

LBSP FORM APP-4

State of Texas Assurances and Certifications

State Uniform Administrative Requirement for Grants and Cooperative Agreements, Subpart B, §.14

Note: Certain of these assurances may not be applicable to your program. If you have any questions, please contact the awarding agency.

NAME OF APPLICANT	GRANT PROGRAM
Hidalgo County Constable Pct.1	Local Border Security Program FY 2015 (LBSP-15)

This form includes Assurances and Certifications that must be read, signed, and submitted as a part of the Application for State Assistance.

As the duly authorized representative of the Applicant, I hereby certify that the Applicant shall comply with the Assurances and Certifications below.

Ramon Garcia	County Judge
Typed Name of Authorized Official	Title
Signature of Authorized Official	Date Signed

ASSURANCES

(1) **RELATIVES.** The Grantee shall comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the Grantee’s governing body or of the Grantee’s contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition will not prohibit the employment of a person, who has been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.

(2) **PUBLIC INFORMATION.** The Grantee shall insure that all information collected, assembled, or maintained by the Grantee relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.

(3) **OPEN MEETINGS.** The Grantee shall comply with Texas Government Code, Chapter 551, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

(4) **CHILD SUPPORT PAYMENTS.** The Grantee shall comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.

(5) HEALTH, HUMAN SERVICES, PUBLIC SAFETY OR LAW ENFORCEMENT AGENCY. If the Grantee is a health, human services, public safety, or law enforcement agency, it will not contract with or issue a license, certificate, or permit to the owner, operator, or administrator of a facility if the license, permit, or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.

(6) LAW ENFORCEMENT AGENCY. If the Grantee is a law enforcement agency regulated by Texas Occupations Code, Chapter 1701, it shall be in compliance with all rules adopted by the Texas Commission on Law Enforcement pursuant to Chapter 1701, Texas Occupations Code or shall provide the THSSAA with a certification from the Texas Commission on Law Enforcement that the Grantee is in the process of achieving compliance with such rules.

(7) ADMINISTRATION. When incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and local recipients shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met.

(8) SUSPECTED CHILD ABUSE. The Grantee shall comply with the Texas Family Code, Section 261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. The Grantee shall ensure that all program personnel are properly trained and aware of this requirement.

(9) TAXES. The Grantee shall comply with all federal tax laws and is solely responsible for filing all required state and federal tax forms.

(10) COMPLIANCE WITH REQUIREMENTS. The Grantee shall comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing this Grant.

(11) INELIGIBLE APPLICANTS. The Grantee certifies that it and its principals are eligible to participate and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity and it is not listed on a state or federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <http://www.sam.gov>.

(12) HIV/AIDS. The Grantee shall adopt and implement applicable provisions of the model HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. 85.001, *et seq.*

(13) LEGAL AUTHORITY. The Grantee certifies that it has the legal authority to apply for State assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-state share of project costs) to ensure proper planning, management and completion of this Grant.

(14) RECORDS. The Grantee shall give the awarding agency, the State Comptroller, and if applicable, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to this Grant; and shall establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

(15) **PERSONAL GAIN.** The Grantee shall establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain.

(16) **COMPLETION.** The Grantee shall initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

CERTIFICATIONS

1. **DRUG-FREE WORKPLACE** - The Grantee certifies that it shall 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. Establish a drug-free awareness program to inform employees about:
 - i. the dangers of drug abuse in the workplace;
 - ii. the Grantee's policy of maintaining a drug-free workplace;
 - iii. any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. the penalties that may be imposed upon employees for drug abuse violations.
 - C. Making it a requirement that each employee to be engaged in the performance of this 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 this Grant, the employee shall:
 - i. abide by the terms of the statement; and
 - ii. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) calendar days after such conviction.
 - E. Notifying the THSSAA within ten (10) calendar days after receiving notice under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of such conviction.
 - F. Taking one of the following actions with respect to any employee who is so convicted:
 - i. taking appropriate personnel action against such an employee, up to and including termination; or
 - ii. requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a 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 the implementation of paragraphs (A), (B), (C), (D), (E), and (F).
2. **LOBBYING – The Grantee certifies that:**
 - A. It will not use grant funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government.
 - B. If any non-grant funds have been or will be used in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, it shall notify the THSSAA to obtain the appropriate disclosure form.
 - C. It shall include the language of paragraphs A and B of this section in the award documents for all sub-awards at all tiers and will require all sub-recipients to certify accordingly.