

AGREEMENT BETWEEN
THE DEFENSE LOGISTICS AGENCY
AND
THE STATE OF UTAH

PURPOSE:

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

AUTHORITY:

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

TERMS AND CONDITIONS:

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

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

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

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

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

LEA. To the extent permitted by law, the State Coordinator/LEA shall indemnify and hold the U.S. Government harmless from any and all actions, claims, debts, demands, judgments, liabilities, cost, and attorney's fees arising out of, claimed on account of, or in any manner predicated upon loss of or damage to property and injuries, illness or disabilities to or death of any and all persons whatsoever, including members of the general public, or to the property of any legal or political entity including states, local and interstate bodies, in any manner caused by or contributed to by the State/LEA, its agents, servants, employees, or any person subject to its control while in, upon or about the sale site and/or the site on which the property is located, or while the property is in the possession of, used by or subject to the control of the State/LEA, its agents, servants, or employees after the property has been removed from U.S. Government control. The State will maintain or assure that the LEA maintains adequate insurance to cover damages or injuries to persons or property relating to the use of the property. Self-insurance by the State/LEA is considered acceptable. The U.S. Government assumes no liability for damages or injuries to any person(s) or property arising from the use of the property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE DLA LESO SHALL:

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

3. Receive and approve/dlsapprove applications for participation by a LEA in the 1033 Program.
 - A. LEAs must be certified by their State Coordinator as having powers of arrest and apprehension.
4. Provide a comprehensive overview of the 1033 Program to all State Coordinators prior to or within thirty (30) days of their assumption of their duties.
 - A. Encourage and assist State Coordinators and LEAs in the use of electronic screening of the Defense Reutilization and Marketing Service (DRMS) world-wide inventory and the procedures to search for, identify, and request property.
 - B. Encourage and assist State Coordinators and LEAs with scheduling formalized instruction from the DLA/LESO and/or DRMS.
5. Upon receipt of a valid Request for property through LESO Automation, ensure equitable distribution and proper identification of the property.
 - A. Identify High Profile (Weapons/Night Vision Devices (NVDs), Aircraft/Watercraft, High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs)/Armored Personnel Carriers (APCs)), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property, and then issue-free of charge-to the State Coordinator or designee for further transfer to an authorized LEA. All transportation costs will be borne by the State/LEA.
 - B. Provide the State Coordinator/LEAs with the available flight historical records and related documentation to FSCAP components. This documentation will be available for inspection by LEAs prior to transfer. The documentation will be sufficient to be accepted by a Federal Aviation Administration (FAA) authorized repair facility for evaluation and possible determination for use on an aircraft. DOD makes no representation as to the property's conformance to FAA requirements. The LEA must subject the assets to safety inspection, repair, and/or overhaul by a competent manufacturer or other entity such as those certified by the FAA prior to placing into use. The property that is provided to the State Coordinator/LEA may not meet FAA design standards, and/or may have been operated outside the limitations required by the Federal Aviation Regulations.
6. Maintain all records in accordance with the DLA Record Management Procedures and Records (DLAD 5025.30 - See Appendix). All files records, with the exception of consumable items, will be retained for five (5) fiscal years (Example: October 1, 2007 to September 30, 2008 constitutes a fiscal year).
 - A. All excess DOD personal property records of consumable items will have their files maintained in an active status for (1) year, then placed in an inactive status for (1) year, then may be destroyed.

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

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

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

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

A. Assist State Coordinators with request procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE STATE SHALL:

1. Access the DLA LESO website on a weekly basis for timely and accurate guidance, information, and links concerning the 1033 Program and ensure that all relevant information is passed on to participating LEAs.
2. Create a comprehensive State Plan of Operation, forward to the DLA LESO for approval/disapproval, and implement to conduct operations in accordance with the regulations of the 1033 Program. Maintain the approved MOA and State Plan of Operation on file.

