

The applicant **must** provide: (1) a copy of valid Delaware CPA licenses or authorization to practice in the State of Delaware from the National Association of State Board of Accountancy (NASBA) for the engagement partner, manager, and supervisor in-charge, and (2) a copy of a current Delaware State business license for the firm.

c. Firm Qualifications and Experience

The proposer **must** state the size of the firm, the size of the firm's governmental staff, the location of the office from which the work on this engagement is to be performed, the number and nature of the professional staff to be employed in this engagement on a full-time basis, and the number and nature of the staff to be employed on a part-time basis.

If the proposer is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium **must** be separately

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identified and the firm that is to serve as the principal auditor must be noted, if applicable.

d. Peer Review

The proposer **must** submit a copy of the most current peer review and a statement whether the quality control review included a government engagement. A proposer must be in compliance with generally accepted government auditing standards (GAGAS) peer review requirements.

e. Suspension and Debarment

The firm **must** certify that it has not been suspended or debarred from performing government engagements or other governmental activity. In addition, the firm must certify that it has not been the subject of any disciplinary action or inquiry in any jurisdiction during the past three years.

Any firm ineligible to conduct business in the State of Delaware for any reason is ineligible to respond to the RFP.

f. Insurance

The firm, as an independent contractor to the State, **must** provide a copy of insurance for claims under the Worker's Compensation Act and from any other claims for damages for personal injury, including death, which may arise from operations under this Contract. The firm's copy of insurance **must** demonstrate that it currently carries insurance of minimum limits as follows:

Commercial General Liability	\$1 million per claim/ \$3 million aggregate
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Professional Liability	\$1 million per claim/ \$3 million aggregate
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g. Partner, Supervisor, and Staff Qualifications and Experience

The firm **must** identify the engagement team: engagement partners, managers, supervisors, staff auditors, and specialists. For each person, the firm must indicate whether the person is registered or licensed to practice as a Certified Public Accountant in the State of Delaware; provide information on the person's government auditing experience, including information on relevant continuing professional education for the past three years and membership in professional organizations relevant to the performance of this engagement; and discuss whether or not that person,

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within the past three years, has been the subject of any disciplinary action or inquiry in any jurisdiction.

The firm must identify the extent to which staff to be assigned to the engagement reflect the State of Delaware's commitment to Affirmative Action.

Engagement partners, managers, supervisors, and staff auditors may be changed if those personnel leave the firm, are promoted, are assigned to another office, or for other reasons with the express prior written permission of AOA. However, in either case, AOA retains the right to approve or reject replacements and the replacements must have substantially the same or better qualifications or experience.

Consultants and firm specialists mentioned in response to this RFP can only be changed with the express prior written permission of AOA, which retains the right to approve or reject replacements.

- h. Statement on Subcontracting & Third Party Service Providers  
The firm must include a statement that the work will not be subcontracted and that none of the work products will be subjected to a third party service provider.
- i. Non-Collusion Statement  
The form, located at Appendix B, must be completed and signed by an authorized representative of the firm.

4. Technical Criteria

- a. Prior Engagements with AOA  
All engagements performed for AOA within the last three years must be listed in the proposal. These engagements must be ranked on the basis of total staff hours and by type of engagement (i.e., audit, management advisory services, other). The scope of work, date, engagement partners, total hours, the location of the firm's office from which the engagement was performed, and the name and telephone number of the principal client contact must also be detailed.
- b. Similar Engagements with Other Government Entities  
For the firm's office that will be assigned responsibility for the engagement, the firm must list the most significant engagements (maximum of 5) performed in the last three years that are similar to the engagement described in this RFP. These engagements must be ranked on the basis of total staff hours and must indicate the scope of work, date,

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engagement partners, total hours, and the name and telephone number of the principal client contact.

c. Specific Engagement Approach

The proposal must set forth a work plan including, but not limited to, the following as applicable:

- (1) Proposed segmentation of the engagement.
- (2) Level of staff and number of hours to be assigned to each proposed segment of the engagement **without dollars**.
- (3) Sample methodology and the extent to which sampling is to be used in the engagement.
- (4) Extent of software to be used in the engagement.
- (5) Processes to ensure quality of engagement.
- (6) Approach to manage the engagement process and ensure appropriate time and staff commitments to meet AOA deadlines.
- (7) Firms that were members of the AICPA's Government Audit Quality Center (GAQC) during peer review must disclose such information. If a firm has joined since the last peer review, they must disclose the membership date.

B. Cost Proposal

The cost proposal will include a transmittal letter with the name of the firm and certification that the person signing the proposal is entitled to represent the firm, empowered to submit the bid, and authorized to sign a contract with AOA.

The cost proposal must contain all cost information relative to performing the engagement as described in this RFP **for the engagement period presented in the schedule as outlined in Appendix A**. Out-of-pocket expenses for firm personnel (e.g., travel, lodging, and subsistence) will be reimbursed at the prevailing rates used by the State of Delaware for its employees. A statement **must** be included in the cost proposal stating that the firm will accept reimbursement for travel, lodging, and subsistence at the prevailing rate used by the State of Delaware for its employees.

VIII. Evaluation Process

During the evaluation process, AOA reserves the right to request additional information or clarification from proposers, or to allow corrections of errors or omissions. Additionally, AOA may request the firm or firms to make oral presentations as part of the evaluation process. Not all firms may be asked to make such oral presentations. All costs associated with participation in oral presentations conducted for the State of Delaware are the firm's responsibility.

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The Evaluation Committee may negotiate with one or more of the qualified firms during the same period and may, at its sole discretion, terminate negotiations with any and all firms at any time.

A. Review of Proposals

Proposals that do not meet or comply with the instructions of this RFP may be considered non-conforming, deemed non-responsive, and be subject to disqualification at the sole discretion of the Evaluation Committee.

The Evaluation Committee will use a point formula during the review process to score technical proposals. All assignments of points must be at the sole discretion of the Evaluation Committee. Each member of the Technical Evaluation Committee will first score each technical proposal by each of the criteria described in Section VII. The Technical Evaluation Committee will then convene to review and discuss these evaluations and to combine the individual scores to arrive at an average technical score for each firm. At any point a firm may be eliminated from further consideration for unacceptably low technical scores.

B. Evaluation Criteria

Only firms meeting the mandatory criteria and all of the “must” requirements of the RFP will have their proposals evaluated and scored for both technical qualifications and cost.

1. Technical Qualifications: (Maximum Points: 90)

Technical criteria will include, but are not limited to, staffing qualification, prior experience, AOA’s prior experiences with the firm, use of specialists, engagement approach and innovation, and realistic time estimates.

2. Cost: (Maximum Points: 10)

Cost **will not** be the primary factor in the selection of any firm.

C. Reservation of Rights

The Evaluation Committee reserves the right to:

- Select for contract or for negotiations a proposal other than that with the lowest costs.
- Reject any and all proposals or portions of the proposals received in response to this RFP, or to make no award or issue a new RFP.

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- Waive or modify any information, irregularity, or inconsistency in proposals received.
- Request modification to proposal from any or all contractors during the review and negotiation.
- Negotiate any aspect of the proposal with any firm and negotiate with more than one firm at the same time.

The Evaluation Committee reserves the right to reject any proposal as represented throughout this document and from a firm who:

- Has been convicted for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of the contract or subcontract;
- Has been convicted under State or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offenses indicating lack of business integrity or business honesty that currently and seriously affects responsibility as a State contractor;
- Has been convicted or has had a civil judgment entered for a violation under State or federal antitrust statutes;
- Has violated contract provisions such as:
  - Knowing failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract;
  - Failure to perform or unsatisfactory performance in accordance with terms of one or more contracts;
  - Has violated ethical standards set out in law or regulation;
  - Any other cause listed in regulations of the State of Delaware determined to be serious and compelling as to affect responsibility as a State contractor, including debarment by another government entity for cause listed in the regulations.

D. Confidentiality of Documents

All documents submitted as part of the firm's proposal will be deemed confidential during the evaluation process. Proposals will not be available for review by anyone other than AOA and the Evaluation Committee or its designated agents. There must be no disclosure of any firm's information to a competing firm prior to award of the contract.

The State of Delaware is a public agency as defined by State law, and as such, it is subject to the Delaware Freedom of Information Act, 29 Del. C., c. 100. Under the law, all the State of Delaware's records are public records, unless otherwise declared by law to be confidential, and are subject to inspection and reproduction by any person. Vendors are advised that once a proposal is received by the State of Delaware and a decision on contract award is made, its contents will become public

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record and nothing contained in the proposal will be deemed to be confidential except proprietary information.

Firms must not include any information in their proposal that is proprietary in nature or that they would not want to be released to the public. Proposals must contain sufficient information to be evaluated and a contract written without reference to any proprietary information. If a firm feels that it cannot submit its proposal without including proprietary information, it must adhere to the following procedure or the firm's proposal may be deemed unresponsive and will not be recommended for selection. The firm must submit such information in a separate email labeled "Proprietary Proposal Information" with the RFP number. The email must contain a letter from the firm's legal counsel describing the documents in the email, representing in good faith that the information in each document is not "public record" as defined by 29 Del. C. § 10002(d), and briefly stating the reasons that each document meets the said definitions.

IX. Contract Conditions

The firm awarded the contract will be required to enter into a written agreement with AOA. AOA reserves the right to incorporate standard State of Delaware contractual provisions into any contract negotiated as a result of a proposal submitted in response to an RFP. Any proposed modifications to the terms and conditions of the standard contract are subject to review and approval by AOA. The firm must be referred to as "Contractor" in the agreement.

The selected firm will be expected to enter negotiations with AOA, which will result in a formal agreement between the parties. Procurement will be in accordance with the subsequent contracted agreement. This RFP and the selected firm's response to this RFP will be incorporated as part of any formal agreement.

If the firm to whom the contract is awarded fails to enter in the agreement as herein provided, the award will be annulled and an award may be made to another firm. Such firm must fulfill every stipulation embraced therein as if they were the party to whom the first award was made.

The selected firm under this RFP must be subject to contractual provisions, in a form substantially similar to the following, as well as those agreed to by the parties and not specifically described herein.

A. Term

The term of the contract between the successful firm and AOA must be determined by AOA. The agreement may be terminated by AOA at any time by giving written notice to the Contractor of such termination. Upon such termination, the Contractor will be paid for the hours of work actually completed.

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In the event the successful firm materially breaches any obligation under this Agreement, the Contractor must not be relieved of any liability to the State of Delaware for damages suffered by it by virtue of any such breach. AOA may withhold any payments to Contractor for the purpose of set off for such damages.

B. Compensation

AOA agrees to pay Contractor compensation calculated solely on the amount of engagement work performed by firm's staff, based on actual hours billed and hourly rates as set forth in Appendix A herein, as well as approved out-of-pocket expenses.

Contractor agrees to bill AOA only for actual work performed and out-of-pocket expenses incurred during its performance of the engagement. Contractor **must** submit all invoices in electronic format for AOA approval. Any additional work outside the contract or for additional fees related to the contract is not permitted without the AOA Liaison's knowledge and approval. Invoices must include the name of the person who performed the work, the nature of work performed, the date(s) work was performed, the number of hours worked, and the corresponding hourly rate, in addition to the amounts, descriptions, and dates of all out-of-pocket expenses for which reimbursement is requested. If approved, AOA will forward the invoice to the engagement entity for payment or pay the invoice itself, depending on the type of engagement.

C. Non-Appropriation

In the event the General Assembly fails to appropriate the specific funds necessary to enter into or continue the contractual agreement, in whole or in part, the agreement must be terminated, as to any obligation of the State of Delaware requiring the expenditure of money for which no specific appropriation is available at the end of the last fiscal year for which no appropriation is available or upon the exhaustion of funds.

D. Notice of Termination

Any notice to AOA required under this Agreement must be in writing and sent by regular mail and registered mail to:

Attention: Kathleen A. Davies  
Chief Administrative Auditor  
Townsend Building, Suite 1  
401 Federal Street  
Dover, DE 19901

E. Formal Contract and Purchase Order

The successful firm must promptly execute an agreement incorporating the terms of this RFP within twenty business days after the award of the contract. When

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purchase orders are applicable, no bidder is to begin any service prior to receipt of a State of Delaware purchase order signed by two authorized representatives of the agency requesting service, properly processed through the State of Delaware Division of Accounting and the engagement entity, where applicable. The purchase order must serve as the authorization to proceed in accordance with the bid specifications and the special instructions, once it is received by the successful firm.

F. Indemnification

By submitting a proposal, the proposing firm agrees that in the event it is awarded a contract, the Contractor must defend, indemnify and save harmless the State from and against all liability, damages, costs or expenses, causes of actions, suites, judgments, losses, and claims including reasonable attorney's fees, brought against the State arising out of or resulting from the performance of the auditing services by Contractor under the Agreement resulting from this RFP to the extent caused by Contractor's negligence or arising from any breach or default Contractor under such Agreement. The foregoing obligation of Contractor to defend, indemnify and hold harmless the State must not extend or apply to any claim alleging that the State's financial statements are inaccurate or incomplete or were not prepared in accordance with generally accepted accounting principles. Further, in no event will Contractor indemnify and hold harmless the State from any claims or liabilities resulting from the acts of the State.

G. Compliance

In performance of the contract the firm is required to comply with all applicable federal, state and local laws, regulations, policies, guidelines and requirements of the jurisdiction in which the Agreement is performed, as well as all applicable professional conduct rules and guidelines. The cost of permits and other relevant costs required in the performance of the contract must be borne by the successful firm. The firm **must** be properly licensed and authorized to transact business in the State of Delaware as provided in 30 Del. C. §2502 and other applicable statutes and regulations.

H. Data Release Agreement

The Contractor ensures that there is no inappropriate use of State of Delaware information at any time. At no point will any information obtained for the purposes of this engagement be used in any transaction that does not include AOA. The firm may not use any personal information collected in connection with the service issued from this proposal for any purpose other than fulfilling the service. The Contractor must agree to the terms specified in Appendix C prior to the commencement of the engagement.

I. Confidentiality of Information

Any reports, information, data, etc. given to, prepared, or assembled by the Contractor under this Contract shall not be released or made available to any

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individual or organization by the Contractor without the prior written approval of AOA. All information must be properly secured to prevent unauthorized access in accordance with Internal Revenue Service (IRS) Publication 1075, Tax Information Security Guidelines for Federal, State, and Local Agencies. Notwithstanding the forgoing, the Contractor is authorized to disclose any information related to this Contract when required to by law, legal process, or applicable professional standards.

Audit working papers, summaries, and similar records must be retained electronically for three years after the completion of the engagement in accordance with the Delaware Public Archives Local Government General Records Retention Schedule.

At the end of the engagement all non-working papers must be destroyed in all forms (e.g. disk, CD, DVD, paper) except those items required for audit documentation purposes. Data shall be permanently deleted and shall not be recoverable, according to the National Institute of Standards and Technology (NIST) approved methods. Certificates of destruction must be provided to the State of Delaware.

J. Breach Notification

The Contractor must inform the State of Delaware of any security breach or detection of any suspicious intrusion that has occurred that jeopardizes the State of Delaware data, information, or processes. This notice must be given to the State of Delaware within 24 hours of its discovery. Full disclosure of the assets that might have been jeopardized must be made. In addition, if the breach requires public notification, all communication shall be coordinated with AOA and the Delaware Security Breach Notification laws located at 6 Del. C. c. 12B shall be followed. The firm will cover the costs of response and recovery from a data breach.

K. Use of Work Product

All reports developed under this Contract are the sole and exclusive property of the State, and the State has the exclusive right to their use.

L. Insurance

The firm recognizes that it is operating as an independent contractor, and not an employee of the State of Delaware, and that it is liable for any and all losses, penalties, damages, expenses, attorney's fees, judgments, and/or settlements incurred by reason of injury to or death of any and all persons, or injury to any and all property, of any nature, arising out of the contractor's negligent performance under this contract, and particularly without limiting the forgoing, caused by, resulting from, or arising out of any act of omission on the part of the contractor in their negligent performance under this contract.

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The firm **must** certify that it must maintain such insurance as will protect against claims under Worker’s Compensation Act and from any other claims for damages for personal injury, including death, which may arise from operations under the Agreement. The firm is an independent contractor and is not an employee of the State of Delaware.

The firm **must**, at its expense, carry insurance of minimum limits as follows:

Commercial General Liability	\$1 million per claim/ \$3 million aggregate
Professional Liability	\$1 million per claim/ \$3 million aggregate

The firm **must** provide a certificate of insurance as proof that the firm has the required insurance.

M. Non-Discrimination

In performing the services subject to this RFP, the firm agrees that it will not discriminate against any employee or applicant for employment because of race, creed, age, marital status, religion, color, sex, genetic information, national origin, or disability. The successful firm must comply with all federal and state laws, regulations and policies pertaining to the prevention of discriminatory employment practice. Failure to perform under this provision constitutes a material breach of contract.

N. Covenant Against Contingent Fees

The successful firm warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement of understanding for a commission or percentage, brokerage or contingent fee excepting bona-fide employees, bona-fide established commercial or selling agencies maintained by the bidder for the purpose of securing business. For breach or violation of this warranty, AOA must have the right to annul the contract without liability or at its discretion to deduct from the contract cost or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

O. Contract Documents

The RFP, the Purchase Order and the executed Agreement between AOA and the successful firm must constitute the Contract between AOA and the firm. In the event there is any discrepancy between any of these contract documents, the following order of documents governs so that the former prevails over the latter: Agreement, Purchase Order, and RFP. No other documents must be considered. These documents contain the entire agreement between AOA and the firm. The firm

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agrees to be bound by the terms of this RFP pending final execution of the Agreement by the parties.

P. Applicable Law

The laws of the State of Delaware must apply, except where Federal law has precedence. The successful firm consents to exclusive jurisdiction in the State of Delaware and agrees that any litigation relating to this Agreement must be filed and litigated in a court in the State of Delaware.

Q. Scope of Agreement

If the scope of any provision of this Agreement is too broad in any respect whatsoever to permit enforcement to its full extent, then such provision must be enforced to the maximum extent permitted by law, and the parties hereto consent and agree that such scope may be judicially modified accordingly and that the whole of such provisions of the Agreement must not thereby fail, but the scope of such provisions must be curtailed only to the extent necessary to conform to the law.

X. Additional Services

If, during the course of the engagement, the firm suspects that there will be significant delays in the timing of the work due to the actions of the engagement entity, such as not providing requested items in a timely manner or not adhering to the agreed-upon time schedule discussed at the entrance conference, the firm must notify AOA immediately. AOA and the firm will discuss the issues and develop a solution for completing the engagement. Further, if these delays cause the firm to perform additional work, the AOA liaison must approve any additional hours **before** they are incurred.

