

# Arizona Public Safety Procurement Program

## ARIZONA STATE PLAN OF OPERATION: Memorandum of Agreement and Understanding Federal Excess Property 1033 Program

NAME OF LAW ENFORCEMENT AGENCY \_\_\_\_\_

### PURPOSE

The purpose of this State Plan of Operation: Memorandum of Agreement and Understanding (MOA/MOU) is to set forth the terms and conditions by which certified Arizona Law Enforcement Agencies (LEAs) may obtain excess Department of Defense (DOD) personal property under the federal 1033 Program through participation in the Arizona Public Safety Procurement Program (AZPSPP) and to promote the efficient and expeditious transfer of the property.

### AUTHORITY

The Secretary of Defense is authorized by 10 U.S.C. § 2576a (section 1033 of the fiscal year 1997 National Defense Authorization Act) to transfer to Federal and State Agencies personal property that is excess to the needs of the DOD and that the Secretary determines is suitable for use by agencies in law enforcement activities, with emphasis on counter drug/counterterrorism activities, under such terms prescribed by the Secretary. The Secretary has delegated the authority to determine whether property is suitable for use by agencies in law enforcement activities to the DOD Defense Logistics Agency (DLA).

### ORGANIZATIONAL AUTHORITY

The Governor of Arizona has designated Detective Matt Van Camp of the Payson Police Department as the State Coordinator to implement the federal excess property 1033 Program statewide through the AZPSPP.

### STAFFING AND FACILITY

The Arizona 1033 Coordinators, herein referred to as the State Coordinator and the designated State Points of Contact (SPOCs), have operational authority for the daily conduct, management, oversight and policies of the AZPSPP. This responsibility includes assuring that all program participants comply with applicable Federal and State laws and directives related to this program.

### TERMS AND CONDITIONS

- **Law Enforcement Agency (LEA) Eligibility Criteria:** In determining whether property is suitable for use by agencies in law enforcement activities, DLA Disposition Services (formerly known as the Defense Reutilization and Marketing Service (DRMS)) defines law enforcement activities as activities performed by government agencies whose primary function is the enforcement of applicable federal, state and local

laws and whose compensated law enforcement officers have powers of arrest and apprehension. The DOD, through DLA Disposition Services, has final authority to determine the type, quantity, and location of excess personal property suitable for use in law enforcement activities, if any, which will be transferred to the State. This MOA/MOU creates no entitlement for the LEA to receive DOD excess personal property. Property available under the 1033 Program is for the current use of authorized program participants; it will not be issued for speculative/possible future use. Property will not be obtained for the purpose of sale, lease, rent, exchange, barter, or to secure a loan, or to otherwise supplement normal LEA budgets. All requests for property will be based on bona fide law enforcement requirements. The requisitioning of property for the purpose of cannibalization is not normally authorized. Requests for exceptions to this policy must be submitted in writing first to the State Coordinator and then to DLA Disposition Services's Law Enforcement Support Office (LESO) for final determination and approval. Any transportation, repair, maintenance, insurance, disposal or other expenses associated with the excess property is the sole responsibility of the LEA.

- **Membership Fee:** The AZPSPP may institute a membership fee to cover administrative costs associated with managing the 1033 Program. The AZPSPP uses the DOD budget year of October 1 thru September 30 as its yearly cycle. Membership fees are due after October 1 of the current year. The AZPSPP currently has a \$250.00 per year membership fee.
- **How to Enroll in the State 1033 Program:** LEAs must request enrollment in the 1033 Program by completing the application available at: [www.drms.dla.mil/rtd03/leso/state.shtml](http://www.drms.dla.mil/rtd03/leso/state.shtml). The application should be submitted to the State Coordinator. Upon review and approval by the State Coordinator, the State Coordinator will forward the approved application to the LESO for final approval. With LESO's approval, the State Coordinator will provide the agency with a LEA screener's authorization memo (Authorization Letter for Property Screening and Receiving). Additionally, the AZPSPP will provide the LEA with an identification (ID) number so the LEA may screen and request property through the LEEDS automation system.