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

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

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

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

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

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

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

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

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

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

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

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

A. Assist the LEAs with request procedures.

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

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

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

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

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

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

NOTICES:

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

TERMINATION:

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

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

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

DAN R. MARTINEZ
Type/Print State Coordinator Name

DR Martinez
State Coordinator Signature

4-2-09
Date (MM/DD/YYYY)

Tina Aldrich
Type/Print DLA/LESO Representative Name

Tina Aldrich
DLA/LESO Representative Signature

4/13/2009
Date (MM/DD/YYYY)

Attachment



RECORDS MANAGEMENT

- [1.0 Purpose](#)
- [2.0 Intent](#)
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1.0 PURPOSE, APPLICABILITY, SCOPE AND EFFECTIVE DATE

1.1. This Process Chapter is authorized under subparagraph E2.1.1.16. of Enclosure 2 to Department of Defense (DOD) Directive 5105, dated December 6, 1988.

1.1.1. This Process Chapter supersedes DLA Directive 5015.1, DLA Records Management Program and DLA Instruction 5015.1, DLA Records Management Procedures and Records Schedule.

1.1.2. This Process Chapter applies to all HQ DLA and DLA Field Activities.

1.1.3. This Process Chapter establishes and implements policies, processes, and procedures necessary to the effective, efficient, and economical conduct of official Agency business.

1.1.4. Effective Date: November 15, 2002

NOTE: This Process Chapter underwent its annual review on December 6, 2004, and remains necessary to the conduct of official Agency business.

2.0 INTENT

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2.1. The DLA Records Management Program provides guidance and controls for Agency personnel who create, maintain, store, use, and/or dispose of records. These records, in any media, must furnish the information necessary to protect the legal and financial rights of the Government and of the persons directly affected by the Agency's activities. The objective of the process is to achieve an uninterrupted

flow of superior information.

2.1.1. The primary purpose for DLA to manage our information assets as records is to provide concise, accurate, timely, and relevant information to decision makers at all organizational levels any time, anywhere, in support of our mission and that of our customers, the warfighters.

2.2. The outputs of this process are:

2.2.1. Reliable information

2.2.2. Information with proven authenticity

2.2.3. Information that maintains its integrity

2.2.4. Accessible and usable information

2.2.5. Records Management policy and guidance

2.2.6. Destroyed/deleted obsolete records

2.2.7. Compliance with Federal statutory and regulatory requirements

2.3. In today's environment, we cannot afford to have various organizational elements using the same information in different formats, stored on different medium, managed in different environments, and potentially losing access to the information due to inadequate conversion planning. Interoperability within our own organization, as well as with the Military Services and other DOD Components, is imperative in supporting the Joint Vision 2020 and DLA goals of information superiority through the collection, protection, preservation, and projection of records.

2.3.1. We can support these goals by ensuring full compliance with the established DLA Records Management Program. We all must be well educated in the program requirements so we can act upon them individually and collectively. The following performance measures should help us attain that awareness:

2.3.1.1. Number of assigned organizational Records Management personnel.

2.3.1.2. Number of organizational Records Management personnel trained.

2.3.1.3. Percentage of DLA employees (includes civilian, military, and contractors) receiving annual Records Management training.

2.3.1.4. Percent of Federal and DOD regulatory requirements addressed in policy and guidance.

2.3.2. The Services are relying heavily on effective electronic access to data and information in records to achieve information superiority across all mission areas during peacetime and conflict. As DOD moves toward a joint force, commanders must be able to access the best fit of all available resources needed to produce the immediate effects and achieve the desired mission results. Interoperability of the Services, combatant commands, and Defense agencies current and emerging systems, infrastructure, and record repositories will promote cross-functional information sharing, planning, and exercises. A fully implemented and interoperable DLA Records Management Program will help bring DLA's records management responsibilities to the forefront of our daily business activities and insure DLA will be able to adequately support the warfighter with the right information, at the right time, anywhere in the world.