If it must become necessary for AOA to request the firm to render any additional services to either supplement the services requested in this RFP or to perform additional work as a result of the specific recommendations included in any report issued on this engagement, then such additional work must be performed only if set forth in an addendum to the Agreement between AOA and the firm. Any such additional work agreed to between AOA and the firm must be performed at the same rates set forth in the schedule of fees and expenses included in the cost proposal.

XI. Manner of Payment Notice

Progress payments may be made no more frequently than 30, 60, 90, and 100 percent of completion based on the hours of work completed during the course of the engagement and out-of-pocket expenses incurred in accordance with the firm's cost proposal and not less than a calendar month.

The invoice must include the following: (1) name of engagement entity/engagement; (2) amount and if it is a progress or final invoice; and (3) a breakdown of staff and hours for

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each. Ten percent of the contract amount will be retained until the Exit Conference has been held and the final reports have been reviewed and accepted by AOA.

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Appendix A

Schedule of Professional Fees and Expenses  
For the Audit of the Department of XYZ  
For Fiscal Years 20X1 – 20X2

	<u>Hours</u>	<u>Hourly Rates</u>	<u>Total</u>
Partner	10	\$ 180	\$ 1,800
Manager	15	150	2,250
Supervisor	63	125	7,875
Senior	-	-	-
Staff	49	87	4,263
Other (travel, lodging, meals, etc.)			<u>665</u>
Totals	<u>137</u>		<u>\$ 16,853</u>

Sample

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Appendix B

Non-Collusion Statement

This is to certify that the undersigned Vendor has not, directly nor indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal. The undersigned Vendor further certifies that it is not a subcontractor to another vendor who also submitted a proposal as a primary vendor in response to this solicitation.

Signature of the authorized representative **MUST** be of an individual who legally may enter his/her organization into a formal contract with the State of Delaware, Office of Auditor of Accounts.

Company Name: \_\_\_\_\_

Check One:  Corporation       Partnership       Individual

Company Classifications: [This information is used for statistical purposes only.]

(circle one)

Women Business Enterprise (WBE)	Yes	No
Minority Business Enterprise (MBE)	Yes	No
Disadvantaged Business Enterprise (DBE)	Yes	No

Authorized Representative and Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

Notary Public: \_\_\_\_\_ Commission Expires: \_\_\_\_\_

City of \_\_\_\_\_ County of \_\_\_\_\_ State of \_\_\_\_\_

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Appendix C

Data Release Agreement

1	The State of Delaware shall own all right, title and interest in its data that is related to the services provided by this contract.
2	The Contractor will ensure that there is no inappropriate use of State of Delaware information at any time. To this end, the firm shall comply with the following conditions: At no time will any information, belonging to or intended for the State of Delaware, be copied, disclosed, or retained by Contractor or any party related to Contractor for subsequent use in any transaction that does not include the State of Delaware. Contractor may not use any personal information collected in connection with the service issued from this proposal for any purpose other than fulfilling the service.
3	Contractor will account for all copies of the State of Delaware data.
4	Contractor must inform the State of Delaware of any security breach or detection of any suspicious intrusion that is or has occurred that jeopardizes the State of Delaware data or processes. This notice must be given to the State of Delaware within 24 hours of its discovery. Full disclosure of the assets that might have been jeopardized must be made. In addition, if the breach requires public notification, all communication shall be coordinated with the State of Delaware. The Contractor will cover the costs of response and recovery from a data breach.
5	The Contractor must encrypt all data in transit via Secure FTP.
6	Only assigned Contractor staff / auditors will have access to the State of Delaware Data and assigned Contractor staff / auditors may be required to be cleared through the State's Security Clearance Program prior to the review of State's data.

Contractor:

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Print Name	Title	Signature	Date
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State of Delaware:

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Print Name	Title	Signature	Date
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Appendix D

Frequently Asked Questions

1. What were the fees and hours needed to complete the prior year engagement?  
The procedures completed in the prior year engagement are different than the procedures included in this RFP. Therefore, the prior year fees and hours are not comparative to the current engagement. Further, the hours and fees are contingent upon the control environment at each municipality.
2. Is there a prior report?  
The Town of Milton Municipal Grants FY2010 and FY2011 Agreed-Upon Procedures report has been issued and is available at [auditor.delaware.gov](http://auditor.delaware.gov). However, the procedures per this RFP are different from those included in that report.
3. Did any event occur that would make the current year engagement significantly different from the prior year?  
As mentioned above, the procedures have changed for the current year engagement and any subsequent events would be unique for each municipality.
4. The RFP asks for authorization from NASBA. Since Delaware is a State that is part of the Portability Act, can we just say that we meet the requirements of the Act and provide a copy of our firm [State] license and a copy of the [State] licenses for the Partner, Manager, and Supervisor in the proposal?  
Yes, that is acceptable. Copies of the firm and the partner, manager, and supervisor-in-charge licenses must be provided. Please keep in mind that a copy of a valid State of Delaware business license is also required.
5. What do you want to see in the proposal pertaining to Affirmative Action? Can we simply say that we have an Affirmative Action Policy? What identifying information on engagement staff is needed regarding Affirmative Action?  
Yes, you may state that you have an Affirmative Action Policy. The RFP states, “The firm must identify the extent to which staff to be assigned to the engagement reflect the State of Delaware’s commitment to Affirmation Action.”
6. Can we include an insurance binder showing our limits to satisfy the proof of Insurance requirement?  
Yes, however AOA will require the selected firm to provide evidence of actual insurance prior to the contract being signed.

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7. Can you share with us the information given to other bidders in response to their inquiries?

Answers to all questions received are posted at [bids.delaware.gov](http://bids.delaware.gov).

8. What assistance is given to the auditors during the audit?

Per the RFP, "The firm agrees it will not prepare the schedule of awards or the schedule of MSAF expenditures. The firm should notify AOA immediately of any request to perform such services."

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Appendix E

Municipal Street Aid Fund Agreed-Upon Procedures

1. Ascertain if the municipality maintains a separate bank account designated as MSAF. [30 Del. C. §5165(a)]
2. Verify that the municipality furnished evidence to the Office of the State Treasurer that the municipal employees authorized to expend municipal street aid funds are bonded in an amount as may be required by the charter of the municipality. [30 Del. C. §5165(b)(1)]
3. Obtain evidence that the municipality submitted an annual expenditure report to the Office of the State Treasurer no later than October 1 that reflected the expenditures of the municipal street aid funds for the period under review. [30 Del. C. §5165(b)(2)]
4. Obtain a schedule prepared by the municipality of all MSAF expenditures, including the cancelled checks and supporting documentation for the engagement period, to ensure that an amount not exceeding 30% of the annual grant was used for the following:
  - a. Construction, installation, repair, maintenance, replacement of water and sewer systems.
  - b. Preparation or revision of comprehensive plans for urban renewal.
  - c. Payment of principal and interest on any bonds issued for purpose of subdivision. [30 Del. C. §5165(a)(1)]
5. In addition to expenditures authorized in step above, review 10% (but at minimum 1) of cancelled checks (using a random selection method) and trace them to the supporting documentation to determine that they were restricted to the following categories:
  - a. Street improvements.
  - b. Lighting of streets and all expenses related thereto.
  - c. Payment of principal and interest on any bonds issued for street improvements. [30 Del. C. §5165(a)(2)]

Inspect the internal records maintained by the municipality and supporting documentation to determine whether expenditures out of the MSAF account were paid timely in accordance with the State of Delaware *Budget and Accounting Manual*.

6. Review the bid process to determine if street improvement contracts were awarded in accordance with 29 Del. C. ch. 69 and 30 Del. C. §5165(b)(3).
7. Request the MSAF bank statement to determine if any excess funds were invested in short term, government securities, or deposited in a bank or savings and loan, interest bearing account, or agency of the U.S. Government. If so, determine that the interest earned was expended in an approved program category. [30 Del. C. §5165(c)]

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8. Obtain from the Delaware Department of Transportation a copy of the affidavit signed by the municipality and ensure the affidavit is submitted to the Department of Transportation no later than May 15. Review supporting documentation maintained by the municipality and agree to the population and street data reported. [30 Del. C. §5165(b)(4)]
9. Obtain the Department of Transportation's allocation of Municipal Street Aid Funds. Recalculate the municipality's share of funds to verify the accuracy of the computation. [30 Del. C. §5163]

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Appendix E

State Aid to Local Law Enforcement Fund (SALLE) Agreed-Upon Procedures

1. Obtain from the municipality a schedule of SALLE grants received or expended during the two fiscal years under review. The schedule should detail each grant by year of award and include any amounts received, expended, and remaining during each fiscal year under review, to the extent that time has passed (see example schedules).
2. For any new police officers employed during the two fiscal years under review, inspect the personnel records and document that the officer has a certificate of completion from a police academy certified by the Council on Police Training. [11 Del. C. §8405]
3. Inspect ten percent, or a minimum of five, of the personnel records of all police officers employed during the two fiscal years under review and document the training courses attended by those officers during that period. [11 Del. C. §8405]
4. Review appropriate payroll records to determine if all police salaries paid during the two fiscal years under review are equal to or above the minimum required salary. [SALLE Manual, Chapter II, 3]
5. Obtain a copy of the “SALLE Statement of Sworn Officers” document for the two fiscal years under review and agree the number of full-time, sworn officers who have been certified and were on the municipality’s payroll as of July 1. [SALLE Manual, Chapter III, 2]
6. For all SALLE funds expended during the two fiscal years under review, select ten (or all if less than ten) expenditure transactions and supporting documentation for each fiscal year from the cancelled checks to verify that funds expended were not used for prohibited items. Also review all expenditure transactions and supporting documentation over \$5,000. [Guidance for allowable and unallowable expenditures can be found in Chapter IV of the SALLE Manual.] Determine if expenditures were made timely in accordance with the State of Delaware *Budget and Accounting Manual*.
7. Verify that all SALLE grants fully expended during the two fiscal years under review submitted a “Final Report Form” to the Department of Safety and Homeland Security (DSHS). [SALLE Manual, Chapter III, 9]
8. Ascertain that, if the SALLE funds were used to match federal funds, the federal funds to be matched were identified at the time the SALLE grant was submitted. A letter must be submitted to the Grant Administrator requesting permission to match a federal program prior to the SALLE funds being used. [SALLE Manual, Chapter V, 6]

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9. If SALLE funds from the prior fiscal year were not expended, obtain support from the municipality that the Grant Administrator was notified that the funds would be carried over to the next fiscal year(s). [SALLE Manual, Chapter V, 7]

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Appendix E

Emergency Illegal Drug Enforcement Fund (EIDE) Agreed-Upon Procedures

1. Obtain from the municipality a schedule of EIDE grants received or expended during the two fiscal years under review. The schedule should detail each grant by year of award and include any amounts received, expended, and remaining during each fiscal year under review, to the extent that time has passed (see example schedules).
2. For any new police officers employed during the two fiscal years under review, inspect the personnel records and document that the officer has a certificate of completion from a police academy certified by the Council on Police Training. [11 Del. C. §8405]
3. Inspect ten percent, or a minimum of five, of the personnel records of all police officers employed during the two fiscal years under review and document the training courses attended by those officers during that period. [11 Del. C. §8405]
4. Review appropriate payroll records to determine if all police salaries paid during the two fiscal years under review are equal to or above the minimum required salary. [EIDE Manual, Chapter II, 3]
5. Obtain a copy of the “EIDE Statement of Sworn Officers” document for the two fiscal years under review and agree the number of full-time, sworn officers who have been certified and were on the municipality’s payroll as of July 1. [EIDE Manual, Chapter III, 2]
6. For all EIDE funds expended during the two fiscal years under review, select ten (or all if less than ten) expenditure transactions and supporting documentation for each fiscal year from the cancelled checks to verify that funds expended were not used for prohibited items. Also review all expenditure transactions and supporting documentation over \$5,000. [Guidance for allowable and unallowable expenditures can be found in Chapter IV of the EIDE Manual.] Determine if expenditures were made timely in accordance with the State of Delaware *Budget and Accounting Manual*.
7. Verify that all EIDE grants fully expended during the two fiscal years under review submitted a “Final Report Form” to DSHS.
8. Ascertain that, if the EIDE funds were used to match federal funds, the match did not exceed 25% of the total grant. [EIDE Manual, Chapter IV, 2]
9. If EIDE funds from the prior fiscal year were not expended, obtain support from the municipality that the Grant Administrator was notified that the funds would be carried over to the next fiscal year(s). [EIDE Manual, Chapter V, 4]

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Appendix F

Example Schedules to be prepared by the municipality for each fiscal year under review:

<b>Schedule of Awards and Expenditures as of June 30, 20X1</b>				
<b>Grant</b>	<b>Received</b>	<b>Previously Expended</b>	<b>Expended During FY 20X1</b>	<b>Remaining</b>
01-SALLE-A	\$ 1,000	\$ 600	\$ 400	\$ 0
02-SALLE-B	900	0	300	600
03-SALLE-C	1,100	0	0	1,100
<b>TOTAL SALLE</b>	<b>\$ 3,000</b>	<b>\$ 600</b>	<b>\$ 700</b>	<b>\$ 1,700</b>
01-EIDE-A	\$ 500	\$ 400	\$ 100	\$ 0
02-EIDE-B	800	0	400	400
03-EIDE-C	600	0	0	600
<b>TOTAL EIDE</b>	<b>\$ 1,900</b>	<b>\$ 400</b>	<b>\$ 500</b>	<b>\$ 1,000</b>

<b>Schedule of Awards and Expenditures as of June 30, 20X2</b>				
<b>Grant</b>	<b>Received</b>	<b>Previously Expended</b>	<b>Expended During FY 20X1</b>	<b>Remaining</b>
02-SALLE-B	\$ 900	\$ 300	\$ 600	\$ 0
03-SALLE-C	1,100	0	800	300
04-SALLE-D	700	0	0	700
<b>TOTAL SALLE</b>	<b>\$ 2,700</b>	<b>\$ 300</b>	<b>\$ 1,400</b>	<b>\$ 1,000</b>
02-EIDE-B	800	400	400	0
03-EIDE-C	600	0	500	100
04-EIDE-D	500	0	0	500
<b>TOTAL EIDE</b>	<b>\$ 1,900</b>	<b>\$ 400</b>	<b>\$ 900</b>	<b>\$ 600</b>

<b>Municipal Street Aid Fund expenditures as of June 30, 20X1</b>			
<b>Date</b>	<b>Vendor</b>	<b>Amount</b>	<b>Description of Expenditure</b>
June 1, 20X1	Delaware Pavers	\$5,000	Street Maintenance

<b>Municipal Street Aid Fund expenditures as of June 30, 20X2</b>			
<b>Date</b>	<b>Vendor</b>	<b>Amount</b>	<b>Description of Expenditure</b>
May 15, 20X2	Street Light Inc.	\$1,000	Street Light Repair

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Appendix G

Background Section for Report Template

**Municipal Street Aid Fund (MSAF)**<sup>1</sup>

The State Legislature annually appropriates a portion of the Delaware Transportation Trust Fund to be distributed by the State Treasurer to each of the 57 municipalities. The money is to be used for the maintenance of city maintained streets as prescribed in 30 Del. C. §5165. Distribution is based on two factors:

- Population certified by the U.S. Bureau of Census, Delaware Population Consortium or a prescribed enumeration (40% of distribution)
- Mileage as verified by the Data Collection Unit (60% of distribution)

30 Del. C. §5165 also requires annual reporting by the municipalities to the State Treasurer and the Department of Transportation. The annual reporting requirements have been incorporated into the agreed-upon procedures performed during this engagement.

**State Aid to Local Law Enforcement (SALLE) Grant Fund**<sup>2</sup>

Since 1969, the Delaware Legislature has allocated funds through the Grant-in-Aid Bill annually to aid local law enforcement agencies and improve their effectiveness. This program has been named the State Aid to Local Law Enforcement Program, otherwise known as SALLE.

All related SALLE funds are appropriated to the Department of Safety and Homeland Security, which is then responsible for tracking the funds in the State's accounting system and distributing the funds to the municipalities.

A police department receiving SALLE money must be in compliance with the Delaware Police Training Program described in 11 Del. C. Chapter 84. Annually, officers must attend 16 hours of additional training and obtain firearms recertification three times per year, including two day shoots and one night shoot. Further, all officers in the State shall successfully complete a First Responder Course every two years and be certified in cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED). Upon completion of basic training, the officer receives a certificate from The Delaware Council on Police Training with a Council on Police Training number.

A SALLE Manual has been developed, which promulgates the various requirements and the application process a municipality must follow in order to qualify for SALLE funding. In addition, the SALLE Manual requires the development of an eight person committee that is responsible for the review and approval of all applications for SALLE funds by the individual municipalities. Municipalities may apply for grant money between July 31 and January 31 of each fiscal year, and each grant is open for a three year period.

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<sup>1</sup> <http://www.deldot.gov/information/projects/msa/index.shtml>

<sup>2</sup> SALLE Manual, Chapter I

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A program administrator is also responsible for collecting information from the municipalities to ensure that they are meeting certain criteria. The various requirements contained within the SALLE Manual have been incorporated into the agreed-upon procedures performed during this engagement.

**Emergency Illegal Drug Enforcement (EIDE) Grant Fund**<sup>3</sup>

Through the Grant-in-Aid Bill, the Delaware Legislature has also allocated funds to the SALLE Committee to be used for EIDE programs. Funds may be used for drug related enforcement or the purchase of drug enforcement equipment.

A police department receiving EIDE money must be in compliance with the Delaware Police Training Program described in 11 Del. C. Chapter 84, as mentioned in the SALLE background section.

All EIDE funds are approved and distributed in the same manner as SALLE funds. Additionally, an EIDE Manual has been developed similar to that of the SALLE Manual. Municipalities may apply for EIDE grant money between July 31 and January 31 of each fiscal year, and each grant is open for a three year period. The various requirements contained within the EIDE Manual have been incorporated into the agreed-upon procedures performed during this engagement.

**Municipal Grants Received**

See Appendix XX for a summary of municipal grants received by each municipality in the State of Delaware for the State Fiscal Years Ended June 30, 2010 (Fiscal Year 2010) and June 30, 2011 (Fiscal Year 2011).