By signing this MOA/MOU and agreeing to accept excess property under this program, the LEA pledges that it agrees to comply with applicable provisions of the following national policies prohibiting discrimination:

- a. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) as implemented by DOD regulations in 32 C.F.R. Part 195.
  - b. On the basis of age, in the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) as implemented by Department of Health and Human Services regulations in 45 C.F.R. Part 90.
  - c. On the basis of disability, in Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, P.L. 93-516 (29 U.S.C. 794), as implemented by Department of Justice regulations in 28 C.F.R. Part 41 and DOD regulations at 32 C.F.R. Part 56.
- **LEA Screener Criteria:** LEA screeners may be full-time and/or part-time paid employees of the agency. Screeners may be sworn officers and/or non-sworn personnel assigned by the LEA to perform these duties. LEAs are allowed a maximum of four (4) screeners per agency. A maximum of two (2) of the authorized screeners may physically screen at any DLA Disposition Services location (DRMO) at one

time. NOTE: **The Weapons Point of Contact (POC) must be a paid, full-time sworn officer of the LEA.**

- **Identification/Acquisition of Property:** LEAs find needed property electronically through the DLA website: [www.drms.dla.mil/rtd03/leso/](http://www.drms.dla.mil/rtd03/leso/) or by physically visiting the nearest DRMO. Once property has been identified, LEAs submit an on-line request via the LEEDS system to the State Coordinator's Office.

The State Coordinator approves or disapproves the request. If the request is approved, it is forwarded electronically to the LESO and if approved by the LESO, it goes to Military Standard Requisitioning and Issue Procedures (MILSTRIP) for final approval. If the request receives final approval, the LEEDS system will show a ***Request approved by Milstrip***. The requesting LEA is responsible for checking the LEEDS system and contacting the issuing DRMO to arrange pick up or transportation of the approved item.

**IMPORTANT NOTE: LEAs have 14 days from the approval date to obtain the item screened from the DRMO and failure to obtain this item will result in the item going back into the system for re-issuance.**

- **Transportation of Property:** It is the responsibility of the LEA to transport requested property from the DRMOs. Additionally, transportation costs associated with the turn-in of property to a DRMO are the responsibility of the agency. DLA will not fund the transportation cost associated with property received under this program.
- **Storage of Property:** Arizona is not maintaining a small warehousing facility.
- **Utilization of Property:** Property received through the 1033 Program must be placed into use within **one year of receipt and utilized for a minimum of one year**, unless the condition renders it unusable. If property is not placed into use within 1 year of receipt, it must be transferred to another authorized agency, or returned to a DRMO. Property returns/turn-ins must be coordinated through the AZPSPP Office and LESO.
- **Distribution of Property:** LESO will approve property requests for any law enforcement activities with preferences given to counter drug/counterterrorism.
- **Security of Property:** It is the responsibility of the gaining LEA to safeguard all property received through the 1033 Program. Should any property become lost due to theft, destruction or unauthorized sale/disposal, the LEA must notify the State Coordinator within seven (7) working days after the incident. The State Coordinator will contact the LESO for additional guidance.
- **Accountability of Property:** Along with the State, each LEA must maintain records for all property acquired through the 1033 Program. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: form 657, 657A, 657T, 657D, 657TI, DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved Bureau of Alcohol, Tobacco and Firearms (ATF) Form 5/10, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1), and any pertinent paperwork issued through the LESO. The records maintained must also satisfy any and all pertinent requirements under Arizona statutes and regulations for the program and this property.