2.3.3. The Agency is in the midst of a shift from analog to digital technologies. We still have a large repository of paper and microfiche records stored at various records storage facilities. We have more information systems than ever before. We are creating massive amounts of records in the form of e-mail

and other electronic records that were nonexistent just a few years ago. Successful implementation of established records management practices ensures the reliability of record information which, in turn, is the cornerstone of the information superiority doctrine of the Joint Vision 2020.

3.0 POLICY

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3.1. It is DLA policy to:

3.1.1. Create, maintain, and preserve information as records that document the transaction of Agency business and mission to provide evidence of DLA organization, functions, policies, procedures, decisions, and activities of the Agency.

3.1.2. Maintain records that protect the legal and financial rights and interests of the Government and of persons directly affected by DLA actions.

3.1.3. Manage records to promote effective and efficient conduct of both operational and support activities.

3.1.4. Manage all records in any media used for creation or storage, in accordance with the DLA Records Schedule (approved by the Archivist of the United States). The DLA Records Schedule is available at <https://today.dla.mil/J-6/records/documents/DLA%20Records%20Schedule%20Apr%2004.doc>.

3.1.5. Use state of the art technology in handling records, permitting the most economic, efficient and reliable means for creation, retrieval, maintenance, preservation, and disposition of Federal records.

3.1.6. Ensure electronic records management systems that create, use, or store the RECORD COPY of documents or data files minimally meet standards established by DOD. In doing so, only commercial off-the-shelf software products certified by DOD as meeting these standards may be used within DLA to manage records electronically.

3.1.7. The DLA Records Schedule is mandatory for use in determining the life cycle of all DLA information assets, under requirements of 44 USC 2904, 3101, and 3102, and 36 CFR Subchapter B.

NOTE: The number scheme in the DLA Records Schedule has been predetermined and cannot be changed without prior approval of the Archivist of the United States.

4.0 PROCESS AND RESPONSIBILITIES

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4.1 Process Inputs

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4.1. Process Inputs:

4.1.1. Information

4.1.2. Requests for information

4.1.3. Records

4.2 Sub Processes

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- 4.2.1. Filter information.
- 4.2.2. Make records.
- 4.2.3. Manage records.
- 4.2.4. Assign disposition instructions.
- 4.2.5. Index records.
- 4.2.6. Screen records.
- 4.2.7. Store records.
- 4.2.8. Retrieve records.
- 4.2.9. Transfer records.
- 4.2.10. Destroy records.

4.3 Process Mechanisms

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- 4.3.1. Creators/receivers of information, Records Management Officers and Coordinators, DLA Records Manager
- 4.3.2. Enterprise Document and Records Management Integrated Product Team
- 4.3.3. Storage media
- 4.3.4. Data repositories
- 4.3.5. Periodic assessments of internal records management practices
- 4.3.6. Records management web page
- 4.3.7. Document conversion guidance
- 4.3.8. Automated record management applications
- 4.3.9. Myriad of current and emerging systems, infrastructure, and record repositories
- 4.3.10. Records management briefings and annual training program
- 4.3.11. Records Management Evaluation Reports

