



Montana Department of Military Affairs
Disaster and Emergency Services
Grants Program
1956 Mt. Majo Street
P.O. Box 4789
Fort Harrison, MT 59636-4789
406-324-4777

Release of Funds- FFY2011

Date of Award: June 5, 2012

Sub-recipient: **Billings Fire Department/City of Billings**
2305 8th Ave North
Billings, MT 59101

Sub-recipient POC: Paul Dextras

Project Title(s): Billings Fire Dept. Regional HazMat Team Tow Vehicle

Grant Period: November 17, 2012 through June 31, 2013

Total Amount of Award: \$ 15,5000 Federal Grant No.: EMW-2011-SS-00052

In accordance with the provisions of Federal Fiscal Year 2011 State Homeland Security Grant Program, the SAA Disaster and Emergency Services Grants Program hereby awards to the foregoing Sub-recipient a federal grant in the amount shown above. This Award is conditional on available federal grant funding. The CFDA number is 97.067; State Homeland Security Grant Program; federal grant number is EMW-2011-SS-00052.

Payment of Funds: The original signed copy of this Conditional Grant Award must be signed by the Official Authorized to Sign in the space below and returned to Disaster and Emergency Services Grants Program, **no later than June 29, 2012. The grant shall be effective upon return of this form and final approval by Disaster and Emergency Services Grants Program of the grant budget and program narrative.** Grant funds will be disbursed to sub-recipient (according to the approved project budget) upon receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.).

Grant funds will be disbursed in accordance with the quarterly report/reimbursement procedures. In addition to proper supporting documentation with the quarterly reimbursement request, no reimbursements will be disbursed until quarterly, programmatic report is accepted.

Conditions: I certify that I understand and agree that funds will only be expended for those projects outlined in the funding amounts as individually listed on the attached approved application and agree to adhere to the MT DES grant program policies and procedures. I also certify that I understand and agree to comply with the general and fiscal terms of the grant including; to comply with provisions of the Act governing these funds and all other federal laws; that all information is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized to commit the

applicant to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by the sub-recipient; and that all agencies involved with this project understand that all federal funds are limited to a nineteen-month period. I certify that I understand and agree to follow all Assurances & Certifications.

Supplanting: The SAA requires that sub-recipients provide assurance that subgrant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for Homeland Security activities. In compliance with that mandate, I certify that as the Sub-recipient of federal funds through Disaster and Emergency Services Grants Program, this agency shall in no way supplant or replace state or local funds or other resources that would have been made available for Homeland Security activities.

Assurances: The sub-recipient hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including the current edition of the Office of Grant Operations Financial Management Guide, OMB Circulars No. A-21, A-102, A-110, A-122, A-128; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. The sub-recipient must comply with FEMA's codified regulation 44CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and 2CFR Part 225 State and Local Governments. The sub-recipient must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements. All awarded funds are conditional on available federal grant funding.

The Sub-recipient also certifies to the following:

Programmatic

1. The sub-recipient possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the recipient's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the recipient to act in connection with the application and to provide such additional information may be required.
2. The sub-recipient certifies to comply with all requirements imposed by the Federal and State sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
 - a. The sub-recipient must be National Incident Management System (NIMS) compliant. Future Homeland Security grant funds are contingent on NIMS compliance.
 - b. The sub-recipient is required to modify their existing incident management and emergency operations plans in accordance with the National Response Framework's coordinating structures, processes, and protocols.
 - c. The sub-recipient certifies that, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the US Department of Homeland Security."
 - d. The sub-recipient certifies to cooperate with any national or state assessments, evaluation efforts, quality assurance, or information or data collection requests, including, but not limited to, the provisions of any information required for the assessment or evaluation of any activities within this project.
 - e. The sub-recipient is required by FEMA's National Preparedness Directorate (NPD) to use the Global Justice Data Model specifications and guidelines regarding the use of XML for all homeland security grant awards when applicable.
 - f. The sub-recipient must fully engage citizens by expanding plans and committee memberships to address citizen participation; awareness and outreach to inform and engage the public; include

citizens in training and exercise; and develop or expand programs that integrate citizen/volunteer support for emergency responder disciplines.

g. The sub-recipient certifies that all publications created with funding under this grant shall prominently contain the following statement: "This Document was prepared under a grant from FEMA's Grant Program Directorate (GPD), US Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessary represent the official position or policies of GPD or the US Department of Homeland Security."

h. The sub-recipient certifies that travel costs shall be consistent with the SAA's policies and procedures and must be applied uniformly to all activities of the sub-recipient.

i. Funds utilized to establish or enhance state and local fusion centers must support the development of a statewide fusion process that corresponds with the Global Justice/Homeland Security Advisory Council Fusion Center Guidelines and achievement of a baseline level of capability as defined by the Fusion Center Planning Tool.

j. The sub-recipient certifies to invoke the Buy American Act when using federal funding.