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<sup>3</sup> EIDE Manual, Chapter I

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Appendix H

<b>Fiscal Year 2010 and Fiscal Year 2011 State of Delaware Municipal Grants Awarded<sup>4</sup></b>						
<b>Municipality</b>	<b>Fiscal Year 2010 MSAF<sup>5</sup></b>	<b>Fiscal Year 2010 SALLE</b>	<b>Fiscal Year 2010 EIDE</b>	<b>Fiscal Year 2011 MSAF</b>	<b>Fiscal Year 2011 SALLE</b>	<b>Fiscal Year 2011 EIDE</b>
Arden	\$ -	\$ -	\$ -	\$ 14,116	\$ -	\$ -
Ardencroft	-	-	-	4,794	-	-
Ardentown	-	-	-	8,743	-	-
Bellefonte	-	-	-	7,565	-	-
Bethany Beach	-	4,451	3,730	86,912	4,264	3,596
Bethel	-	-	-	6,599	-	-
Blades	-	3,161	3,081	23,124	3,421	3,199
Bowers Beach	-	-	-	8,285	-	-
Bridgeville	-	4,129	3,567	39,476	3,983	3,464
Camden	-	4,935	3,973	52,749	4,686	3,795
Cheswold	-	3,484	3,243	9,338	3,421	3,199
Clayton	-	4,129	3,567	31,036	3,843	3,397
Dagsboro	-	3,323	3,162	14,287	3,281	3,132
Delaware City	-	3,484	3,243	35,558	3,421	3,199
Delmar	-	4,935	3,973	28,309	4,686	3,795
Dewey Beach	-	4,129	3,567	13,982	4,124	3,530
Dover	-	17,836	10,457	526,814	15,360	8,830
Ellendale	-	-	-	13,569	-	-
Elsmere	-	4,613	3,811	85,666	4,405	3,663
Farmington	-	-	-	1,382	-	-
Felton	-	3,645	3,324	25,475	3,562	3,265
Fenwick Island	-	3,806	3,405	26,651	3,702	3,331
Frankford	-	-	-	11,763	-	-
Frederica	-	-	-	11,366	-	-
Georgetown	-	6,064	4,540	110,672	5,528	4,193
Greenwood	-	3,323	3,162	20,238	3,140	3,066
Harrington	-	4,451	3,730	57,009	4,124	3,530
Hartly	-	-	-	651	-	-
Henlopen Acres	-	-	-	13,313	-	-
Houston	-	-	-	9,332	-	-
Kenton	-	-	-	4,276	-	-

<sup>4</sup> The schedule was prepared by AOA from information gathered from various sources. We retrieved the data related to MSAF from the Delaware Department of Transportation – Projects webpage (<http://deldot.gov/information/projects/msa/index/.shtml>). DSHS provided the data related to the SALLE and EIDE funds. No additional work was performed, using this table, outside of the previously stated audit procedures.

<sup>5</sup> MSA Funds were not appropriated during Fiscal Year 2010.

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<b>Fiscal Year 2010 and Fiscal Year 2011 State of Delaware Municipal Grants Awarded<sup>4</sup></b>						
<b>Municipality</b>	<b>Fiscal Year 2010 MSAF<sup>5</sup></b>	<b>Fiscal Year 2010 SALLE</b>	<b>Fiscal Year 2010 EIDE</b>	<b>Fiscal Year 2011 MSAF</b>	<b>Fiscal Year 2011 SALLE</b>	<b>Fiscal Year 2011 EIDE</b>
Laurel	-	5,580	4,297	59,046	5,107	3,994
Leipsic	-	-	-	3,874	-	-
Lewes	-	5,096	4,054	83,461	4,686	3,795
Lewes BPW	-	-	-	-	-	-
Little Creek	-	-	-	1,595	-	-
Magnolia	-	-	-	1,680	-	-
Middletown	-	7,354	5,189	271,283	7,073	4,921
Milford	-	7,838	5,432	183,800	6,933	4,855
Millsboro	-	5,258	4,135	46,297	4,685	3,795
Millville	-	-	-	1,655	-	-
Milton	-	4,451	3,730	42,251	4,264	3,596
New Castle	-	5,741	4,378	87,617	5,388	4,126
Newark	-	12,998	8,026	385,376	12,130	7,307
Newport	-	4,129	3,567	21,777	3,983	3,464
Ocean View	-	4,290	3,648	75,646	3,983	3,464
Odessa	-	-	-	7,987	-	-
Rehoboth Beach	-	6,064	4,540	93,314	5,247	4,060
Seaford	-	7,354	5,189	146,384	6,652	4,723
Selbyville	-	4,129	3,567	47,516	4,124	3,530
Slaughter Beach	-	-	-	6,724	-	-
Smyrna	-	6,548	4,783	157,965	6,231	4,524
South Bethany	-	3,968	3,486	41,170	3,702	3,331
Townsend	-	-	-	14,129	-	-
Viola	-	-	-	3,028	-	-
Wilmington	-	54,927	29,101	890,234	45,981	23,274
Woodside	-	-	-	2,119	-	-
Wyoming	-	3,645	3,324	21,022	3,562	3,265
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 233,268</b>	<b>\$ 167,981</b>	<b>\$ 4,000,000</b>	<b>\$ 212,682</b>	<b>\$ 154,208</b>

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**STATE AID TO LOCAL LAW ENFORCEMENT**

**MANUAL**

ISSUED BY:

STATE AID TO LOCAL LAW ENFORCEMENT COMMITTEE  
P.O. BOX 818  
DOVER, DELAWARE 19903  
(302) 744-2674

Document Number 450101031001

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**STATE AID TO LOCAL LAW ENFORCEMENT  
COMMITTEE MEMBERS**

INSPECTOR MARTIN DONOHUE	WILMINGTON DEPARTMENT OF POLICE
CAPTAIN QUINTON WATSON	NEW CASTLE COUNTY POLICE DEPT.
MAJOR MELISSA ZEBLEY	DELAWARE STATE POLICE
THOMAS PENOZA	PUBLIC MEMBER
CHIEF WILLIAM BRYSON	CAMDEN POLICE DEPARTMENT, REPRESENTING DELAWARE POLICE CHIEFS' COUNCIL
CHIEF SCOTT COLLINS	CHAIRMAN, SUSSEX COUNTY POLICE CHIEFS ASSOCIATION
CHIEF JAMES HOSFELT	DOVER POLICE DEPARTMENT, REPRESENTING KENT COUNTY POLICE CHIEFS
VACANT	PUBLIC MEMBER
DEBORAH GOLDEN	PROGRAM ADMINISTRATOR

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**LIST OF ATTACHMENTS**

- A. TITLE 11, CHAPTER 84, DELAWARE CODE, (TRAINING ACT)
- B. STATE AID TO LOCAL LAW ENFORCEMENT APPLICATION FOR PARTICIPATION IN THE STATE AID TO LOCAL LAW ENFORCEMENT PROGRAM
- C. STATEMENT OF SWORN OFFICERS FORM
- D. FORMULA FOR ALLOCATION OF FUNDS
- E. STATE AID TO LOCAL LAW ENFORCEMENT APPLICATION FORM
- F. FINAL REPORT FORM

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**CHAPTER I**

**What is State Aid to Local Law Enforcement (SALLE)?**

The Delaware Legislature each year since 1969, through the Grant In Aid Bill, has allocated funds to aid local law enforcement agencies and improve their effectiveness. This program has been named the State Aid to Local Law Enforcement Program or otherwise known as S.A.L.L.E..

The following committee structure and procedures for processing State Aid to Local Law Enforcement applications have been adopted by the State Aid to Local Law Enforcement Committee:

1. A committee of eight, henceforth referred to as the S.A.L.L.E. Committee, shall be composed of the following individuals.
  - a. Chairperson, Delaware Police Chiefs' Council (or their designate);
  - b. Chairperson, Sussex Police Chiefs' Association (or their designate);
  - c. Superintendent, Delaware State Police (or their designate);
  - d. Chief of Police, Wilmington Department of Police (or their designate);
  - e. Chief of Police, New Castle County Police Department (or their designate);
  - f. Police Chief, Kent County, to be elected by the Delaware Police Chiefs' from Kent County (or their designate);
  - g. Two public members to be appointed by the Chairman of the Criminal Justice Council;
2. A chairperson of the State Aid to Local Law Enforcement Committee, to be selected by the membership of the Committee, to serve a 2 year period, shall have the responsibility for scheduling all meetings and presiding over them. A quorum shall be constituted by the appearance of four (4) members of the Committee. All meetings will be conducted according to Robert's Rules of Order.

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3. The S.A.L.L.E. Committee shall be empowered with the following duties and responsibilities:
  - a. Development of any new guidelines and policies for S.A.L.L.E. grant processing;
  - b. Approval or disapproval of all applications for S.A.L.L.E. funding;
  - c. Notification of applicant agencies of approval of grant applications or reasons for disapproval.
4. Any issues which cannot be resolved by the S.A.L.L.E. Committee and any appeals as from actions of the SALLE Committee shall be referred to the Budget Director and the Controller General.
5. Guidelines governing the processing of S.A.L.L.E. applications shall be approved annually and remain in force until such time as revisions in those guidelines are proposed by the S.A.L.L.E. Committee.
6. Proposed changes to the S.A.L.L.E. Guidelines must be submitted to the Committee, in writing, at least 20 calendar days prior to a formal vote. This waiting period is intended to facilitate commentary on proposed changes, either written or in person, to the Committee prior to approval.
7. Final approval of all applications for S.A.L.L.E. funding and proposed changes to the S.A.L.L.E. guidelines must be approved by the Budget Director and the Controller General.

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**CHAPTER II**

**What requirements must be met by police departments applying for State Aid to Local Law Enforcement funding?**

The Committee has determined that the following requirements shall apply to any police department requesting a S.A.L.L.E. grant.

1. The requesting department must be in compliance with Title 11, Chapter 84 of the DELAWARE CODE entitled "Delaware Police Training Code and Regulations and Standards of the Council on Police Training". (See Attachment A).
2. The requesting department must be in compliance with the crime reporting requirements of the State Bureau of Identification.
3. The minimum salary to be paid by a police department is \$23,000. Effective July 1, 2005 the minimum is established at \$28,000.  
NOTE: These figures are subject to updating and revision.
4. The police agency must have been in operation for three consecutive years prior to applying for S.A.L.L.E. funds.

The three year operation guideline is lifted if a police agency agrees, in writing, with notarized signatures of the City/Town Council members, that if the police department should disband or cease to be a full time agency, or if a town/city refuses to pay the officers the minimum salary, all funds received within the three year eligibility period must be repaid to the S.A.L.L.E. program. After three years, when an agency meets the eligibility period, this agreement would expire.

5. The applying police agency must make application to participate in the program on a form provided by the S.A.L.L.E. Administrator. (See Attachment B). All information requested on the form must be included and the application must have the appropriate signatures of the Chief of Police, Mayor or Chief Administrator, and the Chief Fiscal Officer.

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**CHAPTER III**

**How are S.A.L.L.E. funds allocated?**

**Procedures for distributing S.A.L.L.E. funds**

1. The Delaware General Assembly allocates a certain amount of funds to the State Aid to Local Law Enforcement Committee for Aid to Local Law Enforcement Programs.
2. The eligible local law enforcement units are required to submit each fiscal year a Statement of full-time, sworn officers who have been certified and are working for the respective agency July 1 (Attachment C). This document has to be signed by the Mayor or Chief Local Official, the Chief of Police or Director of Public Safety, and the Chief Fiscal Officer.
3. Each eligible police agency shall be allocated a minimum sum to be designated by the State Aid to Local Law Enforcement Committee in addition to the per officer allocation.
4. The formula for computing the remaining funds that each unit is eligible for is based on dividing the number of full-time, sworn officers who have been certified as of July 1 into the amount of remaining funds allocated by the legislature to determine a per-officer figure. That per-officer figure is then multiplied by the number of full-time, sworn and certified officers per agency. The per-officer allocation is then added to the per agency allocation for the total agency allocation. (See Attachment D). An officer who was not employed by the applying agency on July 1 is not eligible to receive funds for that fiscal year (July 1 - June 30).
5. Based on verification and compilation of the above data, the eligible local law enforcement units will receive notice of funds reserved for use pending an approved grant application.
6. Specific application (See Attachment E) for funds can be made after July 31st but not later than January 31st of each fiscal year. Funds reserved for local units that are not specifically applied for or that have been obtained as a result of an agency becoming ineligible are subject to reallocation. Funds will be reallocated by the S.A.L.L.E. Committee giving preference to applications benefiting law enforcement on a statewide basis.

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By signing the application, the Chief of Police, Mayor or Chief Administrator, and the Chief Fiscal Officer are agreeing that the funds received will be used for the purpose outlined in the application. Use of S.A.L.L.E. grant funds for other purposes without prior approval from the S.A.L.L.E. Committee will result in the termination of the grant and will require repayment of the funds expended without approval. A serious or repeated violation of the requirement as determined by the S.A.L.L.E. Committee may result in the department's ineligibility to receive S.A.L.L.E. funds for the next grant year.

7. Applications will be reviewed by the S.A.L.L.E. Committee with appropriate action recommended within 30 days of the deadline. The Chief of Police or their designee, with authority to make grant decisions, must be present at the Committee meeting in which their grant is to be considered. Failure to send a representative will preclude the approval of the respective grant.
8. Formal notification of approval or unconditional approval will be made within 60 days of each deadline.
9. When the funds are expended or at the end of the project period, a final report (See Attachment F) must be submitted to the S.A.L.L.E. Administrator with documentation (bills, statements, etc.) to show proof that the funds were expended for the purpose stated in the grant application.
10. S.A.L.L.E. funds cannot be expended until the application form has been approved by the S.A.L.L.E. Committee. For example: an item must not be purchased prior to approval of an application to purchase that item and then, if the application is approved reimburse your original funding source with S.A.L.L.E. monies. This is supplanting and a violation of State of Delaware accounting procedures which govern the audit of the S.A.L.L.E. program. Final report forms reflecting supplanting will be forwarded to the S.A.L.L.E. Committee for action which may include a requirement that the agency reimburse the state and to withhold any additional funding request until reimbursement is made.
11. Agencies, who have an unencumbered available balance of 50% of previous allocations are not permitted to apply for funds for a next fiscal year. Permission to do so must be received by the S.A.L.L.E. Committee.

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**CHAPTER IV**

**What may State Aid to Local Law Enforcement funds be used for?**

1. At the direction of the Governor, the Committee is authorized to make grants of such funds to political subdivisions of this State, and law enforcement agencies thereof, which make application for the same, after it shall be satisfied that such grant and the local matching funds hereinafter described shall be used for any one of the following purposes, which shall be additional to the law enforcement program or functions of the local entity at time of such grant:
  - a. Public protection, including the development, evaluation, implementation and purchase of methods, devices, programs and equipment designed to improve or strengthen law enforcement and reduce crime in public and private places. Purchases of additional equipment or upgrades are permitted, following the normal application process and subject to the restrictions on Page 8.
  - b. The advanced training of law enforcement officers and special law enforcement units. All out of state training, not previously approved by the Committee, must be submitted to the S.A.L.L.E. Administrator prior to attendance. All out of state training must be in accordance with the State of Delaware Travel Policy.
  - c. Public education programs relating to crime prevention, and encouraging respect for law and order, including education programs in schools and programs to improve public understanding and cooperation with law enforcement agencies. Funding for School Resource Officers and DARE Programs are not permitted.
  - d. Salary enhancement at levels in excess of previous years combination of budgeted and S.A.L.L.E. expenditures. Local departments must make level of SALLE salary enhancement a permanent part of salary in subsequent years.
  - e. Overtime pay, to include other employee costs, to conduct special investigations and programs. Overtime may not be awarded to the Police Chief or the Deputy Police Chief from any agency with 9 or more officers. The following formula applies to Police Chiefs or Deputy Police Chiefs with less than 9 officers:

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In 1 to 2 person departments the Chief and Deputy Chief may use 100% of SALLE allocation for overtime; 3 to 4 person departments may use 75% of allocation for overtime; 5 to 6 person departments may use 50% of allocation for overtime; and 7 to 8 person departments may use 25% of SALLE allocation for overtime. In 9+ person departments the Chief and Deputy Chief are not eligible for overtime.

The manpower figure will be based on the Statement of Sworn Officers form submitted in July of the given fiscal year.

- f. Professional services (i.e. psychological).
  - g. New programs, not funded by existing sources, to enhance police services (i.e. canine, motorcycle), limited to first year start-up costs.
  - h. The rental of motor vehicles, on an as-needed basis, to conduct covert operations. The leasing of patrol vehicles or unmarked (staff) patrol vehicles are not permitted.
  - i. One-time vehicle enhancements.
  - j. Technology (hardware, software and end-user equipment) to include upgrades and maintenance thereof. All hardware, software and end-user equipment shall be compatible with the minimum standards set by the Department of Technology and Information (DTI), the Delaware Justice Information System (DELJIS) Board of Managers and any other applicable State of Delaware and federal system standards.
  - k. The upgrade of service weapons (handguns and shotguns) is permissible. The purchase and upgrade of special weapons (sub-machine guns, assault rifles, etc.) is permissible.
2. Grants of state funds hereunder may also be made for the planning and preliminary staffing and administration expenses associated with projects and programs in the categories set forth in subsection (a) of this Section. Such funds may be used by the local entities as part of the local matching share required by Federal Act if the federal local project or program is within the categories set forth in subsection (a) of this section.

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**What may State Aid to Local Law Enforcement funds NOT be used for?**

1. Maintenance expenditures on existing equipment (other than maintenance expenditures for technology equipment) which may be construed as routine budgetary. Replacement expenditures for existing equipment (other than replacement of technology equipment).
2. Reimbursing other agencies for hiring of personnel prior to completion of two years following training.
3. Salary enhancement except at levels in excess of previous years combination of budgeted and S.A.L.L.E. expenditures.
4. The purchase or leasing of equipment needed in order to justify the existence of a police agency (i.e. uniforms, weapons, vehicles, equipment specifically designed for traffic enforcement, telephones, cell phones, pagers, office supplies and utilities). Equipment not specifically listed may also be denied by the Committee based on the restrictions on page 8.
5. The use of funds to hire additional police officers or to pay the salary of a police officer that is already employed by the requesting agency, except for special projects approved by the S.A.L.L.E. Committee.
6. Personnel and ordinary salary costs (other than matching federal funds) including any benefit or insurance costs.
7. S.A.L.L.E. funds may not be used to purchase any alcoholic beverages or food except as provided by the State of Delaware Travel Policy.
8. Building maintenance, repair and capital improvements to police facilities, including furniture (excepting improvements directly related to enhancing officer safety, prisoner safety and evidence integrity).
9. Office lease/storage space rental
10. Routine training (CPR, AED, firearms certification, basic academy training)
11. Moving costs
12. Land
13. Items that do not clearly strengthen law enforcement abilities or provide a real service to the public (e.g. body fat analyzer).