4.4 Process Controls

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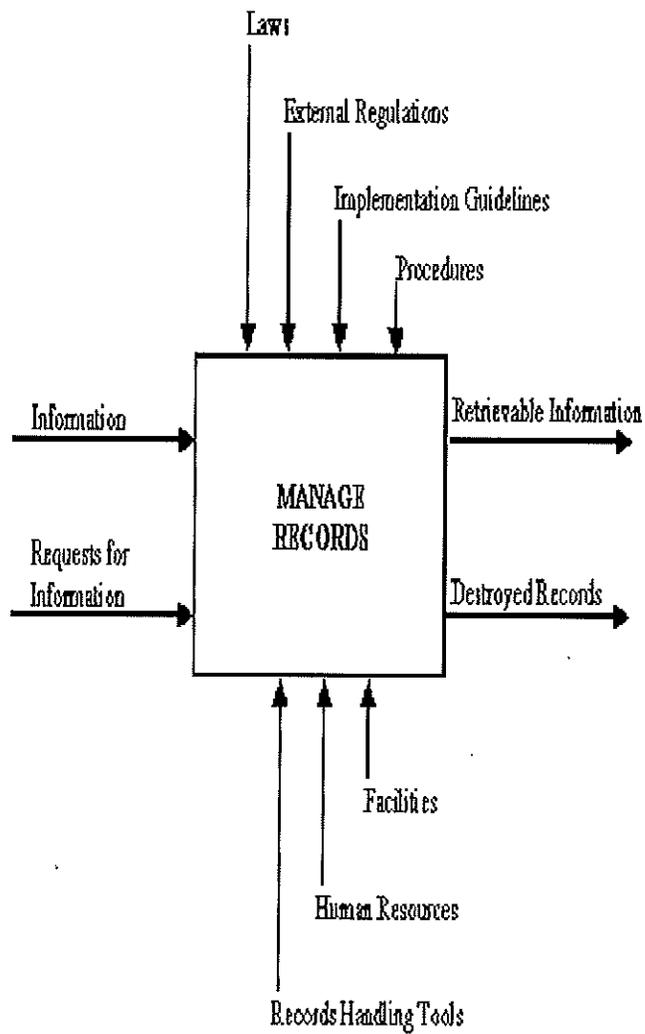
- 4.4.1. Title 44, United States Code, Chapters 29, 31, 33, and 35
- 4.4.2. Title 36, Code of Federal Regulations, Chapter XII, "National Archives and Records Administration," Subchapter B, "Records Management"
- 4.4.3. DOD Directive 5015.2 DOD Records Management Program

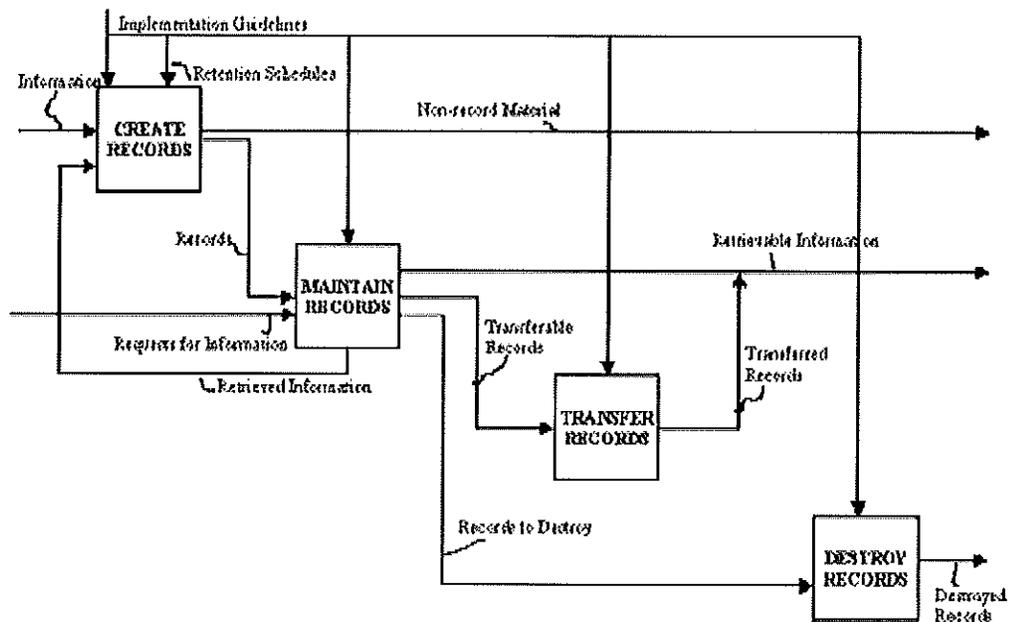
4.4.4. DOD 5015.2-STD, Department of Defense Design Criteria Standard for Records Management.
Application Functional Baseline Requirements

