

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEVELOPMENTAL DISABILITIES COUNCIL
AND
THE BUREAU OF PLANNING

1.0 STATEMENT OF PURPOSE

The purpose of this memorandum of understanding is to set forth the administrative procedures, roles and responsibilities governing the manner in which the Bureau of Planning (Bureau), the agency designated by the Governor to receive, account for and disburse funds under the Developmental Disabilities Assistance and Bill of Rights Act, as amended by Public Law 101-496 (Act), and the Developmental Disabilities Council (Council), the entity which is responsible for the execution of the state plan under the Act, will execute their respective responsibilities under the Act.

2.0 ADMINISTRATIVE RESPONSIBILITIES OF THE DEVELOPMENTAL DISABILITIES COUNCIL

- 2.1 The Council is primarily responsible for developing the state plan in compliance with the provisions of the Act, and for submitting it to the Secretary of Health and Human Services (Secretary). The Council shall develop the state plan in consultation with the Bureau.
- 2.2 The Council shall review annually the provisions in the state plan and may, in consultation with the Bureau, prepare an annual state plan amendment. Section 122(b)(2)(C). The Council shall be responsible for submitting any state plan amendments to the Secretary.
- 2.3 The Council shall prepare and approve an annual budget using the funds provided under the Act. Section 124(c)(1).
- 2.4 The Council shall hire an Executive Director §124(c)(1).
- 2.5 The Council, through the Executive Director, shall hire

any staff or otherwise obtain the services of any professional, technical and clerical personnel that the Council determines to be necessary to carry out its functions under the state plan. 42 U.S.C. §124(c)(1).

- 2.6 The Executive Director of the Council shall have final authority in requisitioning all goods and services for the program; provided, however, that requisitions for all services of a temporary or special nature, and for purchases of all supplies and equipment in excess of \$2,500, shall have the prior written approval of the Executive Committee. Purchases of supplies and equipment by the Council in excess of \$5,000 shall also have the prior written approval of the Office of Financial Operations in Region IX. Section 122(d)(1).

"Equipment" means tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

"Supplies" means all tangible personal property other than equipment.

3.0 ADMINISTRATIVE RESPONSIBILITIES OF THE BUREAU OF PLANNING

- 3.1 The Bureau shall be informed and afforded the opportunity to consult with the Council in the Council's development of the state plan. Section 124(d)(1).
- 3.2 The Bureau shall be the recipient of the funds under this grant and shall disburse the funds to the Council consistent with the approved budget. Section 122(b)(1)(B).
- 3.3 The Bureau shall assure that all fiscal and program records required by the Secretary or the Council are being maintained, and shall provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid under this grant. Section 122(b)(1)(D). The Bureau shall keep all such required records and shall

allow the Secretary and the Council reasonable access to them.
Section 122(b)(1)(C).

- 3.4 The Bureau shall provide the assurances in Section 122(b)(1)(B).
- 3.5 The Bureau shall provide the following administrative support services for the program:
 - a. perform bookkeeping and accounting functions;
 - b. process all requisitions for purchases and direct payments, including the forwarding of requisitions to General Service Agency for procurement, if applicable. Reimbursements for costs shall be emergency purposes only;
 - c. prepare payroll documents based upon time records maintained by the Council;
 - d. prepare and maintain records required for audits and program reviews;
 - e. prepare and submit all necessary fiscal documents and reports to the Department of Administration; and,
 - f. verify that all expenditures required by the Council comply with applicable Federal statutes and regulations.
- 3.6 The Bureau shall perform the support services designated in paragraph 3.5 in a timely manner, enabling the Council to meet its deadlines for submitting reports, evaluations and other documents.
- 3.7 In providing the support services listed in paragraph 3.5, the Bureau shall comply with the cost allocation plan developed as a result of the Council's July 1992 program administrative review. As set forth in the cost allocation plan, the Bureau's employees who are providing support services shall maintain accurate time

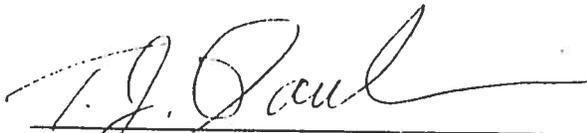
records for time spent on those services. The Bureau shall allow the Council, upon request, to review these time records.

- 3.8 The Bureau shall act as financial staffing of the Council.
- 3.9 The Bureau shall monitor the program as administered by the Council to assure the proper disbursement of and accounting for funds paid under the grant, including adherence to budget limitations and verification of the expenditure of funds.
- 3.10 The Bureau shall forward all necessary financial information and records to the Department of Administration to assure that the quarterly status reports can be prepared and submitted in a timely manner to the Secretary.
- 3.11 The Bureau shall submit all quarterly fiscal status reports to the Secretary. The Bureau shall present the reports to the Council for review and approval before forwarding them to the Secretary.
- 3.12 The Bureau will assist the Council in assuring that grant funds have been obligated within one year after the close of the Federal fiscal year in which they were awarded, and that funds which have been obligated are liquidated within two years after the close of the Federal fiscal year in which they were awarded.

This agreement will be in effect immediately upon the date signed by the Governor. Revisions, as desired by either party or necessitated by changes in Federal or Territorial Law, will be negotiated and become effective upon signature by all parties and the Governor. This agreement will be reviewed by the parties and revised, as necessary, at the end of each fiscal year. This agreement will remain binding on all successors of the signatories to this agreement and the agencies they represent.

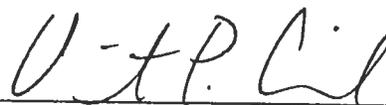
COUNCIL:

BUREAU:



TOMAS J. PAULINO
Executive Director
Guam Developmental
Disabilities Council

Date: 12-1-95



VINCENT P. ARRIOLA
Acting Director
Bureau of Planning
Designated State Agency

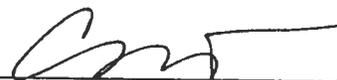
Date: 12-13-95



CALVIN E. HOLLOWAY, SR.
Attorney General
Department of Law

Date: DEC 22 1995

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 12-27-95

RECEIVED
DEC 26 1995
Jane
ATTORNEY GENERAL'S OFFICE