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**CHAPTER V**

**Guidelines for Grant Amendments, Extensions, Audits and Reinstatements**

1. Grants under this program may be monitored (reviewed for program content) and will be audited to assure expenditure compliance with application. The S.A.L.L.E. Committee may require supplemental documentation to determine compliance with stated program content and budgetary limitations.
2. Recipients of S.A.L.L.E. funds must request approval from the S.A.L.L.E. Administrator prior to committing any funds to use for any purpose other than requested on the original application: 1) Requests for amendment not exceeding 20% of grant award and for project extensions not exceeding 6 months can be approved by the S.A.L.L.E. Administrator; 2) Requests for amendments exceeding 20% and 6 months must receive approval by the S.A.L.L.E. Committee.
3. When S.A.L.L.E. funds are received by the local police agencies they must be deposited in separate grant accounts. Under no circumstances are they to be combined with previous S.A.L.L.E. accounts (from other years) general funds, or combined with any federal funds.
4. Where applications will be used to match federal grants, all portions of the grant (federal and state aid) are subject to monitoring and/or evaluation requirements.
5. Where applications will be used to match federal funds, requests must be made by January 31st.
6. If the purpose of the grant is to use the S.A.L.L.E. funds to match federal funds, the federal funds to be matched must be identified at the time the S.A.L.L.E. grant is submitted, a letter must be submitted to the S.A.L.L.E. Administrator requesting permission to match a federal program prior to the S.A.L.L.E. funds being used.
7. Funds awarded in one fiscal year can be expended beyond the year of award, however, the S.A.L.L.E. Administrator must be notified of unexpended balances carried over to subsequent years.
8. State Aid funds used to match federal grants cannot be adjusted without an accompanying grant amendment for the federal subgrant.
9. Funds designated for redistribution will be awarded by the S.A.L.L.E. Committee.

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10. New agencies that wish to become participants in the S.A.L.L.E. program must submit an application (Attachment B) which states the number of full-time police officers in that department, the dates the officers were training, a statement of compliance with the S.B.I. requirements, and the date which the police agency was organized. This statement must be signed by the Mayor or Chief Official of that political subdivision and by the Chief of the Police Agency.

11. New police agencies applying to become participants in the S.A.L.L.E. Program must have been in operation and compliance with the guidelines for three (3) consecutive years prior to applying.

The three year operation guideline is lifted if a police agency agrees, in writing, with notarized signatures of the City/Town Council members, that if the police department should disband or cease to be a full time agency, or if a town/city refuses to pay the officers the minimum salary, all funds received within the three year eligibility period must be repaid to the S.A.L.L.E. program. After three years, when an agency meets the eligibility period, this agreement would expire.

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**CHAPTER VI**

**Reasons for Termination**

1. The termination of a grant may be caused by:
  - a. Misuse of subgrantee funds;
  - b. Improper financial reports and records;
  - c. Failure to submit appropriate reports and records in a timely fashion.
  - d. Inability of the program to carry out its purpose;
  - e. Failure to implement within 90 days.
2. Notification of termination action taken by the Committee will be made to the subgrantee within ten days of the date of the meeting. An appeal to the Criminal Justice Council Executive Committee may be taken by a subgrantee within ten days of notification of termination at the next scheduled Committee meeting.

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**CHAPTER VII**

**Disposition of funds and property upon termination.**

1. When a local or county government disbands or eliminates its police department any unexpended funds shall revert to the S.A.L.L.E. Committee for redistribution.
2. When a local or county government disbands or eliminates its police department any remaining equipment purchased with S.A.L.L.E. funds within the last 3 years of its existence shall revert to the S.A.L.L.E. Committee for redistribution.

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**CHAPTER VIII**

**Discrimination Prohibited**

No person in the United States shall, on the grounds of sex, race, creed, color, or national origin be excluded from participation in, be refused the benefits of, or otherwise subjected to discrimination under the subgrant program or any other project or program supported by the subgrant. Subgrantees must comply in every respect with the provisions and requirements of Title 6 of the Civil Rights Act of 1964 and Title 9 of the Education Act of 1972 and regulations issued by the U. S. Department of Justice thereunder as a condition of any award and as a condition of grant support.

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**Attachment A**

**CHAPTER 84. DELAWARE POLICE TRAINING PROGRAM**

Sec.

- [8401. Definitions.](#)
- [8402. Members of Council.](#)
- [8403. Organization of Council.](#)
- [8404. Powers and duties.](#)
- [8404A. Hearings.](#)
- [8405. Mandatory training; exceptions.](#)
- [8406. \[Repealed.\]](#)
- [8407. Compensation.](#)
- [8408. Appropriations.](#)
- [8409. Reimbursement.](#)
- [8410. Uncertified police officers.](#)

**§ 8401. Definitions.**

As used in this chapter:

- (1) "Approved school" means a school authorized by the Council to provide a mandatory training and education for police officers as prescribed in this chapter.
- (2) "Council" means the Council on Police Training.
- (3) "Permanent appointment" means appointment by the authority of any municipality or governmental unit in or of this State or the University of Delaware to permanent status as a police officer.
- (4) "Seasonal appointment" means appointment for less than 6 months each year but more than 4 weeks for police duties necessitated by seasonal demands.
- (5) "Police officer" means a sworn member of a police force or other law-enforcement agency of this State or of any county or municipality who is responsible for the prevention and the detection of crime and the enforcement of laws of this State or other governmental units within the State.
  - A. For purposes of this chapter this term shall include permanent full-time law enforcement officers of the Department of Natural Resources and Environmental Control and officers of the University of Delaware Police Division.
  - B. For purposes of this chapter this term shall not include the following:
    1. A sheriff, regular deputy sheriff or constable;
    2. A security force for a state agency or other governmental unit; or, a seasonal, temporary or part-time law enforcement officer of the Department of Natural Resources and Environmental Control;
    3. A person holding police power by virtue of occupying any other position or office.

(11 Del. C. 1953, § 8401; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1A; 63 Del. Laws, c. 31, § 1; 68 Del. Laws, c. 172, §§ 1, 2; 68 Del. Laws, c. 330, § 1.)

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**§ 8402. Members of Council.**

- (a) The Council shall be composed of 12 members.
- (b) The Council shall be composed of: a chairperson to be appointed by and to serve at the pleasure of the Governor; the Attorney General; the Superintendent of the Delaware State Police; the Chief of the City of Wilmington Police; the Chief of the New Castle County Police Department; the Chief of the City of Dover Police Department; the Chief of the City of Newark Police Department; the Superintendent of the Department of Public Instruction; the President of the Delaware League of Local Governments; the mayor or police commissioner of an incorporated municipality in Kent County, to be appointed by the Governor; the mayor or police commissioner of an incorporated municipality in Sussex County, to be appointed by the Governor; the Chairperson of the Delaware Police Chiefs' Council, Inc. The Chairperson shall have had substantial practical experience in the field of law enforcement.

(11 Del. C. 1953, § 8403; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, §§ 1B, 1C; 63 Del. Laws, c. 31, § 1; 65 Del. Laws, c. 492, §§ 1, 2; 68 Del. Laws, c. 49, §§ 1, 2; 70 Del. Laws, c. 186, § 1.)

**§ 8403. Organization of Council.**

- (a) A Vice-Chairperson and a Secretary shall be elected from among the members of the Council. The Council shall hold no less than 2 regular meetings each year and may meet at such other times as it may determine. The Chairperson shall fix the time and place of such meetings in the Commissioner's discretion, but upon written request of any 3 members, the Chairperson shall call a meeting pursuant to the terms of such request. Seven members shall constitute a quorum. Each member of the Council may have a proxy to represent the member at Council meetings.
- (b) Notwithstanding any provision of law, Council membership shall not disqualify any member from holding any other public or private employment or constitute a forfeit of such office.
- (c) Council members shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

(11 Del. C. 1953, § 8404; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1C; 63 Del. Laws, c. 31, § 1; 65 Del. Laws, c. 492, § 3; 68 Del. Laws, c. 49, § 3; 70 Del. Laws, c. 186, § 1.)

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**§ 8404. Powers and duties.**

(a) The Council may:

- (1) Establish minimum qualifications for applicants as police officers;
- (2) Establish minimum educational and training qualifications requisite to permanent appointment as a police officer;
- (3) Issue certification of completion of police officer training prescribed under this chapter;
- (4) Suspend or revoke certification in the event that an individual:
  - a. Obtained a certificate by fraud or deceit;
  - b. Has failed to successfully complete any in-service or advanced training required by the Council;
  - c. Has been convicted of a felony, or of a misdemeanor involving moral turpitude, or of any local, state or federal criminal offense involving, but not limited to, theft, fraud, or violation of the public trust, or of any drug law;
  - d. Has been found, after examination by a licensed psychologist or psychiatrist, to be psychologically or emotionally unfit to perform the duties or exercise the powers and authority of a police officer;
  - e. Has been discharged from employment with a law enforcement agency for a breach of internal discipline; or has tendered a resignation prior to the entry of findings of fact concerning an alleged breach of internal discipline and who is found by the Council to have engaged in conduct constituting a breach of internal discipline for which the individual could have been legitimately discharged had the individual not resigned the individual's position prior to an adverse finding of fact being entered on the issue by the employing agency;
- (5) Prescribe standards for in-service or continued training of police officers;
- (6) Establish minimum educational and training qualifications for seasonal employment as a police officer;
- (7) Establish certification and recertification requirements for police officer applicants who have previously been employed with permanent appointment as a police officer but have not been so employed within the 12 months prior to application;
- (8) Prescribe equipment and facility standards for schools at which police training courses shall be conducted, including but not limited to existing county or municipal schools;
- (9) Establish minimum training requirements, attendance requirements and standards of operations for police training schools;
- (10) Prescribe minimum qualifications for instructors at such schools and certify, as qualified, or decertify such instructors to their particular courses of study;
- (11) Approve and issue certificates of approval to such police training schools, to inspect such schools from time to time and to revoke for cause any approval or certificate issued to such schools;
- (12) Consult and cooperate with all agencies of government, state and local, concerning the development and administration of the training and standard program and to contract with such agencies as it deems necessary to the performance of its powers and duties;
- (13) Accept or receive grants or donations from any source, public or private, for the purposes of this chapter;

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(14) Make such rules and regulations as may be necessary to carry out the purposes and objectives of this chapter;

(15) Provide a modification from the application of any provision of this chapter or the rules and regulations promulgated thereunder, for any police officer of a municipality if:

a. The police officer is employed on a seasonal basis; and

b. The municipality makes application for such modification and establishes that it will suffer a hardship if the modification is not granted;

(16) Establish an approved training program for seasonal police officers which shall be required prior to active police duty, and in addition, if the officer is to be armed, that the police officer be certified in the use of firearms at an approved police training school.

(b) The Director of the Delaware State Police Training Division shall be responsible for administering the mandatory training and education for police officers program with responsibility and authority to obtain professional assistance from other police and professional organizations to accomplish the purposes and objectives of the program.

(11 Del. C. 1953, § 8405; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1D; 63 Del. Laws, c. 31, § 1; 67 Del. Laws, c. 313, § 1; 68 Del. Laws, c. 330, §§ 2-4; 70 Del. Laws, c. 186, § 1.)

**§ 8404A. Hearings.**

In all situations where the provisions of § [8404\(a\)\(4\)](#) or § [8410\(b\)](#) of this title are to be applied to or invoked against any agency or individual, that agency or individual shall be entitled to a hearing in the manner prescribed herein:

(1) The Chairperson shall select 3 members of the Council to comprise a board which will hear evidence on the allegation (hereinafter "board").

(2) Upon conclusion of the hearing provided for in this section, the board shall submit its findings and recommendation to the full Council in writing for consideration and vote.

(3) The ultimate findings of the Council shall be final, except that any ruling adverse to any party participating in the hearing may be appealed to the Superior Court within 15 days of receipt of written notification of said finding. Absent an appeal, all findings of the Council shall become final upon expiration of said appeal deadline.

(4) All hearings shall be conducted in accordance with the Administrative Procedures Act.

(67 Del. Laws, c. 313, § 2; 70 Del. Laws, c. 186, § 1.)

**§ 8405. Mandatory training; exceptions.**

(a) Except as provided in subsection (d) of this section, every municipality or other governmental unit of this State employing or intending to employ police officers shall require their attendance at an approved school. Every such municipality, other governmental unit or the University of Delaware shall require that no person be given or accept an appointment as a police officer unless such person has successfully completed the required police training and education course at an approved school.

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(b) Police officers already serving under permanent appointment on July 11, 1969, shall not be compelled to meet this requirement as a condition of: (1) Tenure; (2) continuing employment; (3) reemployment; or (4) employment by another police agency, provided that the period of suspended services under (3) or (4) of this subsection does not exceed 12 months. Failure of any such police officer to fulfill such requirements as the Council may hereafter establish by regulation shall not make the officer ineligible for promotion to which the officer might otherwise be eligible. The exemptions granted under this subsection shall not be construed to include in-service or continued training requirements which may be established by Council.

(c) All police officers and all persons seeking permanent appointment as a police officer shall undergo training to assist them in identifying symptoms of mental illness and in responding appropriately to situations involving persons suffering from mental illness.

(d) Nothing contained in this chapter shall limit the authority, power or duties of the Secretary of Public Safety as set forth in § [8203](#) of [Title 29](#).

(11 Del. C. 1953, § 8406; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1D; 63 Del. Laws, c. 31, § 1; 67 Del. Laws, c. 230, §§ 1, 2; 68 Del. Laws, c. 330, § 5; 70 Del. Laws, c. 186, § 1.)

**§ 8406. Probationary appointment.**

Repealed by 68 Del. Laws, c. 330, § 6, eff. July 8, 1993.

**§ 8407. Compensation.**

During any training program, the compensation or wages of any trainee police officer shall be the responsibility of the employing authority. The responsibility for providing all other costs, including but not limited to tuition, living expenses, books and equipment excluding transportation costs of any trainee police officer shall be that of the Council.

(11 Del. C. 1953, § 8408; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1D; 63 Del. Laws, c. 31, § 1.)

**§ 8408. Appropriations.**

The General Assembly shall appropriate each year to the Council through the Department of Public Safety such funds as are necessary for the purpose of carrying out this chapter.

(11 Del. C. 1953, § 8410; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1E; 63 Del. Laws, c. 31, § 1.)

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**§ 8409. Reimbursement.**

Every municipality or other governmental unit of this State or the University of Delaware intending to employ on a permanent basis police officers who have satisfactorily completed the mandatory training as required under this chapter and who have completed their training while in the employ of another municipality or another governmental unit of this State or the University of Delaware within 2 years from the date of satisfactory completion of such mandatory training, shall reimburse the municipality or other governmental unit or the University of Delaware with whom the police officer was employed at the time of attending the mandatory training program for the cost of training such officer, which shall include the salary, uniforms and equipment and other training expenses incurred while the officer was attending the mandatory training program. During the first year after completion of the mandatory training program the municipality or other governmental unit or the University of Delaware by whom the police officer was employed at the time of attending the mandatory training program shall be reimbursed for 100 percent for those expenses. During the second year the municipality or other governmental unit shall be reimbursed for 50 percent of those expenses.

(11 Del. C. 1953, § 8411; 59 Del. Laws, c. 102, § 1; 63 Del. Laws, c. 31, § 1.)

**§ 8410. Uncertified police officers.**

- (a) Police officers of the State or any county or municipality or the University of Delaware which do not meet the requirements of this chapter and the criteria as established by the Council shall not have the authority to enforce the laws of the State.
- (b) A police force of any county or municipality which does not meet the requirements of this chapter and the criteria established by the Council will be ineligible to apply for or receive state aid to local law-enforcement funds.

(63 Del. Laws, c. 31, § 1.)

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**Attachment B**

**STATE AID TO LOCAL LAW ENFORCEMENT APPLICATION  
FOR PARTICIPATION IN STATE AID TO LOCAL LAW ENFORCEMENT PROGRAM**

=====  
Send To: State Aid to Local Law Enforcement  
P.O. Box 818  
Dover, Delaware 19903  
Attn: Debby Golden  
(302) 744-2674  
For Committee Use Only:  
New Application \_\_\_\_\_  
Other (Explain) \_\_\_\_\_  
=====

Applicant Police Agency \_\_\_\_\_

Address \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number \_\_\_\_\_ Date Police Department Was Organized \_\_\_\_\_

Mayor's Name \_\_\_\_\_ Chief's Name \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_ \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Phone \_\_\_\_\_

Are you complying with the State Bureau of Identification Reporting Requirements? \_\_\_\_\_

Police Officers' Starting Salary \_\_\_\_\_ (Full Time Officers Only)

Please provide the following information on all full time officers (use separate sheet if necessary):

Police Officer's Name \_\_\_\_\_ Social Security No. \_\_\_\_\_ Police School Attended/Certification Date \_\_\_\_\_

I certify that the above information is correct to the best of my knowledge and belief

\_\_\_\_\_  
Signature of Police Chief      Date      Signature of Mayor      Date

=====  
FOR COMMITTEE USE ONLY:  
Action of S.A.L.L.E. Committee \_\_\_\_\_ Date: \_\_\_\_\_  
=====



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**Attachment D**

**EXAMPLE**

**STATE AID TO LOCAL LAW ENFORCEMENT  
FUND ALLOCATION FORMULA**

Total amount authorized Legislature FY 86 - \$300,000

Basic Allocation per Agency - \$ 2,000

Number of agencies             $\frac{X \quad 31}{\$62,000}$

\$300,000	Total Allocation
<u>- 62,000</u>	Allocation Per Agency
\$238,000	
<u>- 3,000</u>	Staff Development Seminar
\$235,000	Balance to be Allocated Per Officer

Total number of full time eligible police officers as of July 1, 1985 in local units of government:

684

$\frac{\$343.56^*}{684 / \$235,000.00}$

Allocation = \$343.56\* per full time eligible officer in each unit of government.