- **Title of Property:** The DOD has authorized the transfer and use of excess Federal property to Law Enforcement Agencies and as such reserves the right to recall any and all property issued through the 1033 Program. At the LEA's request, the DOD will provide a Form 97 (DOD certificate of Title) to be used by the LEA to comply with the LEA's state registration requirements. The LEA may title the property in its name as needed. All demilitarization (DEMIL) property may not be disposed of and must be returned to the DOD. Terminating the title to property returned to the DOD is the LEA's responsibility. All property that is not DEMIL property must have approval from the State Coordinator's Office for disposal if the property is on the LEA's inventory list. LEAs should contact the State Coordinator's Office for further clarification and direction.
- **Inactive File:** The LESO has a 5-year file retention policy. LESO will maintain active files for 2 years and inactive files for 3 years. After five years, the files are destroyed with the exception of DEMIL code B through Q property, sensitive items, DEMIL code A property with an acquisition value over \$20,000, and any other high dollar items.
- **State Compliance Reviews:** The AZPSPP will conduct periodic reviews of each LEA enrolled in the 1033 Program, including physical inventory/spot checks of property received and any related records. The purpose of the reviews is to ensure LEAs are in compliance with the Arizona State Plan of Operation. These reviews will be documented and a copy will be sent to the LEA. Additionally, a copy will be maintained by the AZPSPP office. A LEA found out of compliance with the terms or conditions of the State Plan of Operation will have thirty (30) days to correct the deficiencies. If the LEA fails to correct the problems, the AZPSPP Office or the LESO may suspend the LEA from the 1033 Program and may require the return of any and all equipment obtained under the Program.
- **Turn in of Property:** LEAs will coordinate all turn in requests through the State Coordinator's Office and must use a turn in request form. DEMIL code C, D, E, F, G & P property must be demilitarized and returned to a DRMO. Turn in requests can include property the LEA does not want to dispose of through its own agency procedure, property that can be re-used by another LEA, or property that the AZPSPP or LESO has directed the LEA to return to a DRMO. It is the responsibility of the LEA to contact a DRMO to arrange for the return of property. Once the LEA has contacted a DRMO and the DRMO has agreed to accept the property, the LEA will submit the turn in request form to the AZPSPP. The AZPSPP will approve the request and forward it to the LESO for the issuance of the turn in 1348. Once issued by the LESO, the turn in 1348 will be sent to the AZPSPP (who will forward it to the LEA) and a copy will be sent to the accepting DRMO. The LEA can then take the property back to the DRMO.

Once approved, LEAs have 30 days in which to return property. Once the documents have been signed off by the LEA and the DRMO accepting the property, copies must be sent to the AZPSPP.

- **Transfer of Property:** LEAs must coordinate, in writing, transfer of 1033 property through the State Coordinator using a transfer request form. The State Coordinator will request final approval from the LESO. Property may be transferred within Arizona or between other states as long as it is properly coordinated with the State Coordinator and LESO. If approved, the transfer request form will be sent to the State Coordinator and forwarded to the LEA transferring the equipment. **NOTE: No equipment is to be physically transferred between agencies until the transfer has been approved by the Arizona State Coordinator and LESO. Failure to comply with this directive could result in the suspension of the LEAs from the 1033 Program.**

- **Disposal of Property:** LEAs must request approval, in writing, using a disposal request form from the State Coordinator before disposing of any 1033 property. The State Coordinator will request final approval from the LESO. If approved, the disposal request form will be sent to the State Coordinator. DEMIL code A property and DEMIL code Q property with an Integrity code of 6 will automatically be removed from the LEA's inventory one year after acquisition. Property with DEMIL codes B through G or DEMIL code Q with an Integrity code of 3 must be transferred to an authorized agency or returned to a DRMO when no longer needed. Costs incurred for transfers, disposals or turn-ins will be borne by the State/LEA. If the LEA's policy allows for disposal of non DEMIL property by sale or auction, all funds generated by the sale of DOD acquired property will be restricted for the LEA's use only. DOD acquired property will be fully utilized by the LEA prior to disposal and no DOD property will be acquired to supplement the LEA's budget.
  - **DEMIL code A:** Does not require demilitarization and the LEA may dispose of the property after one year of possession.
  - **DEMIL code Q with Integrity code of 6:** *Will be treated like DEMIL code A.* Does not require demilitarization and the LEA may dispose of the property after one year of possession.
  - **DEMIL codes B through G and all DEMIL code Q with Integrity code of 3:** Requires demilitarization and must be returned to a DRMO. The State Coordinator must obtain the LESO's approval for equipment returns.
    - LESO will provide turn-in documentation (DD Form 1348-1A). With few exceptions, the State/LEA will be asked to coordinate the turn-in with a local DRMO. The State/LEA informs LESO which DRMO has agreed to accept the turn-in. LESO will then provide turn-in documentation to the accepting DRMO. Upon receipt of the turn-in documentation, the LEA must return the property to the specified DRMO. The DRMO personnel receiving the materials will sign the turn-in document and give the LEA a copy of the signed receipt paperwork. This receipt paperwork must be maintained in the LEA's files and a copy of the receipt must be forwarded to the State Coordinator. (See DOD 4160.21-M, Defense Material Disposition Manual; DOD 4160.21-M-1, Defense Demilitarization Manual; DRMS-I 4160.14, Volume VII for DEMIL rules.)
    - Before disposing of MLI/CCLI property, Federal and State agencies must consider the export control requirements as promulgated by the Department of State, Department of Commerce and the Treasury Department, as applicable. Disposal methods shall ensure that appropriate safeguard requirements are in place prior to disposal. These will include, but are not limited to:
      - Notification of export control requirements to the end-user; and
      - Exclusion of individuals, entities or countries who are:
        - Excluded from Federal programs by the General Services Administration (GSA);