3. The sub-recipient certifies that federal funds under this award will be used to *supplement*, not to supplant, state or local funds or other resources that would otherwise have been made available for this program.

4. The sub-recipient certifies that changes to the grant award shall be approved by the SAA, in writing, prior to implementation or obligation and shall be incorporated in written amendments to this grant. This procedure for changes to the approved sub-recipient is not limited to budgetary changes, but also includes changes of substance in project activities and changes in the project director or key professional personnel identified in the approved application.

5. Any reports, information, data, etc., given to, or prepared or assembled by the sub-recipient under this grant (which is requested to be kept confidential) shall not be made available to any individual or organization by the sub-recipient without prior written approval of the SAA.

6. This grant and funding may be suspended, in whole or in part, and/or terminated where FEMA and/or the SAA finds a substantial failure to comply with the provisions of the legislation governing these funds or regulations promulgated, including those grant conditions or other obligations established by the SAA, as listed in this award letter. In the event the sub-recipient fails to perform the services described herein and has previously received financial assistance from the SAA, the sub-recipient shall reimburse the SAA the full amount of the payments made. However, if the services described herein are partially performed, and the sub-recipient has previously received financial assistance, the sub-recipient shall proportionally reimburse the SAA for payments made.

FEMA and/or the SAA may suspend, in whole or in part, and/or terminate funding for or impose another sanction on a sub-recipient for any of the following reasons:

- a.** Failure to comply substantially with the requirements or statutory objectives of the 2003 Omnibus Appropriations Act issued or other provisions of Federal Law.
- b.** Failure to adhere to the requirements, standard conditions or special conditions.
- c.** Proposing or implementing substantial program changes to the extent that, if originally submitted, the application would not have been approved for funding.
- d.** Failure to submit reports.
- e.** Filing a false certification in this application or other report or document.
- f.** Other good cause shown.

7. The sub-recipient agrees to comply with the requirements of OMB Circular A-133 and Audits of States, Local Governments, and Non-Profit Organizations, as described in the current edition of the OJP Financial Guide, Chapter 19. Further, all records, books, papers, or documents with respect to all matters covered by this grant shall be made available for audit and inspection by The State of Montana and/or any

of its duly authorized representatives. If required, the audit report must specifically cite that the report was done in accordance with OMB Circular A-133. If a compliance audit is not required, a written certification must be provided at the end of each audit period stating that the sub-grantee has not expended the amount of federal funds that would require a compliance audit.

8. The sub-recipient certifies that its internal accounting procedures provide for accurate and timely recording of receipt of funds by source of expenditures made from such funds and unexpended balances. These records must contain information pertaining to grant awards, obligations, unobligated balances, assets, liabilities, expenditures and program income. Controls must be established which are adequate to ensure that expenditures charged to grant activities are for allowable purposes. Additionally, effective control and accountability must be maintained for all grant cash, real and personal property and other assets. Accounting records must be supported by such source documentation as cancelled checks, warrant or EFT numbers of paid bills, payrolls, time and attendance records, contract documents, grant award documents, etc.

9. The financial responsibility of sub-recipients must be such that the sub-recipient can properly discharge the public trust which accompanies the authority to expend public funds. Adequate accounting systems should meet the following criteria with provisions of the regulations governing these funds and management systems that meet the standards as set forth in OMB Circular A-102, or 2 CFR Part 215 and in addition:

- a. Accounting records should provide information needed to adequately identify the receipt of funds under each grant awarded and the expenditure of funds for each grant;
- b. Entries in accounting records should refer to subsidiary records and/or documentation which support the entry and which can be readily located;
- c. The accounting system should provide accurate and current financial reporting information;
- d. The accounting system should be integrated with an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting data, promote operational efficiency and encourage adherence to prescribed management policies.

10. Retention of Records - In accordance with the requirements set forth in 28 CFR Parts 66 and 70, all financial records, supporting documents, statistical records, and all other records pertinent to award shall be retained by each organization for AT LEAST THREE YEARS following the closure of their most recent audit report. Retention is required for purposes of Federal examination and audit. Records may be retained in an automated format.

- a. Coverage - the retention requirement extends to books or original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records. Source documents include copies of all awards, applications, and required recipient financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the award, whether they are employed full-time or part-time. Time and effort reports are also required for consultants.
- b. Retention Period - the three-year retention period starts from the date of the submission of the closure of the single audit report, which covers the grant period. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

11. Maintenance of Records – Recipients/sub-recipients of funds are expected to see that records of different Federal fiscal periods are separately identified and maintained so that information desired may be readily located. Recipients and sub-recipients are also obligated to protect records adequately against fire or other damage. When records are stored away from the recipient's principal office, a written index of the location of records stored should be on hand and ready access should be assured.