Example:     Elsmere - 12 full time officers

\$343.56 X 12 = \$4,122.81

\$4,122.81 Per Officer Allocation  
+2,000.00 Per Agency Allocation  
\$6,122.81 Total Allocation to Elsmere

\*All figures are rounded off

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**Attachment E**

**STATE AID TO LOCAL LAW ENFORCEMENT PROGRAM  
APPLICATION FORM**

**State Aid to Local Law Enforcement  
Department of Public Safety  
P.O. Box 818  
Dover, Delaware 19903  
Attention: Debby Golden  
(302) 744-2674**

**For Committee Use Only**

**Application Number** \_\_\_\_\_  
**Date Received** \_\_\_\_\_  
**Date Approved** \_\_\_\_\_  
**Date Processed** \_\_\_\_\_

Applicant Agency

Type of Application:

Agency \_\_\_\_\_

Personnel \_\_\_\_\_

Address \_\_\_\_\_

Equipment \_\_\_\_\_

\_\_\_\_\_

Services \_\_\_\_\_

Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

Match Federal Funds \_\_\_\_\_

Training \_\_\_\_\_

Other (specify) \_\_\_\_\_

Will funds be used to match federal funds? \_\_\_\_\_

Number of Full-Time, Sworn Officers \_\_\_\_\_

If yes, give program title, federal funds anticipated, and SALLE funds required.

Funds Requested \$ \_\_\_\_\_

Grant Period:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

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I. Project Summary: Describe the problem, the goal, the approach, and the results or benefits expected from this project. This section should clearly and concisely describe what the project will achieve and/or demonstrate. Be specific, identify how the funds will be used, and how the project qualifies for funding under Chapter IV of State Aid to Local Law Enforcement Guidelines. Cite appropriate qualifying paragraph numbers from Chapter IV.

II. Budget Summary:

Personnel	\$ _____
Professional Services	\$ _____
Training	\$ _____
Equipment	\$ _____
Matching Federal Funds	\$ _____
Other (Specify)	\$ _____
 Budget Total	 \$ _____

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III. Budget Itemization:

A. Personnel: For salary enhancement show total only and complete page 6.

(1) Employees (List each by Position)

	Cost
TOTAL PERSONNEL COSTS	\$

B. Professional Services: For consultants or individuals to be reimbursed for personnel services on a fee basis, list each type of consultant or service (with number in each category and names of major consultants where available, the proposed fee rates (by day, week, or hour) and the amount of time to be devoted to such service.

	Cost
TOTAL PROFESSIONAL SERVICES	\$

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- C. Training: Itemize in state and out of state training expenses of personnel by purpose. (Example: Out of State Training - Drug Investigation, Northwest University, Tuition - \$350, Housing - \$140, etc.).

	Cost
TOTAL TRAINING COSTS	\$

- D. Equipment: (Office Furniture, communications equipment, etc.). Each type of item to be purchased should be listed separately with estimated unit costs.

Item	Quantity	Cost
TOTAL EQUIPMENT COSTS		\$

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E. Matching Federal Funds: (Identify the federal funds to be matched)

	Cost
<b>TOTAL MATCHING FEDERAL FUNDS</b>	<b>\$</b>

F. Other: A specific itemization of each type of expense with basis of computation should be provided.

	Cost
<b>TOTAL OTHER COSTS</b>	<b>\$</b>

-----

FOR S.A.L.L.E. COMMITTEE USE ONLY:

Recommended Funding Level: \_\_\_\_\_

Recommended Special Conditions: \_\_\_\_\_

Date Of Approval: \_\_\_\_\_

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To be completed for Salary Enhancement Applications **Only**:

NAME OF OFFICER	CURRENT SALARY*	PROJECTED SALARY**

\*WITHOUT SALLE FUNDS

\*\*WITH SALLE FUNDS



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**STATE AID TO LOCAL LAW ENFORCEMENT  
REQUEST FOR FUNDS**

<b>Send To:</b>  State Aid to Local Law Enforcement Department of Public Safety P.O. Box 818 Dover, Delaware 19903 Attention: Debby Golden (302) 744-2674	<b><u>For Commission Use Only:</u></b>  Grant Application Number _____ Date Received _____ Approval Date _____ Processed By _____  Comments:
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------

Requesting Police Agency  Address  City/State/Zip  Phone _____	Program Title  Amount Requested  Agency Employer Identification No.  _____
----------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------

Funds are requested in accordance with State Aid to Local Law Enforcement application number \_\_\_\_\_ as of \_\_\_\_\_ (date) for the grant period of \_\_\_\_\_ to \_\_\_\_\_.

Police Chief	Printed Name	Signature	Date
Mayor	Printed Name	Signature	Date
Chief Fiscal Officer	Printed Name	Signature	Date

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**Attachment F**

**STATE AID TO LOCAL LAW ENFORCEMENT PROGRAM  
FINAL REPORT FORM**

---

Grant Number \_\_\_\_\_ Police Agency \_\_\_\_\_

---

Title/Purpose \_\_\_\_\_ Mayor \_\_\_\_\_

\_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

---

Amount of Award \_\_\_\_\_ Chief of Police \_\_\_\_\_

\_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

---

Funds Requested \_\_\_\_\_ Chief Fiscal Officer \_\_\_\_\_

Funds Expended \_\_\_\_\_

Balance \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**EXPENDITURES REPORT**

<u>Budget Category</u>	<u>Amount Awarded</u>	<u>Amount Expended</u>
Personnel	_____	_____
Professional Services	_____	_____
Training	_____	_____
Equipment	_____	_____
Education/Schools & Civic	_____	_____
New Programs	_____	_____
Other (Specify) _____	_____	_____
<b>TOTAL</b>	_____	_____

BALANCE (Amount Awarded - Amount Expended) \_\_\_\_\_

**ATTACH COPIES OF APPROPRIATE DOCUMENTATION (BILLS, STATEMENTS, CHECK STUBS, ETC.) TO SHOW PROOF THAT THE FUNDS WERE EXPENDED FOR THE PURPOSE STATED IN THE GRANT APPLICATION.**

FOR COMMITTEE USE ONLY

Date of Award \_\_\_\_\_ Date Report Reviewed \_\_\_\_\_ Reviewed By \_\_\_\_\_

Comments: \_\_\_\_\_

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**EMERGENCY ILLEGAL DRUG ENFORCEMENT**

**PROGRAM**

**MANUAL**

**ISSUED BY:**

**STATE AID TO LOCAL LAW ENFORCEMENT COMMITTEE  
P.O. BOX 818  
DOVER, DELAWARE 19903  
(302) 744-2674**

Document Number 450101031002

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**STATE AID TO LOCAL LAW ENFORCEMENT**

**COMMITTEE MEMBERS**

INSPECTOR MARTIN DONOHUE	WILMINGTON DEPARTMENT OF POLICE
CAPTAIN QUINTON WATSON	NEW CASTLE COUNTY POLICE DEPT.
MAJOR MELISSA ZEBLEY	DELAWARE STATE POLICE
THOMAS PENOZA	PUBLIC MEMBER
CHIEF WILLIAM BRYSON	CAMDEN POLICE DEPARTMENT, REPRESENTING DELAWARE POLICE CHIEFS' COUNCIL
CHIEF SCOTT COLLINS	CHAIRMAN, SUSSEX COUNTY POLICE CHIEFS ASSOCIATION
CHIEF JAMES HOSFELT	DOVER POLICE DEPARTMENT, REPRESENTING KENT COUNTY POLICE CHIEFS
VACANT	PUBLIC MEMBER
DEBORAH GOLDEN	PROGRAM ADMINISTRATOR

APPROVED BY THE  
STATE AID TO LOCAL LAW ENFORCEMENT COMMITTEE

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**LIST OF ATTACHMENTS**

- A. TITLE 11, CHAPTER 84, DELAWARE CODE, (TRAINING ACT)
- B. EMERGENCY ILLEGAL DRUG ENFORCEMENT APPLICATION FOR PARTICIPATION IN THE EMERGENCY ILLEGAL DRUG ENFORCEMENT PROGRAM
- C. STATEMENT OF SWORN OFFICERS FORM
- D. FORMULA FOR ALLOCATION OF FUNDS
- E. EMERGENCY ILLEGAL DRUG ENFORCEMENT APPLICATION FORM
- F. FINAL REPORT FORM

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**CHAPTER I**

**What is Emergency Illegal Drug Enforcement (EIDE)?**

The Delaware Legislature through the Grant In Aid has allocated funds to the State Aid to Local Law Enforcement (S.A.L.L.E.) Committee to be used for Emergency Illegal Drug Enforcement programs.

The following committee structure and procedures for processing Emergency Illegal Drug Enforcement applications will apply.

1. A committee of eight, henceforth referred to as the S.A.L.L.E. Committee, shall be composed of the following individuals.
  - a. Chairperson, Delaware Police Chiefs' Council (or their designate);
  - b. Chairperson, Sussex Police Chiefs' Association (or their designate);
  - c. Superintendent, Delaware State Police (or their designate);
  - d. Chief of Police, Wilmington Department of Police (or their designate);
  - e. Chief of Police, New Castle County Police Department (or their designate);
  - f. Police Chief, Kent County, to be elected by the Delaware Police Chiefs' from Kent County (or their designate);
  - g. Two public members to be appointed by the Chairman of the Criminal Justice Council;
  
2. A chairperson of the State Aid to Local Law Enforcement Committee, to be selected by the membership of the Committee, to serve a 2 year period, shall have the responsibility for scheduling all meetings and presiding over them. A quorum shall be constituted by the appearance of four (4) members of the Committee. All meetings will be conducted according to Robert's Rules of Order.

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3. The S.A.L.L.E. Committee shall be empowered with the following duties and responsibilities:
  - a. Development of any new guidelines and policies for E.I.D.E. grant processing;
  - b. Approval or disapproval of all applications for E.I.D.E. funding;
  - c. Notification of applicant agencies of approval of grant applications or reasons for disapproval.
4. Any issues which cannot be resolved by the S.A.L.L.E. Committee and any appeals as from actions of the SALLE Committee shall be referred to the Budget Director and the Controller General.
5. Guidelines governing the processing of E.I.D.E. applications shall be approved annually and remain in force until such time as revisions in those guidelines are proposed by the S.A.L.L.E. Committee.
6. Proposed changes to the E.I.D.E. Guidelines must be submitted to the Committee, in writing, at least 20 calendar days prior to a formal vote. This waiting period is intended to facilitate commentary on proposed changes, either written or in person, to the Committee prior to approval.
7. Final approval of all applications for E.I.D.E. funding and proposed changes to the E.I.D.E. guidelines must be approved by the Budget Director and the Controller General.

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CHAPTER II

**What requirements must be met by police departments applying for Emergency  
Illegal Drug Enforcement funding?**

The Committee has determined that the following requirements shall apply to any police department requesting an E.I.D.E. grant.

1. The requesting department must be in compliance with Title 11, Chapter 84 of the DELAWARE CODE entitled "Delaware Police Training Code and Regulations and Standards of the Council on Police Training". (See Attachment A).
2. The requesting department must be in compliance with the crime reporting requirements of the State Bureau of Identification.
3. The minimum salary to be paid by a police department is \$23,000. Effective July 1, 2005 the minimum is established at \$28,000.  
NOTE: These figures are subject to updating and revision.
4. The police agency must have been in operation for three consecutive years prior to applying for E.I.D.E. funds.

The three year operation guideline is lifted if a police agency agrees, in writing, with notarized signatures of the City/Town Council members, that if the police department should disband or cease to be a full time agency, or if a town/city refuses to pay the officers the minimum salary, all funds received within the three year eligibility period must be repaid to the E.I.D.E. program. After three years, when an agency meets the eligibility period, this agreement would expire.

5. The applying police agency must make application to participate in the program on a form provided by the E.I.D.E. Administrator. (See Attachment B). All information requested on the form must be included and the application must have the appropriate signatures of the Chief of Police, Mayor or Chief Administrator, and the Chief Fiscal Officer.

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**CHAPTER III**

**How are Emergency Illegal Drug Enforcement funds allocated?**

**Procedures for distributing funds**

1. The Delaware General Assembly has allocated funds to the State Aid to Local Law Enforcement Committee for Emergency Illegal Drug Enforcement Programs.
2. The eligible local law enforcement units are required to submit each fiscal year a Statement of full-time, sworn officers who have been certified and are working for the respective agency July 1 (Attachment C). This document has to be signed by the Mayor or Chief Local Official, the Chief of Police or Director of Public Safety, and the Chief Fiscal Officer.
3. Each eligible police agency shall be allocated a minimum sum to be designated by the State Aid to Local Law Enforcement Committee in addition to the per officer allocation.
4. The formula for computing the remaining funds that each unit is eligible for is based on dividing the number of full-time, sworn officers who have been certified as of July 1 into the amount of remaining funds allocated by the legislature to determine a per-officer figure. That per-officer figure is then multiplied by the number of full-time, sworn and certified officers per agency. The per-officer allocation is then added to the per agency allocation for the total agency allocation. (See Attachment D). An officer who was not employed by the applying agency on July 1 is not eligible to receive funds for that fiscal year (July 1 - June 30).
5. Based on verification and compilation of the above data, the eligible local law enforcement units will receive notice of funds reserved for use pending an approved grant application.
6. Specific application (See Attachment E) for funds can be made after July 31st but not later than January 31st of each fiscal year. Funds reserved for local units that are not specifically applied for or that have been obtained as a result of an agency becoming ineligible are subject to reallocation. Funds will be reallocated by the S.A.L.L.E. Committee giving preference to applications benefiting law enforcement on a statewide basis.

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By signing the application, the Chief of Police, Mayor or Chief Administrator, and the Chief Fiscal Officer are agreeing that the funds received will be used for the purpose outlined in the application. Use of E.I.D.E. grant funds for other purposes without prior approval from the S.A.L.L.E. Committee will result in the termination of the grant and will require repayment of the funds expended without approval. A serious or repeated violation of the requirement as determined by the S.A.L.L.E. Committee may result in the department's ineligibility to receive E.I.D.E. funds for the next grant year.

7. Applications will be reviewed by the S.A.L.L.E. Committee with appropriate action recommended within 30 days of the deadline. The Chief of Police, or their designee, with authority to make grant decisions, must be present at the Committee meeting in which their grant is to be considered. Failure to send a representative will preclude the approval of the respective grant at that meeting.
8. Formal notification of approval or unconditional approval will be made within 60 days of each deadline.
9. E.I.D.E. funds cannot be expended until the application form has been approved by the S.A.L.L.E. Committee. For example: an item must not be purchased prior to approval of an application to purchase that item and then, if the application is approved, reimburse your original funding source with E.I.D.E. monies. This is supplanting and a violation of State of Delaware accounting procedures which govern the audit of the E.I.D.E. program. Final report forms reflecting supplanting will be forwarded to the S.A.L.L.E. Committee for action which may include a requirement that the agency reimburse the state and to withhold any additional funding request until reimbursement is made.
10. When the funds are expended or at the end of the project period, a final report (See Attachment F) must be submitted to the E.I.D.E. Administrator with documentation (bills, statements, etc.) to show proof that the funds were expended for the purpose stated in the grant application.
11. Agencies, who have an unencumbered available balance of 50% of previous allocations are not permitted to apply for funds for a next fiscal year. Permission to do so must be received by the S.A.L.L.E. Committee.

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**CHAPTER IV**

**What may Emergency Illegal Drug Enforcement funds be used for?**

1. At the direction of the Governor, the Committee is authorized to make grants of such funds to political subdivisions of this State, and law enforcement agencies thereof, which make application for the same, after it shall be satisfied that such grant and the local matching funds hereinafter described shall be used for any one of the following purposes, which shall be additional to the law enforcement program or functions of the local entity at time of such grant:
  - a. Public protection, including the development, evaluation, implementation and purchase of methods, devices, facilities, and equipment designed to improve or strengthen law enforcement to reduce drug crime in public and private places. Purchases of additional equipment or upgrades are permitted following the normal application process and subject to the restrictions on Page 8. Equipment purchases are not to exceed 50% of total FY allocation, without approval from the Committee.

Local law enforcement agencies may combine their allocations, upon approval by the S.A.L.L.E. Committee, to support a pool arrangement to fund a contiguous area served by more than one local law enforcement agency.
  - b. Temporary lease of buildings or other physical facilities, not to exceed six months, without the approval from the Committee, designed to facilitate, improve and strengthen drug enforcement.
  - c. The advanced training of law enforcement officers and special law enforcement units, for the prevention, detection and control of drugs. All out of state training, not previously approved by the Committee, must be submitted to the S.A.L.L.E. Administrator prior to attendance. All out of state training must be in accordance with the State of Delaware Travel Policy.
  - d. Professional services (i.e. testing of police officers for drug use).
  - e. New programs to enhance drug enforcement services (i.e. drug sniffing canines) limited to first year start-up costs.
  - f. Overtime pay for drug enforcement to include other employee costs. Overtime may not be awarded to the Police Chief or the Deputy Police Chief from any agency with 9 or more officers. The following formula applies to Police Chiefs or Deputy Police Chiefs with less than 9 officers:

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In 1 to 2 person departments the Chief and Deputy Chief may use 100% of EIDE allocation for drug overtime; 3 to 4 person departments may use 75% of allocation for drug overtime; 5 to 6 person departments may use 50% of allocation for drug overtime; and 7 to 8 person departments may use 25% of EIDE allocation for drug overtime. In 9+ person departments the Chief and Deputy Chief are not eligible for drug overtime.

The manpower figure will be based on the Statement of Sworn Officers Form submitted in July of the given fiscal year.

- g. Buy money and informant money to purchase illicit drugs and pay informants for information.
  - h. The rental of motor vehicles, on an as-needed basis, to conduct drug investigations. The leasing of patrol vehicles or unmarked (staff) patrol vehicles are not permitted.
2. Funds may also be used by the local entities as part of the local matching share required by Federal Act if the federal local project or program is within the categories set forth in subsection (a) of this Section. Matching federal funds are not to exceed 25% of the total grant.

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**What may Emergency Illegal Drug Enforcement funds NOT be used for?**

1. Maintenance expenditures on existing equipment which may be construed as routine budgetary (other than maintenance expenditures for technology equipment).
2. Reimbursing other agencies for hiring of personnel prior to completion of two years following training.
3. The purchase or leasing of equipment needed in order to justify the existence of a police agency (i.e. uniforms, weapons, vehicles, equipment specifically designed for traffic enforcement, telephones, cell phones, pagers, office machines and utilities). Equipment not specifically listed may also be denied by the Committee based on the restrictions on page 8.
4. The use of funds to pay the salary of an existing police officer.
5. Any benefits; health, pension, false arrest insurance, life insurance, etc. for existing personnel.
6. S.A.L.L.E. and E.I.D.E. funds may not be used to purchase any alcoholic beverages or food except as provided in the State of Delaware Travel Policy.
7. Public drug education programs relating to drug prevention, including education programs in schools and programs to improve public understanding and cooperation with drug enforcement efforts.
8. Office lease/storage space rental
9. Routine training (CPR, AED, firearms certification, basic academy training)
10. Moving costs
11. Land
12. Items that do not clearly strengthen law enforcement abilities or provide a real service to the public (e.g. body fat analyzer).