- Delinquent on obligations to the U.S. Government or debarred or suspended from DOD contracts;
- Currently suspended for TSC violations; or
- Subject to denial, debarment or other sanctions under public law.

For more information regarding these items, view the following links:

<http://www.demil.osd.mil> Defense Demilitarization and Trade Security Controls Program

<http://www.dtic.mil/mctl> Military Critical Technologies List

<http://www.drms.dla.mil/drms/internal/demil/CriticalBuzzKeyPt.pdf>  
Critical Federal Supply Class (FSC) and Buzz words

<http://www.drms.dla.mil/drms/internal/demil/FSCAP.pdf> Flight Safety Critical Aircraft Parts (FSCAP)

- **Training:** AZPSPP staff will conduct training and familiarization for LEAs with guidance from the following websites:
  - ABCs of DEMIL: [www.dtic.mil/whs/directives/corres/html/416021m1.htm](http://www.dtic.mil/whs/directives/corres/html/416021m1.htm) (knowledge of demilitarization codes)
  - DLA operations: [www.dla.mil](http://www.dla.mil) (DLA handbook)
  - LESO operations: [www.drms.dla.mil/rtd03/leso/training.shtml](http://www.drms.dla.mil/rtd03/leso/training.shtml) (1033 Program/Automation training guides)
  - DLA Disposition Services operations: [www.drms.dla.mil](http://www.drms.dla.mil) (automation requisitioning process/procedures)

#### **THE STATE OF ARIZONA (AZPSPP) WILL:**

- Receive applications for participation in the 1033 Program from its law enforcement agencies and approve the applications with a signature. Once the approval process is complete and the agency is loaded in the DRMS automated requisitioning system, the State will provide enrolled LEAs with their LEA ID number so they may request materials on-line.
- Forward requests to LESO for excess property that is necessary to meet requirements for LEA efforts and ensure the recipient LEA is identified on all requisitions.
- Be responsible for the transfer and/or allocation of property to qualified LEAs.

- d. Ensure the LEAs agree to maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.
- e. Control and maintain accurate records on all property obtained under the 1033 Program. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: form 657, 657A, 657T, 657D, 657TI, DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved Bureau of Alcohol, Tobacco and Firearms (ATF) Form 5/10, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1), and any pertinent paperwork issued through the LESO. The records maintained must also satisfy any and all pertinent requirements under Arizona statutes and regulations for the program and this property.
- f. Maintain active files for 2 years and inactive files for 3 years in accordance with LESO policy. After five years, the files will be destroyed with the exception of DEMIL code B through Q, sensitive items, DEMIL code A property an acquisition value over \$20,000, and any other high dollar items.
- g. Enter into agreements with LEAs to ensure they fully comply with the terms, conditions and limitations applicable to property transferred pursuant to the 1033 Program.
- h. Allow a maximum of two (2) screeners per LEA to physically screen at any DRMO (one primary and one alternate). The screeners must be named in a "letter of authorization" provided to the cognizant LESO, to be updated every other year, or as changes occur.
- i. Ensure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- j. Ensure that all weapons are registered with the U.S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms and the U. S. Army Tank Automotive and Armaments Command. Recipients must comply with all applicable firearms laws and regulations. The LEA will provide a weapon's POC on its data sheet.
- k. Identify to LESO each request for property that will be used in counter drug/counterterrorism activities.
- l. Ensure LEAs are aware of their responsibilities in accordance with the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7). **Reference:** ([www.whitehouse.gov/omb/circulars/a133/a133.html](http://www.whitehouse.gov/omb/circulars/a133/a133.html))
- m. Review and/or update the Memorandum of Agreement (MOA) between DLA and the State of Arizona annually or when the Governor or Governor-appointed State Coordinator changes. If there are no changes to the MOA, a signed letter/email will be sent to the LESO indicating that the plan has been reviewed and no changes were necessary.
- n. Ensure all LEAs enrolled in the State 1033 Program maintain a current copy of the Arizona State Plan of Operation and require a current MOA/MOU signed by the agency executive officer.