4.5 Process Flowchart

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DEFENSE LOGISTICS AGENCY RECORDS MANAGEMENT





MANAGE RECORDS:

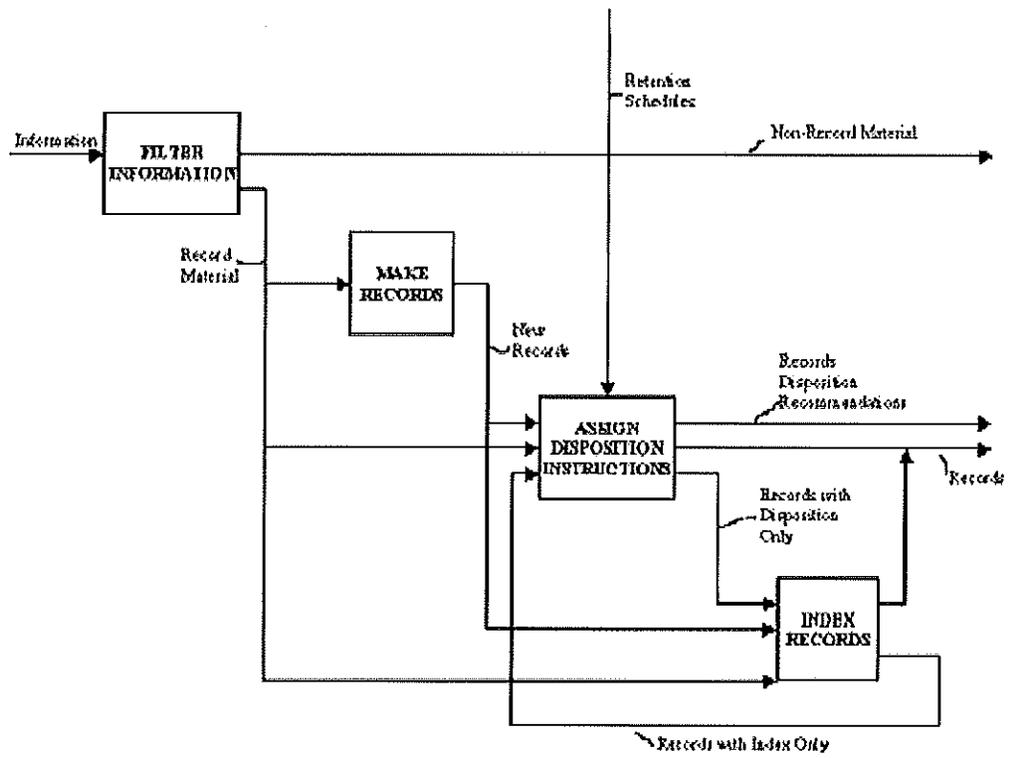
Information is facts or data communicated or received. Upon receipt by the action office, the information may become a record. All records, either physical or electronic are managed in four activities – create, maintain, transfer, and destroy.

Create Records. In the create activity, information received as data or facts that is not already organized as a record may be made into a record. In some cases a received record is used immediately to make a new record. Information that is not made into a record is considered non-record material. Newly created records and the information received that was already in a record format will move into the maintain activity to be maintained as an official record. In the create activity, retention schedule controls and indexing for retrieval are assigned.

Maintain Records. The maintain activity involves the storage, retrieval and handling of records by the action officer. The output of maintain records is retrievable information (and retrieved information used to create new records) and disposable records. Retrievable information is the goal of records management. Records must be organized so that they can be easily retrieved. When records are no longer needed for official business they become transferable or eligible for destruction.

Transfer Records. The transfer activity involves the movement of records from one organization to another, from office space to agency storage facilities, from one Federal agency to another, to a Federal records center, or from records requiring permanent preservation to the National Archives. Transferred records are retrievable information.

Destroy Records. The destroy activity changes the characteristics so that the information is no longer retrievable.