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**CHAPTER V**

**Guidelines for Grant Amendments, Extensions, Audits and Reinstatements**

1. Grants under this program may be monitored (reviewed for program content) and will be audited to assure expenditure compliance with application. The S.A.L.L.E. Committee may require supplemental documentation to determine compliance with stated program content and budgetary limitations.
2. Recipients of E.I.D.E. funds must request approval from the Administrator prior to committing any funds to use for any purpose other than requested on the original application: 1) Requests for amendments not exceeding 20% of grant award and for project extensions not exceeding 6 months can be approved by the E.I.D.E. Administrator; 2) Requests for amendments exceeding 20% and 6 months must receive approval by the Committee.
3. When E.I.D.E. funds are received by the local police agencies they must be deposited in separate grant accounts. Under no circumstances are they to be combined with previous E.I.D.E. accounts (from other years) general funds, or combined with any federal funds.
4. Funds awarded in one fiscal year can be expended beyond the year of award; however, the E.I.D.E. Administrator must be notified of unexpended balances carried over to subsequent years.
5. Funds designated for redistribution will be awarded by the S.A.L.L.E. Committee.
6. New agencies that wish to become participants in the E.I.D.E program must submit an application (Attachment B) which states the number of full-time police officers in that department, the dates the officers were training, a statement of compliance with the S.B.I. requirements, and the date which the police agency was organized. This statement must be signed by the Mayor or Chief Official of that political subdivision and by the Chief of the Police Agency.

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7. New police agencies applying to become participants in the E.I.D.E. Program must have been in operation and in compliance with the guidelines for three (3) consecutive years prior to applying for E.I.D.E. funding.

The three year operation guideline is lifted if a police agency agrees, in writing, with notarized signatures of the City/Town Council members, that if the police department should disband or cease to be a full time agency, or if a town/city refuses to pay the officers the minimum salary, all funds received within the three year eligibility period must be repaid to the E.I.D.E. program. After three years, when an agency meets the eligibility period, this agreement would expire.

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**CHAPTER VI**

**Reasons for Termination**

1. The termination of a grant may be caused by:
  - a. Misuse of subgrantee funds;
  - b. Improper financial reports and records;
  - c. Failure to submit appropriate reports and records in a timely fashion.
  - d. Inability of the program to carry out its purpose;
  - e. Failure to implement within 90 days.
2. Notification of termination action taken by the Committee will be made to the subgrantee within ten days of the date of the meeting. An appeal to the Criminal Justice Council Executive Committee may be taken by a subgrantee within ten days of notification of termination at the next scheduled Committee meeting.

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CHAPTER VII

**Disposition of funds and property upon termination.**

1. When a local or county government disbands or eliminates its police department any unexpended funds shall revert to the S.A.L.L.E. Committee for redistribution.
2. When a local or county government disbands or eliminates its police department any remaining equipment purchased with E.I.D.E. funds within the last 3 years of its existence shall revert to the S.A.L.L.E. Committee for redistribution.

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**CHAPTER VIII**

**Seizure of Assets**

All assets seized during the investigation involving the use of Emergency Illegal Drug Enforcement funds shall be handled in accordance to DE CODE TITLE 11, CHAPTER 23 "SEARCH AND SEIZURE" and TITLE 16, CHAPTER 4784 "UNIFORM CONTROLLED SUBSTANCES ACT FORFEITURE".

In the case of an investigation involving more than one police agency the agency to which the grant monies were allocated shall have control over the assets seized unless an agreement has been reached prior to the investigation.

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CHAPTER IX

**Discrimination Prohibited**

No person in the United States shall, on the grounds of sex, race, creed, color, or national origin be excluded from participation in, be refused the benefits of, or otherwise subjected to discrimination under the subgrant program or any other project or program supported by the subgrant. Subgrantees must comply in every respect with the provisions and requirements of Title 6 of the Civil Rights Act of 1964 and Title 9 of the Education Act of 1972 and regulations issued by the U. S. Department of Justice thereunder as a condition of any award and as a condition of grant support.

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**ATTACHMENT A**

**CHAPTER 84. DELAWARE POLICE TRAINING PROGRAM**

Sec.

[8401. Definitions.](#)

[8402. Members of Council.](#)

[8403. Organization of Council.](#)

[8404. Powers and duties.](#)

[8404A. Hearings.](#)

[8405. Mandatory training; exceptions.](#)

[8406. \[Repealed.\]](#)

[8407. Compensation.](#)

[8408. Appropriations.](#)

[8409. Reimbursement.](#)

[8410. Uncertified police officers.](#)

**§ 8401. Definitions.**

As used in this chapter:

(1) "Approved school" means a school authorized by the Council to provide a mandatory training and education for police officers as prescribed in this chapter.

(2) "Council" means the Council on Police Training.

(3) "Permanent appointment" means appointment by the authority of any municipality or governmental unit in or of this State or the University of Delaware to permanent status as a police officer.

(4) "Seasonal appointment" means appointment for less than 6 months each year but more than 4 weeks for police duties necessitated by seasonal demands.

(5) "Police officer" means a sworn member of a police force or other law-enforcement agency of this State or of any county or municipality who is responsible for the prevention and the detection of crime and the enforcement of laws of this State or other governmental units within the State.

a. For purposes of this chapter this term shall include permanent full-time law enforcement officers of the Department of Natural Resources and Environmental Control and officers of the University of Delaware Police Division.

b. For purposes of this chapter this term shall not include the following:

1. A sheriff, regular deputy sheriff or constable;

2. A security force for a state agency or other governmental unit; or, a seasonal, temporary or part-time law enforcement officer of the Department of Natural Resources and Environmental Control;

3. A person holding police power by virtue of occupying any other position or office.

(11 Del. C. 1953, § 8401; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1A; 63 Del. Laws, c. 31, § 1; 68 Del. Laws, c. 172, §§ 1, 2; 68 Del. Laws, c. 330, § 1.)

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**§ 8402. Members of Council.**

- (a) The Council shall be composed of 12 members.
- (b) The Council shall be composed of: a chairperson to be appointed by and to serve at the pleasure of the Governor; the Attorney General; the Superintendent of the Delaware State Police; the Chief of the City of Wilmington Police; the Chief of the New Castle County Police Department; the Chief of the City of Dover Police Department; the Chief of the City of Newark Police Department; the Superintendent of the Department of Public Instruction; the President of the Delaware League of Local Governments; the mayor or police commissioner of an incorporated municipality in Kent County, to be appointed by the Governor; the mayor or police commissioner of an incorporated municipality in Sussex County, to be appointed by the Governor; the Chairperson of the Delaware Police Chiefs' Council, Inc. The Chairperson shall have had substantial practical experience in the field of law enforcement.

(11 Del. C. 1953, § 8403; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, §§ 1B, 1C; 63 Del. Laws, c. 31, § 1; 65 Del. Laws, c. 492, §§ 1, 2; 68 Del. Laws, c. 49, §§ 1, 2; 70 Del. Laws, c. 186, § 1.)

**§ 8403. Organization of Council.**

- (a) A Vice-Chairperson and a Secretary shall be elected from among the members of the Council. The Council shall hold no less than 2 regular meetings each year and may meet at such other times as it may determine. The Chairperson shall fix the time and place of such meetings in the Commissioner's discretion, but upon written request of any 3 members, the Chairperson shall call a meeting pursuant to the terms of such request. Seven members shall constitute a quorum. Each member of the Council may have a proxy to represent the member at Council meetings.
- (b) Notwithstanding any provision of law, Council membership shall not disqualify any member from holding any other public or private employment or constitute a forfeit of such office.
- (c) Council members shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

(11 Del. C. 1953, § 8404; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1C; 63 Del. Laws, c. 31, § 1; 65 Del. Laws, c. 492, § 3; 68 Del. Laws, c. 49, § 3; 70 Del. Laws, c. 186, § 1.)

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**§ 8404. Powers and duties.**

(a) The Council may:

- (1) Establish minimum qualifications for applicants as police officers;
- (2) Establish minimum educational and training qualifications requisite to permanent appointment as a police officer;
- (3) Issue certification of completion of police officer training prescribed under this chapter;
- (4) Suspend or revoke certification in the event that an individual:
  - a. Obtained a certificate by fraud or deceit;
  - b. Has failed to successfully complete any in-service or advanced training required by the Council;
  - c. Has been convicted of a felony, or of a misdemeanor involving moral turpitude, or of any local, state or federal criminal offense involving, but not limited to, theft, fraud, or violation of the public trust, or of any drug law;
  - d. Has been found, after examination by a licensed psychologist or psychiatrist, to be psychologically or emotionally unfit to perform the duties or exercise the powers and authority of a police officer;
  - e. Has been discharged from employment with a law enforcement agency for a breach of internal discipline; or has tendered a resignation prior to the entry of findings of fact concerning an alleged breach of internal discipline and who is found by the Council to have engaged in conduct constituting a breach of internal discipline for which the individual could have been legitimately discharged had the individual not resigned the individual's position prior to an adverse finding of fact being entered on the issue by the employing agency;
- (5) Prescribe standards for in-service or continued training of police officers;
- (6) Establish minimum educational and training qualifications for seasonal employment as a police officer;
- (7) Establish certification and recertification requirements for police officer applicants who have previously been employed with permanent appointment as a police officer but have not been so employed within the 12 months prior to application;
- (8) Prescribe equipment and facility standards for schools at which police training courses shall be conducted, including but not limited to existing county or municipal schools;
- (9) Establish minimum training requirements, attendance requirements and standards of operations for police training schools;
- (10) Prescribe minimum qualifications for instructors at such schools and certify, as qualified, or decertify such instructors to their particular courses of study;
- (11) Approve and issue certificates of approval to such police training schools, to inspect such schools from time to time and to revoke for cause any approval or certificate issued to such schools;
- (12) Consult and cooperate with all agencies of government, state and local, concerning the development and administration of the training and standard program and to contract with such agencies as it deems necessary to the performance of its powers and duties;

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- (13) Accept or receive grants or donations from any source, public or private, for the purposes of this chapter;
- (14) Make such rules and regulations as may be necessary to carry out the purposes and objectives of this chapter;
- (15) Provide a modification from the application of any provision of this chapter or the rules and regulations promulgated thereunder, for any police officer of a municipality if:
  - a. The police officer is employed on a seasonal basis; and
  - b. The municipality makes application for such modification and establishes that it will suffer a hardship if the modification is not granted;
- (16) Establish an approved training program for seasonal police officers which shall be required prior to active police duty, and in addition, if the officer is to be armed, that the police officer be certified in the use of firearms at an approved police training school.
  - (b) The Director of the Delaware State Police Training Division shall be responsible for administering the mandatory training and education for police officers program with responsibility and authority to obtain professional assistance from other police and professional organizations to accomplish the purposes and objectives of the program.

(11 Del. C. 1953, § 8405; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1D; 63 Del. Laws, c. 31, § 1; 67 Del. Laws, c. 313, § 1; 68 Del. Laws, c. 330, §§ 2-4; 70 Del. Laws, c. 186, § 1.)

**§ 8404A. Hearings.**

In all situations where the provisions of § [8404\(a\)\(4\)](#) or § [8410\(b\)](#) of this title are to be applied to or invoked against any agency or individual, that agency or individual shall be entitled to a hearing in the manner prescribed herein:

- (1) The Chairperson shall select 3 members of the Council to comprise a board which will hear evidence on the allegation (hereinafter "board").
- (2) Upon conclusion of the hearing provided for in this section, the board shall submit its findings and recommendation to the full Council in writing for consideration and vote.
- (3) The ultimate findings of the Council shall be final, except that any ruling adverse to any party participating in the hearing may be appealed to the Superior Court within 15 days of receipt of written notification of said finding. Absent an appeal, all findings of the Council shall become final upon expiration of said appeal deadline.
- (4) All hearings shall be conducted in accordance with the Administrative Procedures Act.

(67 Del. Laws, c. 313, § 2; 70 Del. Laws, c. 186, § 1.)

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**§ 8405. Mandatory training; exceptions.**

(a) Except as provided in subsection (d) of this section, every municipality or other governmental unit of this State employing or intending to employ police officers shall require their attendance at an approved school. Every such municipality, other governmental unit or the University of Delaware shall require that no person be given or accept an appointment as a police officer unless such person has successfully completed the required police training and education course at an approved school.

(b) Police officers already serving under permanent appointment on July 11, 1969, shall not be compelled to meet this requirement as a condition of: (1) Tenure; (2) continuing employment; (3) reemployment; or (4) employment by another police agency, provided that the period of suspended services under (3) or (4) of this subsection does not exceed 12 months. Failure of any such police officer to fulfill such requirements as the Council may hereafter establish by regulation shall not make the officer ineligible for promotion to which the officer might otherwise be eligible. The exemptions granted under this subsection shall not be construed to include in-service or continued training requirements which may be established by Council.

(c) All police officers and all persons seeking permanent appointment as a police officer shall undergo training to assist them in identifying symptoms of mental illness and in responding appropriately to situations involving persons suffering from mental illness.

(d) Nothing contained in this chapter shall limit the authority, power or duties of the Secretary of Public Safety as set forth in § [8203](#) of [Title 29](#).

(11 Del. C. 1953, § 8406; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1D; 63 Del. Laws, c. 31, § 1; 67 Del. Laws, c. 230, §§ 1, 2; 68 Del. Laws, c. 330, § 5; 70 Del. Laws, c. 186, § 1.)

**§ 8406. Probationary appointment.**

Repealed by 68 Del. Laws, c. 330, § 6, eff. July 8, 1993.

**§ 8407. Compensation.**

During any training program, the compensation or wages of any trainee police officer shall be the responsibility of the employing authority. The responsibility for providing all other costs, including but not limited to tuition, living expenses, books and equipment excluding transportation costs of any trainee police officer shall be that of the Council.

(11 Del. C. 1953, § 8408; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1D; 63 Del. Laws, c. 31, § 1.)

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**§ 8408. Appropriations.**

The General Assembly shall appropriate each year to the Council through the Department of Public Safety such funds as are necessary for the purpose of carrying out this chapter.

(11 Del. C. 1953, § 8410; 57 Del. Laws, c. 261; 57 Del. Laws, c. 670, § 1E; 63 Del. Laws, c. 31, § 1.)

**§ 8409. Reimbursement.**

Every municipality or other governmental unit of this State or the University of Delaware intending to employ on a permanent basis police officers who have satisfactorily completed the mandatory training as required under this chapter and who have completed their training while in the employ of another municipality or another governmental unit of this State or the University of Delaware within 2 years from the date of satisfactory completion of such mandatory training, shall reimburse the municipality or other governmental unit or the University of Delaware with whom the police officer was employed at the time of attending the mandatory training program for the cost of training such officer, which shall include the salary, uniforms and equipment and other training expenses incurred while the officer was attending the mandatory training program. During the first year after completion of the mandatory training program the municipality or other governmental unit or the University of Delaware by whom the police officer was employed at the time of attending the mandatory training program shall be reimbursed for 100 percent for those expenses. During the second year the municipality or other governmental unit shall be reimbursed for 50 percent of those expenses.

(11 Del. C. 1953, § 8411; 59 Del. Laws, c. 102, § 1; 63 Del. Laws, c. 31, § 1.)

**§ 8410. Uncertified police officers.**

- (a) Police officers of the State or any county or municipality or the University of Delaware which do not meet the requirements of this chapter and the criteria as established by the Council shall not have the authority to enforce the laws of the State.
- (b) A police force of any county or municipality which does not meet the requirements of this chapter and the criteria established by the Council will be ineligible to apply for or receive state aid to local law-enforcement funds.

(63 Del. Laws, c. 31, § 1.)

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**Attachment B**

**EMERGENCY ILLEGAL DRUG ENFORCEMENT APPLICATION  
FOR PARTICIPATION IN EMERGENCY ILLEGAL DRUG ENFORCEMENT PROGRAM**

=====  
Send To: Emergency Illegal Drug Enforcement  
P.O. Box 818  
Dover, Delaware 19903  
Attn: Debby Golden  
(302) 744-2674

For Committee Use Only:  
New Application \_\_\_\_\_  
Other (Explain) \_\_\_\_\_  
\_\_\_\_\_

=====  
Applicant Police Agency \_\_\_\_\_  
Address \_\_\_\_\_ Zip \_\_\_\_\_  
Phone Number \_\_\_\_\_ Date Police Department Was Organized \_\_\_\_\_  
Mayor's Name \_\_\_\_\_ Chief's Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
\_\_\_\_\_ Zip \_\_\_\_\_ \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Phone \_\_\_\_\_  
Are you complying with the State Bureau of Identification Reporting Requirements? \_\_\_\_\_  
Police Officers' Starting Salary \_\_\_\_\_ (Full Time Officers Only)  
Please provide the following information on all full time officers (use separate sheet if necessary):  
Police Officer's Name \_\_\_\_\_ Social Security No. \_\_\_\_\_ Police School Attended/Certification Date \_\_\_\_\_

I certify that the above information is correct to the best of my knowledge and belief

\_\_\_\_\_  
Signature of Police Chief      Date      Signature of Mayor      Date

=====  
**FOR COMMITTEE USE ONLY:**  
Action of S.A.L.L.E. Committee \_\_\_\_\_ Date: \_\_\_\_\_

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**Attachment C**

**EMERGENCY ILLEGAL DRUG ENFORCEMENT  
STATEMENT OF SWORN OFFICERS**

SUBMIT TO: Emergency Illegal Drug Enforcement  
Department of Public Safety  
P.O. Box 818  
Dover, Delaware 19903  
Attention: Debby Golden

AGENCY: \_\_\_\_\_ PAGE \_\_\_\_ OF \_\_\_\_

I certify, by my signature below, that the following summary is a true statement of the sworn officers in the employ of this police agency as of July 1, 199\_.

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_  
Town or City Chief Executive Chief of Police

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Name	Social Security Number	Rank	First Day of Employment (1st day Work)	Training Certification Date	Base Annual Salary on July 1, 1996

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**Attachment D**

**EMERGENCY ILLEGAL DRUG ENFORCEMENT  
FUND ALLOCATION FORMULA**

Total amount authorized Legislature FY 90 -		\$1,000,000
Basic Allocation per Agency - \$ 5,000		
Number of agencies	X 31	
	-----	
	-\$155,000	
		-\$ 155,000
		\$ 845,000
Money set aside for Statewide Benefit		-\$ <u>10,000</u>
Balance to be Allocated on a Per Officer Basis		\$ 835,000

Total number of full time eligible police officers as of July 1, 1989 in local units of government: 720

\$835,000 divided by 720 officers = \$1,159.722\* per Full Time Eligible Officer in Each Unit of Government.