12. Access to Records - The awarding agency includes the funding agency, the Federal agency, the DOJ and DHS Office of the Inspector General, the Comptroller General of the United States, or any of their authorized representatives, who shall have the right of access to any pertinent books, documents, papers, or other records of recipients which are pertinent to the award, in order to make audits, examinations, excerpts, and transcripts. The right of access must not be limited to the required retention period but shall last as long as the records are retained.

13. Equipment acquired under an award shall be managed to ensure that the equipment is used under the specific purposes of the grant.

a. Title to equipment acquired under an award or sub-award will vest upon acquisition in the recipient or sub-recipient subject to the obligations and conditions set forth in 28 CFR Part 66.

b. The sub-recipient certifies to use equipment acquired under an award in accordance with the Buy America Act, Federal, State and, local laws and procedures. Other government recipients and sub-recipients shall use equipment in accordance with the following requirements:

- 1) As authorized for purchase from the current Approved Equipment List (AEL).
- 2) Equipment must be used by the recipient or sub-recipient in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.
- 3) The recipients or sub-recipient shall also make equipment available for use on other projects or programs currently or previously supported by the Federal government, providing such use does not interfere with the work on the projects or programs for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees shall be considered and treated as program income to the project, if appropriate.
- 4) Notwithstanding program income, the recipient or sub-recipient shall not use equipment acquired with funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute.
- 5) When acquiring replacement equipment, recipients or sub-recipients may use the equipment to be replaced as a trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment, subject to the written approval of the awarding agency.

c. Other government recipients and sub-recipient procedures for managing equipment (including replacement), whether acquired in whole or in part with project funds, will, at a minimum, meet the following requirements:

- 1) Property records must be maintained which include: description of the property; serial number or other identification number; source of the property; identification of title holder; acquisition date; cost of the property; percentage of Federal participation in the cost of the property; location of the property; use and condition of the property; and disposition date, including the date of disposal and sale price.
- 2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
- 3) A control system must exist to ensure adequate safeguards to prevent: loss; damage; or theft of the property. The recipient and sub-recipient, as appropriate, shall investigate any loss, damage, or theft.
- 4) Adequate maintenance procedures must exist to keep the property in good condition.
- 5) If the recipient or sub-recipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return and must be approved by the SAA prior to any action taken.

d. A sub-recipient shall dispose of its equipment acquired under an award to the State in accordance with State laws and procedures. Other government recipients and sub-recipients shall dispose of the equipment when original or replacement equipment acquired under the award or sub-award is no longer needed for the original project or program, or for other activities currently or previously supported by a Federal agency. Disposition of the equipment will be made as follows:

- 1) Items with a current per unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
- 2) Items with a current per unit fair market value in excess of \$5,000 may be retained or sold, and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment. Seller is also eligible for sale costs.
- 3) In cases where a recipient or sub-recipient fails to take appropriate disposition actions, the awarding agency may direct the recipient or sub-recipient to take other disposition actions.

14. The sub-recipient and/or a contractor paid through this grant is free to copyright any books, publications or other copyrightable materials developed in the course of or under this grant. However the federal awarding agency and/or state funding agency (SAA) reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and authorize others to use, for federal or state government purposes: (a) the copyright in any work developed under an award or sub-award; and (b) any rights of copyright to which a recipient or sub-recipient purchases ownership with Federal support. The federal government and the SAA's rights identified above must be conveyed to the publisher and the language of the publisher's release form must ensure the preservation of these rights. The SAA and GPD must be notified regarding the allocation of any patent rights that are from, or are purchased with this funding. The SAA and GPD must be notified prior to starting the process for copyrighting.

15. Any television public service announcement that is produced or funded in whole or part by any agency or instrumentality of the federal government shall include closed captioning of the verbal content of such announcement.

16. The sub-recipient certifies to comply with all applicable Federal, State and local environmental and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). Failure of the recipient to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding. Recipient shall not undertake any project have the potential to impact EHP resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancement, new construction, and modifications to buildings that are 50 years old or greater. Recipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbance activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify the SAA and FEMA and the appropriate State Historic Preservation Office.

Organizational

1. The sub-recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modifications, or adoption of any law, regulation or policy, at any level of government.

2. The sub-recipient certifies to comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.) None of

the funds, materials, property or services provided directly or indirectly under this contract shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office, or otherwise in violation of the provisions of the "Hatch Act."