- o. Conduct periodic reviews of each LEA enrolled in the 1033 Program, including physical inventory/spot checks of property received and any related records. The purpose of the reviews is to ensure LEAs are in compliance with applicable Federal regulations and the Arizona State Plan of Operation. These reviews must be documented and maintained by AZPSPP staff for future LESO compliance reviews.
- p. Obtain reconciliation reports from the LESO website and conduct monthly and annual reconciliations between the State/LEA and LESO.
- q. Ensure serial/tail numbers are provided to LESO on items such as Peacekeepers/armored personnel carriers (APCs), aircraft, night vision goggles (NVGs)/sights and weapons.
- r. Validate and certify LEA inventory reconciliation results electronically and forward them to LESO within 10 working days of the monthly or annual reconciliation process. The State will also maintain a signed copy of all property reconciliation documentation received through the 1033 Program.
- s. Submit requests for property returns (turn-ins to a DRMO) to LESO for final approval. Note: Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- t. Submit disposal, transfer and inventory adjustment requests to LESO.
- u. Contact the LESO in writing not later than 30-calendar days prior to a State Coordinator/State Point of Contact change.

**| THE LAW ENFORCEMENT AGENCY WILL:**

- a. Submit applications for participation in the 1033 Program to the State Coordinator for approval.
- b. Submit requests for property (electronically) and provide justification for all requisitions to the State Coordinator.
- c. Maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.
- d. Control and maintain accurate records on all property obtained under the 1033 Program. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: form 657, 657A, 657T, 657D, 657TI, DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved Bureau of Alcohol, Tobacco and Firearms (ATF) Form 5/10, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1), and any pertinent paperwork issued through the LESO. A copy of all 1348's shall be forwarded to the AZPSPP office monthly.

The records maintained must also satisfy any and all pertinent requirements under Arizona statutes and regulations for the program and this property.



- e. Comply with the terms, conditions and limitations applicable to property transferred pursuant to the 1033 Program.
- f. Allow a maximum of four (4) screeners. The screeners must be named in a “letter of authorization/datasheet” provided to the LESO, to be updated as changes occur or whenever LESO requests an update. A weapons POC fulltime officer must be included on the “letter of authorization/datasheet” for any LEAs that have received or are requesting weapons. NOTE: A maximum of two (2) of the authorized screeners may physically screen at any DRMO at one time. The LEA will appoint a property accountability officer responsible for approving/disapproving all property requests and maintaining all accountability records for property received.
- g. Ensure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- h. Ensure that the following weapons are registered with the U.S. Treasury Department’s ATF: M14, M16, M21 and M79. Weapons recipients must comply with all applicable firearm laws and regulations and report all stolen or unaccounted for weapons to LESO through the State Coordinator not later than seven (7) working days after the incident has occurred. The LEA must provide a weapon POC on all data sheets. All weapon transfers between LEAs must be approved by the LESO before it is completed. The LEA must maintain an approved copy of the ATF Form 10 for all M14, M16, M21 and M79 rifles received and a Form 10 or Form 5 for all other weapons.
  - 1) The LEA accepts the transfer of weapons “as is” with no warranty of any kind including implied warranties, such as warranties of fitness for any purpose.
  - 2) The LEA acknowledges that there are hazards associated with the use of such property, which can cause damage to property and serious injury or death.
  - 3) The LEA agrees to provide appropriate training to any person who may use the weapons.
  - 4) Title is conditionally granted to the LEA upon receipt of the property; however, final disposition of all weapons obtained through the 1033 Program must be approved by AZPSPP/LESO prior to any action being taken by the LEA. Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
  - 5) The LEA agrees to maintain at its own expense adequate liability and property damage insurance and workman’s compensation insurance to cover any such claims.
  - 6) The LEA certifies that no person who has been convicted of a misdemeanor crime of domestic violence will be allowed to possess, transport or otherwise have access to any weapons transferred under the 1033 Program.
  - 7) The LEA affirms that any weapon provide through the 1033 Program must, if no longer needed for LEA use, be either transferred intrastate or interstate with coordination through the State Coordinator and LESO or must be returned to the U.S. Army Tank-Automotive &