Example: Camden-Wyoming Police Department has 4 officers

$$\text{\$1,159.72} \times 4 \text{ officers} = \text{\$4,638.89} + \text{\$5,000} = \underline{\text{\$9,638.89}}$$

\*All figures are rounded off

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Attachment E

**EMERGENCY ILLEGAL DRUG ENFORCEMENT PROGRAM  
APPLICATION FORM**

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Emergency Illegal Drug Enforcement  
Department of Public Safety  
P.O. Box 818  
Dover, Delaware 19903  
Attention: Debby Golden  
(302) 744-2674

For Committee Use Only

Application Number \_\_\_\_\_  
Date Received \_\_\_\_\_  
Date Approved \_\_\_\_\_  
Date Processed \_\_\_\_\_

---

Applicant Agency

Type of Application:

Agency \_\_\_\_\_

Personnel \_\_\_\_\_

Address \_\_\_\_\_

Equipment \_\_\_\_\_

\_\_\_\_\_

Services \_\_\_\_\_

Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

Match Federal Funds \_\_\_\_\_

Training \_\_\_\_\_

Overtime \_\_\_\_\_

Education \_\_\_\_\_

MV Rental \_\_\_\_\_

Buy/Informant Funds \_\_\_\_\_

Other (specify) \_\_\_\_\_

---

Will funds be used to match federal  
funds? \_\_\_\_\_

Number of Full-Time, Sworn Officers \_\_\_\_\_

If yes, give program title, federal funds  
anticipated, and EIDE funds required.

Funds Requested \$ \_\_\_\_\_

\_\_\_\_\_

Grant Period:

\_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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- I. Project Summary: Describe the problem, the goal, the approach, and the results or benefits expected from this project. This section should clearly and concisely describe what the project will achieve and/or demonstrate. Be specific, identify how the funds will be used, and how the project is related to drug problems as outlined in Chapter IV of Emergency Illegal Drug Enforcement Guidelines. Cite appropriate qualifying paragraph numbers from Chapter IV.
- II. How will this project be evaluated (i.e. comparison of arrest numbers or other measurable results)?

III. Budget Summary:

Personnel	\$ _____
Professional Services	\$ _____
Match Federal Funds	\$ _____
Training	\$ _____
Overtime	\$ _____
Education	\$ _____
MV Rental	\$ _____
Buy/Informant Funds	\$ _____
Other (specify)	\$ _____
 Budget Total	 \$ _____

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IV. Budget Itemization:

A. Personnel:

(1) Employees (List each by Position)

	Cost
TOTAL PERSONNEL COSTS	\$

B. Benefits: For employee benefits, indicate each type of benefit included and the total cost.

	Cost
TOTAL BENEFIT COSTS:	\$

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- C. Professional Services: For consultants or individuals to be reimbursed for personnel services on a fee basis, list each type of consultant or service (with number in each category and names of major consultants where available, the proposed fee rates (by day, week, or hour) and the amount of time to be devoted to such service.

	Cost
<b>TOTAL PROFESSIONAL SERVICES</b>	<b>\$</b>

- D. Training: Itemize in state and out of state training expenses of personnel by purpose. (Example: Out of State Training - Drug Investigation, Northwest University, Tuition - \$350, Housing - \$140, etc.).

	Cost
<b>TOTAL TRAINING COSTS</b>	<b>\$</b>

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E. Equipment: (Office Furniture, communications equipment, etc.). Each type of item to be purchased should be listed separately with estimated unit costs.

ITEM	QUANTITY	COST
TOTAL EQUIPMENT COSTS		\$

F. Matching Federal Funds: (Identify the federal funds to be matched) NOTE: Use of EIDE funds limited to 25% of total federal funds received in any calendar year.

	COST
TOTAL MATCHING FEDERAL FUNDS	\$

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G. Overtime:

COST

TOTAL OVERTIME COSTS	\$

H. Other: A specific itemization of each type of expense with basis of computation should be provided.

COST

TOTAL OTHER COSTS	\$

-----

FOR COMMITTEE USE ONLY:

Recommended Funding Level: \_\_\_\_\_

Recommended Special Conditions: \_\_\_\_\_

Date Of Approval: \_\_\_\_\_



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**EMERGENCY ILLEGAL DRUG ENFORCEMENT PROGRAM  
REQUEST FOR FUNDS**

<b>Send To:</b>  <b>Emergency Illegal Drug Enforcement Department of Public Safety P.O. Box 818 Dover, Delaware 19903 Attention: Debby Golden (302) 744-2674</b>	<b><u>For Commission Use Only:</u></b>  <b>Grant Application Number</b> _____ <b>Date Received</b> _____ <b>Approval Date</b> _____ <b>Processed By</b> _____ <b>Comments:</b> _____
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Requesting Police Agency  _____  Address  _____  City/State/Zip  _____  Phone _____	Program Title  _____  Amount Requested  _____  Agency Employer Identification No.  _____
-------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------

Funds are requested in accordance with Emergency Illegal Drug Enforcement application number \_\_\_\_\_ as of \_\_\_\_\_ (date) for the grant period of \_\_\_\_\_ to \_\_\_\_\_.

Police Chief	Printed Name	Signature	Date
Mayor	Printed Name	Signature	Date
Chief Fiscal Officer	Printed Name	Signature	Date

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**Attachment F**

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**EMERGENCY ILLEGAL DRUG ENFORCEMENT PROGRAM  
FINAL REPORT FORM**

Grant Number \_\_\_\_\_ Police Agency \_\_\_\_\_

Title/Purpose \_\_\_\_\_ Mayor \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Amount of Award \_\_\_\_\_ Chief of Police \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Funds Requested \_\_\_\_\_ Chief Fiscal Officer \_\_\_\_\_

Funds Expended \_\_\_\_\_  
Balance \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**EXPENDITURES REPORT**

<u>Budget Category</u>	<u>Amount Awarded</u>	<u>Amount Expended</u>
Personnel	_____	_____
Professional Services	_____	_____
Training	_____	_____
Equipment	_____	_____
Overtime	_____	_____
Informant/Buy Money	_____	_____
Education/Schools & Civic	_____	_____
New Programs	_____	_____
Other (Specify) _____	_____	_____
<b>TOTAL</b>	_____	_____
BALANCE (Amount Awarded - Amount Expended) _____		

**ATTACH COPIES OF APPROPRIATE DOCUMENTATION (BILLS, STATEMENTS, CHECK STUBS, ETC.) TO SHOW PROOF THAT THE FUNDS WERE EXPENDED FOR THE PURPOSE STATED IN THE GRANT APPLICATION.**

FOR COMMITTEE USE ONLY

Date of Award \_\_\_\_\_ Date Report Reviewed \_\_\_\_\_ Reviewed By \_\_\_\_\_

Comments: \_\_\_\_\_





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Appendix K

**State of Delaware  
Office of Auditor of Accounts**

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**Town of Milton Municipal Grants  
Agreed-Upon Procedures Engagement**

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**Fiscal Years Ended June 30, 2010 and  
June 30, 2011**

Fieldwork End Date: February 12, 2013  
Issuance Date: February 25, 2013

R. Thomas Wagner, Jr., CFE, CGFM, CICA  
Auditor of Accounts



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*Town of Milton Municipal Grants AUP Report*

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***Background***

The Town of Milton (the Town) is located in Sussex County, Delaware at the head of the Broadkill River. The population, according to the 2010 census, was 2,576<sup>1</sup>. As designated by its charter, the Town operates under a Town Council form of government and provides various services, some of which are partially funded by the State through various municipal grants as detailed below. These services include public safety (police), streets, sanitation, sewer and water, recreation, public improvements, planning and zoning, and general administrative services<sup>2</sup>.

**Municipal Street Aid Fund (MSAF)**<sup>3</sup>

The State Legislature annually appropriates a portion of the Delaware Transportation Trust Fund to be distributed by the State Treasurer to each of the 57 municipalities. The money is to be used for the maintenance of city maintained streets as prescribed in 30 Del. C. §5165. Distribution is based on two factors:

- Population certified by the U.S. Bureau of Census, Delaware Population Consortium or a prescribed enumeration (40% of distribution)
- Mileage as verified by the Data Collection Unit (60% of distribution)

30 Del. C. §5165 also requires annual reporting by the municipalities to the State Treasurer and the Department of Transportation. The annual reporting requirements have been incorporated into the agreed-upon procedures performed during this engagement.

**State Aid to Local Law Enforcement (SALLE) Grant Fund**<sup>4</sup>

Since 1969, the Delaware Legislature has allocated funds through the Grant-in-Aid Bill annually to aid local law enforcement agencies and improve their effectiveness. This program has been named the State Aid to Local Law Enforcement Program, otherwise known as SALLE.

All related SALLE funds are appropriated to the Department of Safety and Homeland Security, which is then responsible for tracking the funds in the State's accounting system and distributing the funds to the municipalities.

A SALLE Manual has been developed, which promulgates the various requirements and the application process a municipality must follow in order to qualify for SALLE funding. In addition, the SALLE Manual requires the development of an eight person committee, which is responsible for the review and approval of all applications for SALLE funds by the individual municipalities. A program administrator is also responsible for collecting various information from the municipalities to ensure they are meeting certain criteria. The various requirements contained within the SALLE Manual have been incorporated into the agreed-upon procedures performed during this engagement.

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<sup>1</sup> [http://en.wikipedia.org/wiki/Milton,\\_Delaware](http://en.wikipedia.org/wiki/Milton,_Delaware)

<sup>2</sup> From the Summary of Significant Accounting Policies in the Notes to the Town of Milton's Financial Statements at <http://auditor.delaware.gov/Audits/FY2013/Audits/Town%20of%20Milton%20Financial%20Statements.pdf>

<sup>3</sup> <http://www.deldot.gov/information/projects/msa/index.shtml>

<sup>4</sup> SALLE Manual, Chapter I

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**Emergency Illegal Drug Enforcement (EIDE) Grant Fund<sup>5</sup>**

Through the Grant-in-Aid Bill, the Delaware Legislature has also allocated funds to the SALLE Committee to be used for EIDE programs. Funds may be used for drug related enforcement or the purchase of drug enforcement equipment.

All EIDE funds are approved and distributed in the same manner as SALLE funds. Additionally, an EIDE Manual has been developed similar to that of the SALLE Manual. The various requirements contained within the EIDE Manual have been incorporated into the agreed-upon procedures performed during this engagement.

**Municipal Grants Received**

The table below summarizes the municipal grants received by the Town for the State Fiscal Years Ended June 30, 2010 (Fiscal Year 2010) and June 30, 2011 (Fiscal Year 2011).

Summary of Municipal Grants Received by the Town <sup>6</sup>			
	MSAF	SALLE	EIDE
Fiscal Year 2010	\$ - <sup>7</sup>	\$ 4,451.36	\$ 3,729.52
Fiscal Year 2011	\$ 42,250.81	\$ 4,264.13	\$ 3,596.29

The information above was extracted from Appendix A of this report. Please refer to Appendix A for Fiscal Year 2010 and Fiscal Year 2011 MSAF, SALLE, and EIDE amounts awarded to the various municipalities in the State of Delaware, including the Town of Milton.

<sup>5</sup> EIDE Manual, Chapter I

<sup>6</sup> We retrieved the data related to MSAF from the Delaware Department of Transportation – Projects webpage (<http://deldot.gov/information/projects/msa/index.shtml>). The Department of Safety and Homeland Security provided the data related to the SALLE and EIDE funds. No additional work, outside of the following agreed-upon procedures, was performed, using this table.

<sup>7</sup> MSA Funds were not appropriated during Fiscal Year 2010.

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OFFICE OF AUDITOR OF ACCOUNTS

R. THOMAS WAGNER, JR., CFE, CGFM, CICA  
AUDITOR OF ACCOUNTS

PHONE: 302-739-4241  
FAX: 302-739-4217

Independent Accountant's Report  
on Applying Agreed-Upon Procedures

Mayor Cliff Newlands  
Town of Milton  
101 Federal Street  
Milton, DE 19968

We have performed the procedures enumerated below, which were agreed to by you, solely to assist the specified parties in evaluating compliance with 30 Del. C. §5165, the State Aid to Local Law Enforcement Fund Manual, and the Emergency Illegal Drug Enforcement Fund Manual. Management is responsible for their agency's compliance with those requirements for the State Fiscal Years Ended June 30, 2010 (Fiscal Year 2010) and June 30, 2011 (Fiscal Year 2011).

This agreed-upon procedures engagement was performed in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States, the attestation standards established by the American Institute of Certified Public Accountants, and *Quality Standards for Investigations*, issued by the President's Council on Integrity and Efficiency. The sufficiency of these procedures is solely the responsibility of management of the Town of Milton. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures and results were as follow:

***Municipal Street Aid Fund***

1. Ascertained if the municipality maintains a separate bank account designated as MSAF. [30 Del. C. §5165]

**Results:** The Town currently has two accounts that are designated as MSAF – a checking account and a business money market account that yields interest.

2. Reviewed the 24 monthly bank statements from July 2009 through June 2011 to confirm that only MSA funds were deposited into the bank account. [30 Del. C. §5165]

**Results:** We found no exceptions as a result of applying this procedure for Fiscal Year 2010 and Fiscal Year 2011.

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3. Compared the date on the deposit slips to the bank statements deposit date to confirm municipal street aid funds were deposited timely (note more than one business day different).

*Results:* MSA funds were not appropriated during Fiscal Year 2010. The Town's one deposit for the Fiscal Year 2011 appropriation was deposited timely.

4. Obtained a list from the municipality for each person authorized to expend MSAF. Verified that this listing was provided to the Office of the State Treasurer indicating they were bonded for the period under review. [30 Del. C. §5165]

*Results:* The Office of the State Treasurer did not require the Town to provide them with a list of individuals authorized to expend MSAF since the Town was bonded as a whole for the periods March 20, 2010 through June 30, 2011. The Office of the State Treasurer was unable, however, to provide evidence that the Town was bonded for the period July 1, 2009 through March 19, 2010.

5. Obtained from the Office of the State Treasurer evidence that the municipality submitted an annual expenditure report to the Office of the State Treasurer no later than October 1 that reflected the expenditures of the MSA funds for the period under review. [30 Del. C. §5165]

*Results:* We found no exceptions as a result of applying this procedure for Fiscal Year 2010 and Fiscal Year 2011.

6. Prepared a schedule, using the cancelled checks and supporting documentation for the engagement period, to ensure that an amount not exceeding 30% of the annual grant was used for the following:
- a. Construction, installation, repair, maintenance, replacement of water and sewer systems.
  - b. Preparation or revision of comprehensive plans for urban renewal.
  - c. Payment of principal and interest on any bonds issued for purpose of subdivision.

*Results:* The Town did not expend MSAF for any of the above categories during either Fiscal Year 2010 or Fiscal Year 2011.

7. In addition to expenditures authorized in step above, reviewed 25 cancelled checks and traced them to the supporting documentation (or all if less than 25 expenditures were made) to determine that they were restricted to the following categories:
- a. Street improvements.
  - b. Lighting of streets and all expenses related thereto.
  - c. Payment of principal and interest on any bonds issued for street improvements.

Inspected the internal records maintained by the municipality and supporting documentation to determine whether expenditures out of the MSAF account were recorded and paid within 30 days. [30 Del. C. §5165]

*Results:* During Fiscal Year 2010, the Town paid all 12 expenditures within 30 days of receipt of the invoice; however the Town paid unallowable late fees totaling \$59.47 from the MSAF account. During Fiscal Year 2011, the Town did not pay 4 out of 25 expenditures within 30 days of receipt of the invoice. They also paid unallowable late fees totaling \$221.90 from the MSAF account and a \$35.00 bank overdraft fee.

The Town incurred the late fees on four different accounts with one utility company. Although each account has a different monthly due date, the Town pays these accounts with one check. As

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a result, some accounts incur late fees. In addition, the due dates do not give the Town a 30 day period for payment.

We were unable to determine whether MSAF expenditures were recorded within 30 days since the Town does not maintain documentation to indicate when the invoices were received or transactions were recorded.

8. Reviewed the bid process to determine if street improvement contracts were awarded in accordance with 29 Del. C. §6923 and 30 Del. C. §5165.

*Results:* This procedure was not applicable. The Town did not award any MSA-funded street improvement contracts during Fiscal Year 2010 or Fiscal Year 2011.

9. Inspected sidewalk/curbing construction or re-construction projects (ten percent or a minimum of one) to determine if they were handicap accessible. [29 Del. C. §7302]

*Results:* This procedure was not applicable. The Town did not award any MSA-funded sidewalk/curbing construction or re-construction projects during Fiscal Year 2010 or Fiscal Year 2011.

10. Requested the MSAF bank statement to determine if any excess funds were invested in short term, government securities, or deposited in a bank or savings and loan, interest bearing account, or agency of the U.S. Government. If so, determine that the interest earned was expended in an approved program category. [30 Del. C. §5165]

*Results:* We found no exceptions as a result of applying this procedure for Fiscal Year 2010 and Fiscal Year 2011.

11. Obtained a copy of the affidavit signed by the municipality. Ensure the affidavit is submitted to the Department of Transportation no later than May 15. Review supporting documentation and agree to the population and street data reported. [30 Del. C. §5165]

*Results:* MSA Funds were not appropriated during Fiscal Year 2010; therefore, an affidavit was not required. We found no exceptions as a result of applying this procedure for Fiscal Year 2011.

*State Aid to Local Law Enforcement Fund*

1. Inspected ten percent, or a minimum of five, of the personnel records of all police officers employed during Fiscal Year 2010 and Fiscal Year 2011 to determine if the officers had successfully completed a police training and education course at an approved school. [11 Del. C. §8405]

*Results:* Of the nine Town police officers employed during our review, we selected five personnel records for each fiscal year. All officers reviewed successfully completed an approved police training and education course.

2. Reviewed appropriate payroll records to determine if all police salaries paid during Fiscal Year 2010 and Fiscal Year 2011 were equal to or above the minimum required salary. [SALLE Manual, Chapter II, 3]

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**Results:** The payroll records provided by the Town were on a calendar year basis. The "Statement of Sworn Officers" provided each officer's salary on a fiscal year basis and indicated that each officer was paid at least the minimum salary of \$28,000. However, we could not substantiate the salaries listed since the Town was unable to provide support for the reported salaries.