CREATE RECORDS

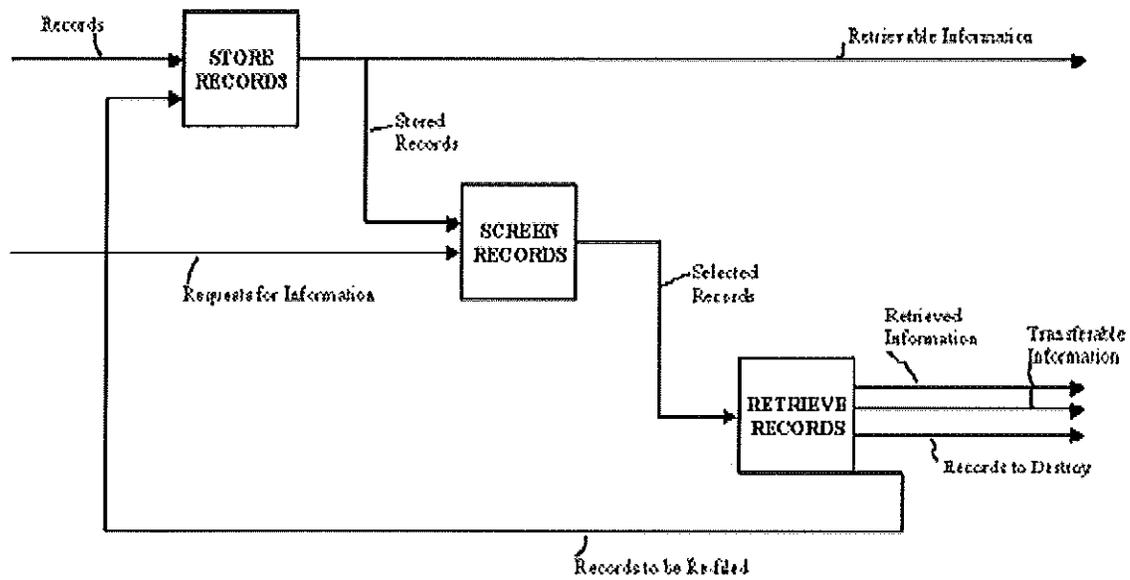
Creation of a new record is the beginning of its life cycle. Action officers create records in the process of performing staff work; records are also received from sources outside the office such as incoming mail. The creation process consists of four activities: filter information, make records, assign disposition instructions, and index records.

Filter Information. This is the process where management, action officers, and others sort information and decide what will be placed into the organization's records management system. The filter works primarily on information provided to the office from outside sources. This process results in discarding some information and maintaining other information as record material. The process separates information of continuing value to the organization from non-record material; e.g., "junk" mail, routine announcements, business advertisements, and other information not relevant to the activities of the office.

Make Records. This is the internal process by which an action officer documents the business processes of an organization. Various tools can be used in this process, such as word processors, spreadsheets, databases, visual information products, etc. This activity consists of retaining the record copy of outgoing communications, management information, and other information commonly produced in the conduct of DLA business.

Assign Disposition Instructions. Assign disposition instructions and index records must both be accomplished, but not necessarily in a particular order. The process of tagging records with disposition instructions based on established retention schedules. The retention schedules are established by the value of the record and assign a retention period based on length of time, an event, or a length of time after an event. Disposition instructions are provided in the DLA Records Schedule.

Index Records. Tagging records with unique identifiers for storage and retrieval. Indexing may use tools to aid in finding both the record and the information contained in them. These indexes may contain several key criteria that may be used in identifying a record or group of records. Examples are name, date, subject, type of record, record series number, etc.



MAINTAIN RECORDS:

Maintain records is the second stage of the records management life cycle and generally considered to be the most important part of the records management process. The maintain records activity is defined as any action taken to administer, use and preserve a record during its life cycle. Implementation guidelines are dependent upon Federal laws and regulatory instruments initiated by DLA such as regulations, instructions, letters, etc. The three major activities are store, screen, and retrieve.