3. Personnel and other officials connected with this grant shall adhere to the requirements given below:
 - a. Advice: No official or employee of a state or unit of local government or of non-government grantees/sub-recipients shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which these funds are used, where to his knowledge he or his immediate family, partners, organization other than a public agency in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.
 - b. Appearance: In the use of these grant funds, officials or employees of state or local units of government and non-governmental grantees/sub-grantees shall avoid any action which might result in, or create the appearance of the following:
 - 1) Using his or her official position for private gain;
 - 2) Giving preferential treatment to any person;
 - 3) Losing complete independence or impartiality;
 - 4) Making an official decision outside official channels; and/or
 - 5) Adversely affecting the confidence of the public in the integrity of the government or the program.
4. The sub-recipient certifies to comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
5. The sub-recipient certifies to insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the State and Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
6. The sub-recipient certifies to comply with the flood insurance purchase requirements of Section 102(a) ✓ of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
7. The sub-recipient certifies to assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of Investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
8. The sub-recipient certifies to comply, and assure the compliance of all its contractors, with the ✓ applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the

provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.

9. The sub-recipient certifies to comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.

10. The sub-recipient certifies to comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C,D,E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

11. No person shall on the grounds of race, creed, color or national origin, be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under subgrants awarded pursuant to the Act governing these funds or any project, program, activity or subgrant supported by such requirements of Title VI of the Civil Rights Act of 1964, and all applicable requirements pursuant to the regulations of the Department of Commerce (Title 15, code of Federal Regulations, Part 8, which have been adopted by the Federal Funding Agency); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Labor Regulation 41 CFR Part 60; and the Department of Justice Non-discrimination Regulations 28 CFR Part 42, Subparts C, D, E and G. The sub-grantee must therefore ensure it has a current Equal Employment Opportunity Program (EEOP) which meets the requirements of 28 CFR 42.301. The Sub-grantee further agrees to post in a conspicuous place, available to all employees and recipients for employment, notices setting forth the provisions of the EEOP, as supplemented in Department of Labor Regulations 41 CFR Part 60. The Sub-grantee assures that 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 or sex against a recipient of funds, the recipient will immediately forward a copy of the findings to the SAA who will, in turn, forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and Department of Homeland Security.

12. The sub-recipient certifies to comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.), which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

13. The sub-recipient certifies to comply with all requirements of the Americans with Disabilities Act of 1990 (ADA), as applicable.

14. To the extent that recipients of a grant use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent possible.

15. All recipients of federal funds must comply with Section 504 of the Rehabilitation Act of 1973 (Handicapped). Therefore, the federal funds recipient pursuant to the requirements of the Rehabilitation Act of 1973 hereby gives assurance that no otherwise qualified handicapped person shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of or be subject to

discrimination, including discrimination in employment, in any program or activity that receives or benefits from federal financial assistance. The recipient agrees it will ensure that requirements of the Rehabilitation Act of 1973 shall be included in the agreements with and be binding on all of its sub-grantees, contractors, subcontractors, assignees or successors.

16. When implementing GPD-funded activities, the recipient must comply with all federal civil rights laws, to include Title VI of the Civil Rights Act, as amended. The recipient is required to take reasonable steps to ensure persons of limited English proficiency have meaningful access to language assistance services regarding the development of proposals and budgets and conducting GPD-funded activities.

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Recipients and/or sub-recipients should refer to the regulations cited below to determine the certification to which they are required to attest. Recipients and/or sub-recipients should also review the instructions for certification included in the regulations before completing this form. Signature of the application and/or award form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Homeland Security and OHSG determines to award the covered transaction, grant, or cooperative agreement.

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, as defined at 28 CFR Part 69, the recipient certifies that:

- a. 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 grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- b. 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- c. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. Debarment, Suspension, and Other Responsibility Matters (Direct Recipient)

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

A. The sub-recipient 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 (1)(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

B. Where the sub-recipient is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620 A. The recipient 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 grantee's policy of maintaining a drug-free workplace.
 - 3) Any available drug counseling, rehabilitation, and employee assistance programs.
 - 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, the employee will:
 - 1) Abide by the terms of the statement.
 - 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 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: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant.
- 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.
 - 2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
- 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. As the duly authorized representative of the recipient, I hereby certify that the recipient will comply with the above certification.

ACCEPTANCE FOR THE SUB-RECIPIENT:

LEGAL AUTHORIZATION

The Recipient certifies with respect to this Agreement that it possesses the legal authority to receive the funds to be provided under this Agreement and that, if applicable, its governing body has authorized, by resolution or otherwise, the execution and acceptance of this Agreement with all covenants and assurances contained herein. The Recipient also certifies that the undersigned possesses the authority to legally execute and bind Recipient to the terms of this Agreement. ✓

Signature of Official Authorized to Sign
(County Commissioner)

Date

Signature of Project Manager
(and/or County Coordinator)

Date

Federal Tax ID#