3. Interviewed key employees to determine if the police department was in operation for three consecutive years prior to applying for SALLE funds. [SALLE Manual, Chapter II, 4] EXCEPTION – The three year requirement is lifted if the town signs a written agreement regarding repayment if disbanding occurs. [SALLE Manual, Chapter II, 4]

**Results:** We found no exceptions as a result of applying this procedure for Fiscal Year 2010 and Fiscal Year 2011.

4. Obtained and reviewed the police department's SALLE participation application. Verify that all required information was included and the form contained all appropriate signatures. [SALLE Manual, Chapter II, 1, 2, & 5]

**Results:** This document does not apply to the Town of Milton. The Application for Participation was created years ago for municipalities that were not participating in the grant programs, but wished to do so. The Department of Safety and Homeland Security (DSHS) reported that Milton has been participating in the program since the 1970s.

5. Obtained a copy of the Fiscal Year 2010 and Fiscal Year 2011 "SALLE Statement of Sworn Officers" document from DSHS.
  - a. Agreed the number of full-time, sworn officers who were certified and were on the municipality's payroll as of July 1, 2009 and July 1, 2010. [SALLE Manual, Chapter III, 2]
  - b. Determined whether the Mayor or chief local official, the Chief of Police or Director of Public Safety, and the Chief Fiscal Officer signed the document. [SALLE Manual, Chapter III, 2]

**Results:** We found no exceptions as a result of applying these procedures for Fiscal Year 2010 and Fiscal Year 2011.

6. Obtained a copy of the "SALLE Application Form" from the DSHS submitted for the Fiscal Year 2010 and Fiscal Year 2011 grants.
  - a. Obtained information from the DSHS that the application forms submitted to the DSHS were received after July 31, 2009, but no later than January 31, 2010 for Fiscal Year 2010 and received after July 31, 2010, but no later than January 31, 2011 for Fiscal Year 2011. [SALLE Manual, Chapter III, 6]
  - b. Determined whether the Police Chief, Mayor or Chief Administrator, and Chief Fiscal Officer signed the application forms.

**Results:** We found no exceptions as a result of applying these procedures for Fiscal Year 2010 and Fiscal Year 2011.

7. For all SALLE funds expended during Fiscal Year 2010 and Fiscal Year 2011, selected all expenditure transactions and supporting documentation for each fiscal year from the cancelled checks to determine if funds received were only expended for approved items outlined in the application, unless otherwise approved by the SALLE Committee. [SALLE Manual, Chapter V, 2] Also reviewed all expenditure transactions and supporting documentation over \$5,000. [Guidance for allowable and unallowable expenditures can be found in Chapter IV of the SALLE Manual.]

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**Results:** We found no exceptions as a result of applying these procedures to Fiscal Year 2010 and Fiscal Year 2011.

8. Determined for the expenditure transactions selected in step above, that no purchase was made using SALLE funds prior to approval of the grant application. [SALLE Manual, Chapter III, 10]

**Results:** We found no exceptions as a result of applying this procedure for Fiscal Year 2010 and Fiscal Year 2011.

9. Obtained a copy of the “Final Report Form” from the DSHS for all SALLE grants fully expended during Fiscal Year 2010 and Fiscal Year 2011.
- a. Agreed supporting documentation to award and expenditure amounts reported.
  - b. Determined whether the Police Chief, Mayor or Chief Administrator, and Chief Fiscal Officer signed the “Final Report Form.” [SALLE Manual, Chapter III, 9]

**Results:** We obtained the Final Report Form for the one SALLE grant that was fully expended during our review period. We found no exceptions as a result of applying these procedures.

10. Obtained support for the amount of unencumbered SALLE funds at the end of Fiscal Year 2009 and Fiscal Year 2010. If 50 percent of the previous allocations remain, the police department is not permitted to apply for funds in the next fiscal year, unless permission is granted by the SALLE Committee. Verify that funds were not received in Fiscal Year 2010 and Fiscal Year 2011 if 50 percent of the previous allocations were not spent, unless the SALLE Committee gave approval to do so. [SALLE Manual, Chapter III, 11]

**Results:** The Town did not report the remaining SALLE funds to the SALLE Committee annually as required by the SALLE manual; concurrently, DSHS did not require them to adhere to this policy. DSHS relied on the assertion of the municipality that they have met the requirements to apply for funds in the next fiscal year.

The Town did not maintain separate accounts for current and prior fiscal year grant funds. They reportedly used their accounting system to track expenditures for each fiscal year and grant period; however, the reports provided did not present balances that coincided with those listed on the SALLE bank statements. As a result of the limited documentation provided, we were unable to determine if the Town expended the required 50% of prior year SALLE funds.

11. Ascertained if the police department maintained a separate grant account for each SALLE award. The grants cannot be deposited into accounts with previous years’ SALLE funds, general funds, or federal funds. [SALLE Manual, Chapter V, 3]

**Results:** The Town has a separate SALLE account apart from general or federal funds, but there are not separate accounts for each fiscal year or grant period. All SALLE funds received, regardless of fiscal year or grant period, are deposited into this one account. The Town reportedly used their accounting system to track expenditures for each fiscal year and grant period; however, we were unable to substantiate this information with the reports provided.

12. Ascertained that, if the SALLE funds were used to match federal funds, the federal funds to be matched were identified at the time the SALLE grant was submitted. A letter must be submitted to the SALLE Administrator requesting permission to match a federal program prior to the SALLE funds being used. [SALLE Manual, Chapter V, 6]

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*Results:* The Town did not request SALLE funds be used to match federal funds. We found no exceptions as a result of applying this procedure.

13. If SALLE funds from the prior fiscal year were not expended, ascertained if the SALLE Administrator was notified that the funds would be carried over to the next fiscal year(s). [SALLE Manual, Chapter V, 7]

*Results:* Neither the Fiscal Year 2010 nor the Fiscal Year 2011 grants were fully expended during each fiscal year. Since the Town does not maintain separate accounts for each grant by fiscal year, it is not readily determinable how much of each grant was remaining. The remaining amounts were not provided to the SALLE Administrator. The SALLE Administrator indicated that municipalities only notify her if they are carrying over funds from one grant period to the next.

*Emergency Illegal Drug Enforcement Fund*

1. Inspected ten percent, or a minimum of five, of the personnel records of all police officers employed during Fiscal Year 2010 and Fiscal Year 2011 to determine if the officers had successfully completed a police training and education course at an approved school. [11 Del. C. §8405]

*Results:* Of the nine Town police officers employed during our review, we selected five personnel records for each fiscal year. All officers reviewed successfully completed an approved police training and education course.

2. Reviewed appropriate payroll records to determine if all police salaries paid during Fiscal Year 2010 and Fiscal Year 2011 were equal to or above the minimum required salary. [EIDE Manual, Chapter II, 3]

*Results:* The payroll records provided by the Town were on a calendar year basis. The "Statement of Sworn Officers" provided each officer's salary on a fiscal year basis and indicated that each officer was paid at least the minimum salary of \$28,000. However, we could not substantiate the salaries listed since the Town was unable to provide support for the reported salaries.

3. Interviewed key employees to determine if the police department was in operation for three consecutive years prior to applying for EIDE funds. [EIDE Manual, Chapter II, 4] EXCEPTION – The three year requirement is lifted if the town signs a written agreement regarding repayment if disbanding occurs. [EIDE Manual, Chapter II, 4]

*Results:* We found no exceptions as a result of applying this procedure for Fiscal Year 2010 and Fiscal Year 2011.

4. Obtained and reviewed the police department's EIDE participation application. Verify that all required information was included and the form contained all appropriate signatures. [EIDE Manual, Chapter II, 1, 2, & 5]

*Results:* This document does not apply to the Town of Milton. The Application for Participation was created years ago for municipalities that were not participating in the grant programs, but wished to do so. DSHS reported that Milton has been participating in the program since the 1970s.

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5. Obtained a copy of the Fiscal Year 2010 and Fiscal Year 2011 “EIDE Statement of Sworn Officers” document from the DSHS.
  - a. Agreed the number of full-time, sworn officers who were certified and were on the municipality’s payroll as of July 1, 2009 and July 1, 2010. [EIDE Manual, Chapter III, 2]
  - b. Determined whether the Mayor or chief local official, the Chief of Police or Director of Public Safety, and the Chief Fiscal Officer signed the document. [EIDE Manual, Chapter III, 2]

*Results:* We found no exceptions as a result of applying these procedures for Fiscal Year 2010 and Fiscal Year 2011.

6. Obtained a copy of the “EIDE Application Form” from the DSHS submitted for the Fiscal Year 2010 and Fiscal Year 2011 grants.
  - a. Obtained information from the DSHS that the application forms submitted to the DSHS were received after July 31, 2009 but no later than January 31, 2010 for Fiscal Year 2010 and received after July 31, 2010 but no later than January 31, 2011 for Fiscal Year 2011. [EIDE Manual, Chapter III, 6]
  - b. Determined whether the Police Chief, Mayor or Chief Administrator, and Chief Fiscal Officer signed the application forms.

*Results:* We found no exceptions as a result of applying these procedures for Fiscal Year 2010 and Fiscal Year 2011.

7. For all EIDE funds expended during Fiscal Year 2010 and Fiscal Year 2011, selected all expenditure transactions and supporting documentation for each fiscal year from the cancelled checks to determine if funds received were only expended for approved items outlined in the application, unless otherwise approved by the SALLE Committee. [EIDE Manual, Chapter V, 2] Also review all expenditure transactions and supporting documentation over \$1,000. [Guidance for allowable and unallowable expenditures can be found in Chapter IV of the EIDE Manual.]

*Results:* We found no exceptions as a result of applying this procedure for Fiscal Year 2010 and Fiscal Year 2011.

8. Determined for the expenditure transactions selected in step above, that no purchase was made using EIDE funds prior to approval of the grant application. [EIDE Manual, Chapter III, 9]

*Results:* We found no exceptions as a result of applying this procedure for Fiscal Year 2010 and Fiscal Year 2011.

9. Obtained a copy of the “Final Report Form” from the DSHS for all EIDE grants fully expended during Fiscal Year 2010 and Fiscal Year 2011.
  - a. Agreed supporting documentation to award and expenditure amounts reported.
  - b. Determined whether the Police Chief, Mayor or Chief Administrator, and Chief Fiscal Officer signed the “Final Report Form.” [EIDE Manual, Chapter III, 10]

*Results:* We obtained the Final Report Form for the one EIDE grant that was fully expended during our review period. We found no exceptions as a result of applying these procedures.

10. Obtained support for the amount of unencumbered EIDE funds at the end of Fiscal Year 2009 and Fiscal Year 2010. If 50 percent of the previous allocations remain, the police department is not permitted to apply for funds in the next fiscal year, unless permission is granted by the SALLE Committee. Verify that funds were not received in Fiscal Year 2010 and Fiscal Year 2011 if 50

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percent of the previous allocations were not spent, unless the SALLE Committee gave approval to do so. [EIDE Manual, Chapter III, 11]

**Results:** The Town did not report the remaining EIDE funds to the SALLE Committee annually as required by the EIDE manual; concurrently, DSHS did not require them to adhere to this policy. DSHS relied on the assertion of the municipality that they have met the requirements to apply for funds in the next fiscal year.

The Town did not maintain separate accounts for current and prior fiscal year grant funds. They reportedly used their accounting system to track expenditures for each fiscal year and grant period; however, the reports provided did not present balances that coincided with those listed on the EIDE bank statements. As a result of the limited documentation provided, we were unable to determine if the Town expended the required 50% of prior year EIDE funds.

11. Ascertained if the police department maintained a separate grant account for each EIDE award. The grants cannot be deposited into account with previous years' EIDE funds, general funds, or federal funds. [EIDE Manual, Chapter V, 3]

**Results:** The Town has a separate EIDE account apart from general or federal funds. However, all EIDE funds received, regardless of fiscal year or grant period, are deposited into this one account; there are not separate accounts for each fiscal year or grant period. The Town reportedly used their accounting system to track expenditures for each fiscal year and grant period; however, we were unable to substantiate this information with the reports provided.

We discovered further evidence that the Town was not properly using their accounting system to track grant awards during our review of the Final Report forms for EDIE Grants. The Town reported that it used \$2,790 and \$1,259 of EIDE Grant D-36-06 and Grant D-32-09 funds, respectively, for overtime but it was not reflected in the EIDE bank statements. In addition, the accounting system reports did not provide evidence that the overtime pay disbursed from the Town's payroll account was reimbursed by the EIDE account.

12. If EIDE funds from the prior fiscal year were not expended, ascertained if the EIDE Administrator was notified that the funds would be carried over to the next fiscal year(s). [EIDE Manual, Chapter V, 4]

**Results:** Neither the Fiscal Year 2010 nor the Fiscal Year 2011 grants were fully expended during each fiscal year. Since the Town does not maintain separate accounts for each grant by fiscal year, it is not readily determinable how much of each grant was remaining. The remaining amounts were not provided to the Program Administrator. The Program Administrator indicated that municipalities only notify her if they are carrying over funds from one grant period to the next.

On three separate occasions, as early as January 10, 2013, we asked for a signed representation letter from management, however, the Town failed to provide one. As of February 12, 2013, we closed the engagement.

This report is intended solely for the information and use of the Town of Milton's management and council members, DSHS, and the Office of the State Treasurer and is not intended to be, and should not be, used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited. This report, as required by statute, was provided to the Office of the

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Governor, Office of the Controller General, Office of the Attorney General, and Office of Management and Budget.

We were not engaged to, and did not conduct an audit, the objective of which would be the expression of an opinion on compliance with specified laws. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

R. Thomas Wagner, Jr., CFE, CGFM, CICA  
Auditor of Accounts

February 12, 2013

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*Appendix A*

Fiscal Year 2010 and Fiscal Year 2011 State of Delaware Municipal Grants Awarded <sup>8</sup>						
Municipality	Fiscal Year 2010 MSAF <sup>9</sup>	Fiscal Year 2010 SALLE	Fiscal Year 2010 EIDE	Fiscal Year 2011 MSAF	Fiscal Year 2011 SALLE	Fiscal Year 2011 EIDE
Arden	\$ -	\$ -	\$ -	\$ 14,116	\$ -	\$ -
Ardencroft	-	-	-	4,794	-	-
Ardentown	-	-	-	8,743	-	-
Bellefonte	-	-	-	7,565	-	-
Bethany Beach	-	4,451	3,730	86,912	4,264	3,596
Bethel	-	-	-	6,599	-	-
Blades	-	3,161	3,081	23,124	3,421	3,199
Bowers Beach	-	-	-	8,285	-	-
Bridgeville	-	4,129	3,567	39,476	3,983	3,464
Camden	-	4,935	3,973	52,749	4,686	3,795
Cheswold	-	3,484	3,243	9,338	3,421	3,199
Clayton	-	4,129	3,567	31,036	3,843	3,397
Dagsboro	-	3,323	3,162	14,287	3,281	3,132
Delaware City	-	3,484	3,243	35,558	3,421	3,199
Delmar	-	4,935	3,973	28,309	4,686	3,795
Dewey Beach	-	4,129	3,567	13,982	4,124	3,530
Dover	-	17,836	10,457	526,814	15,360	8,830
Ellendale	-	-	-	13,569	-	-
Elsmere	-	4,613	3,811	85,666	4,405	3,663
Farmington	-	-	-	1,382	-	-
Felton	-	3,645	3,324	25,475	3,562	3,265
Fenwick Island	-	3,806	3,405	26,651	3,702	3,331
Frankford	-	-	-	11,763	-	-
Frederica	-	-	-	11,366	-	-
Georgetown	-	6,064	4,540	110,672	5,528	4,193
Greenwood	-	3,323	3,162	20,238	3,140	3,066
Harrington	-	4,451	3,730	57,009	4,124	3,530
Hartly	-	-	-	651	-	-
Henlopen Acres	-	-	-	13,313	-	-
Houston	-	-	-	9,332	-	-
Kenton	-	-	-	4,276	-	-
Laurel	-	5,580	4,297	59,046	5,107	3,994
Leipsic	-	-	-	3,874	-	-

<sup>8</sup> The schedule was prepared by AOA from information gathered from various sources. We retrieved the data related to MSAF from the Delaware Department of Transportation – Projects webpage (<http://deldot.gov/information/projects/msa/index/shtm>). DSHS provided the data related to the SALLE and EIDE funds. No additional work was performed, using this table, outside of the previously stated audit procedures.

<sup>9</sup> MSA Funds were not appropriated during Fiscal Year 2010.

State of Delaware  
Office of Auditor of Accounts  
Request for Proposal

Appendix K

*State of Delaware*

*Town of Milton Municipal Grants AUP Report*

Fiscal Year 2010 and Fiscal Year 2011 State of Delaware Municipal Grants Awarded						
Municipality	Fiscal Year 2010 MSAF	Fiscal Year 2010 SALLE	Fiscal Year 2010 EIDE	Fiscal Year 2011 MSAF	Fiscal Year 2011 SALLE	Fiscal Year 2011 EIDE
Lewes	-	5,096	4,054	83,461	4,686	3,795
Lewes BPW	-	-	-	-	-	-
Little Creek	-	-	-	1,595	-	-
Magnolia	-	-	-	1,680	-	-
Middletown	-	7,354	5,189	271,283	7,073	4,921
Milford	-	7,838	5,432	183,800	6,933	4,855
Millsboro	-	5,258	4,135	46,297	4,685	3,795
Millville	-	-	-	1,655	-	-
Milton	-	4,451	3,730	42,251	4,264	3,596
New Castle	-	5,741	4,378	87,617	5,388	4,126
Newark	-	12,998	8,026	385,376	12,130	7,307
Newport	-	4,129	3,567	21,777	3,983	3,464
Ocean View	-	4,290	3,648	75,646	3,983	3,464
Odessa	-	-	-	7,987	-	-
Rehoboth Beach	-	6,064	4,540	93,314	5,247	4,060
Seaford	-	7,354	5,189	146,384	6,652	4,723
Selbyville	-	4,129	3,567	47,516	4,124	3,530
Slaughter Beach	-	-	-	6,724	-	-
Smyrna	-	6,548	4,783	157,965	6,231	4,524
South Bethany	-	3,968	3,486	41,170	3,702	3,331
Townsend	-	-	-	14,129	-	-
Viola	-	-	-	3,028	-	-
Wilmington	-	54,927	29,101	890,234	45,981	23,274
Woodside	-	-	-	2,119	-	-
Wyoming	-	3,645	3,324	21,022	3,562	3,265
<b>TOTAL</b>	<b>\$</b>	<b>\$ 233,268</b>	<b>\$ 167,981</b>	<b>\$ 4,000,000</b>	<b>\$ 212,682</b>	<b>\$ 154,208</b>