

APPENDIX D
FEDERAL ASSURANCES & CERTIFICATIONS for FEDERALLY FUNDED SUBRECIPIENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest as a federally funded subrecipient; and review the instructions for certification included in the regulations before completing this form. The Applicant hereby assures and certifies compliance with Title 2 CFR Part 200 Uniform administrative Guidance, all applicable Federal statutes, regulations, policies, guidelines and requirements, Ex. Order 12372 (intergovernmental review of federal programs); and 28 CFR pts. 66 or 70 (administrative requirements for grants and cooperative agreements); as well as all lawful requirements imposed by the awarding agency. The applicant also specifically assures the following:

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, (45 CFR Part 93), the applicant certifies that:

- i. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal contract, grant, loan, or cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- iii. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

2. CONFLICT OF INTEREST

It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

3. ACCESS TO RECORDS

It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

4. DRUG-FREE WORKPLACE (APPLICABLE TO APPLICANTS OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for applicants, as defined at 28 CFR Part 67 Sections 67.615 and 67.620.

i. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing an on-going drug-free awareness program to inform employees about—
 - 1. The dangers of drug abuse in the workplace;
 - 2. The applicant's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant/agreement, the employee will—
 - 1. Abide by the terms of the statement; and
 - 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- e. Notifying the awarding agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to every grant officer or other designee on whose grant/agreement activity the convicted employee was working. Notice shall include the identification number(s) of each affected grant/agreement;
- f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
 - 1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

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g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

ii. The applicant may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant/agreement:

Place of Performance (Street address, city, county, state, zip code)

Check here if there are workplaces on file that are not identified.

As a condition of the grant/agreement, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant/agreement activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to the awarding agency.

5. CERTIFICATION REGARDING SMOKE-FREE WORKPLACE AND PRO-CHILDREN ACT

Public Law 103-227, also known as the Pro-Children Act of 1994 (ACT), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services provided in private residence, portions of facilities used for inpatient drug or alcohol treatment, service providers whose sole source of applicable Federal funds is Medicare or Medicaid, or facilities where WIC coupons are redeemed.

Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or imposition of administrative compliance order on the responsible entity.

By signing the certification, the undersigned certifies that the applicant organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

The applicant organization agrees that it will require that the language of this certification be included in any subawards which contain provisions for children's services and that all subrecipients shall certify accordingly.

6. NONDISCRIMINATION

The Applicant assures and certifies that:

It will comply (and will require any subrecipients, subgrantees or subcontractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); The Civil Rights Act of 1964, (42 U.S.C. § 2000d); The Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07; and Ex. Order 13279 (equal protection of the laws for faith-based and community organizations); 28 CFR. pt. 38 (U.S. Department of Justice Equal Treatment for Faith-Based Organizations), 45 CFR. § 87.1 (Department of Health and Human Services Equal Treatment for Faith-Based Organizations); and will provide meaningful access to its programs and activities by persons with Limited English Proficiency in accordance with Title VI and the Safe Streets Act.

In accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward copies of the finding to the Grants Administrator identified as the contact in the Alaska Department of Health and Social Services grant/agreement to which this document is appended, and to the Office for Civil Rights, Office of Justice Programs.

It will provide an Equal Opportunity Program if required to maintain one. For subrecipients receiving less than \$25,000; or subrecipient's agencies with less than 50 employees, regardless of the amount of award, no EEOP is required. Information on civil rights obligations of subrecipients can be found at <http://www.ojp.gov/about/offices/ocr.htm>.

7. NATIONAL HISTORIC PRESERVATION

It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469a-1et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).

8. IF A STATE OR LOCAL GOVERNMENTAL ENTITY —

- i. It will comply with requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4604 et seq.), and
- ii. It will comply with requirements of the Hatch Act 5 U.S.C. §§ 1501-28 and §§ 7321-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

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9. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The applicant certifies that it has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

- i. The applicant certifies that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (i)(b) of this certification; and
 - d. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
- ii. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

10. PRIVACY RUL AND CONFIDENTIALITY OF RECORDS

- i. The applicant agrees to implement the “Standard of Privacy of Individually Identifiable Health Information (the Privacy Rule) per the Health Insurance Portability and Accountability Act (HIPAA) of 1996, 42 U.S.C 1320d et seq. which governs the protection in individually identifiable health information. The Privacy Rule applies only to “covered entities” as defined by the rule, which includes health plans and most health-care providers.
- ii. Section 543 of the PHS Act, 42 U.S.C. 290dd-2, requires that records of substance abuse patients be kept confidential except under specified circumstances and purposes.

11. THE SUBRECIPIENT IS SUBJECT TO THE REQUIREMENTS OF THE FOLLOWING:

- i. Federal Funding Accountability and Transparency Act (FFATA) of 2006, which provisions include, but may not be limited to, a requirement for subrecipients to have a Data Universal Numbering System (DUNS) number and maintain a current registration in the System for Award Management (SAM) database.
- ii. Trafficking Victims Protection Act (TVPA) of 2000, as amended.
- iii. Consolidated Appropriations Act, 2017, Pub. L. 115-31, signed into law on May 5, 2017.
- iv. National Defense Authorization Act of 2013 extending whistleblower protections for contractor employees applies to this grant/agreement. Pub. L. 112-239, as amended.
- v. Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.
- vi. USA PATRIOT Act amends 18 U.S.C. 175-175c and Public Health Security and Bioterrorism Preparedness and Response Act of 2002, 42 U.S.C. 201.

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12. CERTIFICATION REGARDING PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA)

The undersigned (authorized official signing for the applicant organization) certifies that the statements herein are true, complete, and accurate to the best of his or her knowledge, and that he or she is aware that any false claims may subject him or her to criminal, civil, or administrative penalties. The undersigned agrees to comply with all the terms and conditions of award if a grant/agreement is awarded as a result of this application.

1. Applicant Name and Address:

2. Application Number and/ or Project Name

3. Applicant IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature _____

6. Date