Armaments Command (TACOM) at the expense of the LEA. The weapons may not be transferred to licensed firearms dealers or other persons.

8) Machine Guns defined by 26 U.S.C. 5845(b) not owned by the United States Government, or any agency thereof, must be registered with the Bureau of Alcohol, Tobacco and Firearms (ATF). Unregistered machine guns transferred by DOD to civilian law enforcement agencies may be lawfully registered by submitting an ATF form 10, Application for Registration of Firearms.

- i. Identify to LESO each request that will be used in counter drug/counterterrorism activities.
- j. Maintain a copy of the State Plan of Operation and, as applicable, comply with the State Plan.
- k. Annually update or certify “No Change” to the MOA/MOU to the State Coordinator.
- l. Be aware of its responsibilities under the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7).  
*Reference: ([www.whitehouse.gov/omb/circulars/a133/a133.html](http://www.whitehouse.gov/omb/circulars/a133/a133.html))*
- m. Allow AZPSPP to conduct periodic reviews, including physical inventory/spot checks of actual property and related records, to ensure compliance by the LEA with this MOA/MOU and/or the State Plan of Operation.
- n. Obtain reconciliation reports from the State Coordinator and conduct property reconciliations as requested by AZPSPP/LESO. The LEA will also provide a copy of all 1348’s by email or fax monthly to the State Coordinator’s Office.
- o. Ensure serial/tail numbers are provided to the State Coordinator on items such as Peacekeepers/APCs, aircraft, NVGs/sights and weapons.
- p. Submit requests for property returns (turn-ins to a DRMO) to the State Coordinator. Note: Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- q. Submit disposal, transfer and inventory adjustment requests to the State Coordinator.
- r. Contact the State Coordinator, in writing, not later than 30 days prior, when the property accountability officer changes.

## **OTHER TERMS AND CONDITIONS**

## **ARBITRATION**

To the extent required pursuant to A.R.S. § 12-1518, the Parties agree to use arbitration to resolve any dispute arising under this MOA/MOU.

## **CONFLICTS OF INTEREST**

The State is required to give notice of A.R.S. § 38-511 relating to the cancellation of contracts.

**NON-AVAILABILITY OF FUNDS**

In accordance with A.R.S. § 35-154, every payment obligation of the State or any State agency party under this MOA/MOU is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this MOA/MOU, it may be terminated by the State or any State agency party at the end of the period for which funds are available. No liability shall accrue to the terminating party in the event this provision is exercised, and the terminating party shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

**TERMINATION**

This MOA/MOU may be terminated by either party upon sixty days (60) written notice or as otherwise provided by law. If the LEA decides to withdraw from the 1033 Program, the disposition of the equipment acquired through the Program and currently held by the LEA will be determined by LESO/AZPSPP and a final equipment disposition plan will be prepared and sent to the LEA. The LEA will have ninety (90) days to comply with the disposition plan and any and all disposition costs will be borne by the LEA.

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



\_\_\_\_\_  
State Coordinator Signature

\_\_\_\_\_  
LEA Chief Executive Officer Signature

Detective Matt Van Camp  
State Coordinator, AZPSPP

\_\_\_\_\_  
Type/Print Name and Title

\_\_\_\_\_  
Type/Print Name and Title

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

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