Store Records. The store records activity is defined as retaining records in an organized manner for ease of retrieval and to ensure preservation throughout their life cycle. This includes periodic reviews of media and record quality and integrity. Inputs are records and records to be re-filed. Records to be re-filed are records that have been retrieved, used, and are being returned to records storage. Outputs are retrievable information and stored records. Retrievable information is information, regardless of media, that can be found easily through the use of standardized approaches including cataloging and indexing techniques.

Screen Records. The screen records activity is defined as identifying all stored records which meet a particular set of characteristics, e.g., eligible for disposition, exceptions to standard disposition, FOIA and Privacy Act queries. Inputs are stored records and requests for information. Requests for information are expressed as needs or desires for information that is expected to be contained in DLA records. The output is selected records. Selected records are records identified as a result of a search using a given set of criteria. In an automated environment, the selected records process includes the ability to perform batch dispositions without physically retrieving the records.

Retrieve Records. The retrieve records activity is defined as accessing a stored record. The input is selected records and the outputs are retrieved information, transferable records, records eligible for destruction, and records to be re-filed. Retrieved information is information extracted from retrieved records. Transferable records are records eligible for movement from one organization to another, from office space to agency storage facilities, from DLA to another federal agency, to a Federal Records Center, or, for records requiring permanent preservation, to the National Archives. Records become eligible for destruction according to the DLA Records Schedule.

4.6 Sub-Process, Descriptions, and Responsibilities

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4.6.1. Filter information. Creators/receivers of information sort information and decide what will be placed in the organization's records management system. The process separates information of continuing value to the organization from non-record material.

4.6.2. Make records. Creators/receivers of information use tools such as word processors, spreadsheets, databases, visual information products, etc., to document the business and processes of the organization. It includes retaining copies of incoming and outgoing communications, management information, or other information commonly produced during business operations.

4.6.3. Manage records. Creators/receivers of information organize, store, retrieve, and handle records so that they can be easily accessed. Retrievable, reliable information is the goal of records management systems.

4.6.4. Creators/receivers of information assign disposition instructions based on established DLA Records Schedule.

4.6.5. Index records. Creators/receivers of information tag records with unique identifiers for storage and retrieval.

4.6.6. Store records. Creators/receivers of information retain records in an organized manner for ease of retrieval and to ensure preservation throughout their life cycle. This includes periodic reviews of media and record quality and integrity.

4.6.7. Screen records. Creators/receivers of information will identify all stored records that meet a particular set of characteristics, e.g., eligible for disposition, exceptions to standard disposition, Freedom of Information Act .

4.6.8. Retrieve records. Creators/receivers of information retrieve records by accessing stored records. This retrieved information may be used, updated, transferred, marked for destruction, or used in any manner consistent with records preservation guidelines.

4.6.9. Transfer records. Organizational Records Officers/Coordinators formally transfer records from one organization to another, from office space to Agency storage facilities, from one Federal agency to another, to a Federal records center, or for records requiring permanent preservation to the National Archives. Transferred records are retrievable information.

4.6.10. Destroy/delete records. Creators/receivers of information identify records for destruction. When destroyed/deleted, the characteristics are changed so that the information is no longer retrievable.

5.0 ADDITIONAL INFORMATION

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5.1. DLA J-6 Records Management Web Page, <https://today.dla.mil/J-6/records>.

6.0 COMPETENCIES / CERTIFICATIONS

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6.1. All Agency personnel should receive an annual Records Management Training class/orientation.

6.2. Organizational Records Officer/Coordinators and other records management personnel should be fully trained in Federal Records Management.

6.3. Agency Records Manager should be well grounded in National Archives and Records Administration (NARA) policies and procedures.

7.0 ACTIVITY BASED COSTING / REPORTING CODES

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TBD

9.0 AUTHENTICATION

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9.1. BY ORDER OF THE DIRECTOR:

Richard J. Connelly
Director, DLA Support Services
Date: November 15, 2002

Last Updated:

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