

### **CERTIFIED ASSURANCES**

1. The subgrantee assures that grant funds awarded under the Sexual Assault Service Program, Violence Against Women Formula Grant Program, authorized by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (SASP 2005), 42 U.S.C. §14043 g, not to supplant state or local funds but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for victim assistance activities.
2. The subgrantee assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Utah Office for Victims of Crime (UOVC) shall prescribe, shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under the Act. Additionally, the applicant assures that it shall maintain such data and information and submit such reports, in such form, at such times, and containing such information as the Utah Office for Victims of Crime may require.
3. The subgrantee assures that it will comply with the lead agency's policies regarding travel, purchasing supplies and equipment, contractual agreements, etc. The only exception to this policy is personnel expenditures. According to the Fair Labor Standards Act, personnel costs including **overtime** must be paid according to the individual's employing agency's personnel policies. (The lead agency is the unit of local or State government which employs the individual signing the grant application cover sheet as the Authorized Official.)
4. The subgrantee certifies that the programs contained in its application meet all requirements, that all the information is correct, that there has been appropriate coordination with affected agencies and that the applicant will comply with all provisions of the Act and all other applicable Federal laws, regulations, and guidelines.
5. The subgrantee assures that it will comply, and all its contractors will comply with:
  - a. Title VI of the Civil Rights Act of 1964 which prohibits recipients from discriminating on the basis of race, color, and national origin in the delivery of services,
  - b. DOJ Guidance regarding Title VI required recipients to take reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to funded programs,
  - c. Section 504 of the Rehabilitation Act of 1973 as amended which provides on the basis of disability in the delivery of services and employment practices,
  - d. Title II of the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of disability in the delivery of services and employment practices,
  - e. DOJ regulations 28 C.F. R. Part 35 Title IX of the Education Amendments of 1972 which prohibits sex discrimination in educational programs,
  - f. The Age Discrimination Act of 1975 which prohibits discrimination in the

- delivery of services on the basis of age. Age Discrimination in Employment Act which prohibits discrimination in employment (age 40 and over),
- g.** DOJ Program Statutes which includes Omnibus Crime Control and Safe Streets Act of 1960 as amended,
  - h.** the Victims of Crime Act regarding nondiscrimination requirements which prohibit discrimination on the basis of race, color, national origin, sex, religion, and disability in the delivery of services and employment practices,
  - i.** DOJ Regulation 28 C.F.R. Part 38 regarding the equal treatment for faith-based organizations, and
  - j.** DOJ Nondiscrimination Regulations 28 C.F.R. Part 42, Subparts C, D, E, and G.
- 6.** The subgrantee 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, sex or disability against a recipient of funds the recipient will forward a copy of the findings to the Utah Office for Victims of Crime.
- 7.** The subgrantee assures that it will comply with the applicable provisions of the Violent Crime Control and Law Enforcement Act of 1994 updated through the Victims of Trafficking and Violence Protection Act of 2000/2005 and 2013 and the Office of Justice Programs' Financial Guide. The Financial Guide is available through the World Wide Web at: [www.ojp.usdoj.gov/oc/finance.html](http://www.ojp.usdoj.gov/oc/finance.html)
- 8.** The subgrantee assures that it will comply with the provision of 28 C.F.R. applicable to grants and cooperative agreements, including: Part II, Applicability of Office of Management and Budget Circulars; Part 18, Administrative Review Procedures; 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; and Part 63, Floodplain Management and Wetland Protection Procedures.

SUBGRANTEE ACCEPTANCE OF CERTIFIED ASSURANCES (*sign below*)

X \_\_\_\_\_  
Authorized Official Signature and Title (as appears on Cover Sheet)      Date

## GRANT CONDITIONS

1. **Compensation and Method of Payment.** The Utah Office for Victims of Crime will reimburse the subgrantee for the Federal share of approved program expenditures on a monthly or quarterly basis as financial status reports are submitted and approved up to the amount of approved Federal expenditures.
2. **Reports.** The subgrantee shall submit, at such times and in such form as may be prescribed, such reports as the Utah Office for Victims of Crime may reasonably require, including at least quarterly financial and progress reports, and final financial and narrative reports. **Quarterly financial and progress reports shall be received no later than 30 days after each quarter ends. The quarters end March 31, June 30, September 30, and December 31.** (Final reports must be received no later than 30 days after the ending date of the project).
3. **Report to Governing Entity.** The subgrantee shall give two reports during the program year to the local, state, or non-profit governing entity (city council, county commission, board of directors) receiving the grant funds. The reports will include crime categories under which crime victims are served, types of services provided, and program accomplishments as described under contract Section IV Record of Providing Effective Services (page 16 of Narrative Section), Quarterly Progress Reports and Annual Progress Reports. SASP-funded personnel shall participate in the report presentations. Quarterly Progress Reports must contain verification that reports have been made.
4. **Audit Reports.** Subgrantees are to have annual examinations in the form of audits. These audits will be submitted to Utah Office for Victims of Crime (UOVC) with any **Management Letters no less than one month after completion of the audit. Local governments have 180 days after the end of their fiscal year to complete their audits while all other subgrantees have nine months to complete their audit.** The audits must conform to OMB Circular A-133, and contain grant information in the Schedule of Federal Financial Assistance. During the audit process, either the subgrantee or the auditor will send the Utah Office for Victims of Crime a verification letter to confirm grant payments. The audit threshold is \$500,000 of total federal assistance expenditures made in the grantee's fiscal year.
5. **Utilization and Payment of Funds.** Funds awarded are to be expended only for purposes and activities covered by subgrantee's approved project activities and budget. Project funds will be made available in accordance with provisions as prescribed by the Utah Office for Victims of Crime. The subgrantee agrees to return to the Utah Office for Victims of Crime all unexpended Federal funds provided hereunder to the Utah Office for Victims of Crime within 60 days of termination of the subgrant. Payments will be adjusted to correct previous

overpayment or underpayment and disallowances resulting from audit.

6. **Obligation of Grant Funds.** Subgrant funds may not be obligated prior to the effective date or subsequent to the termination date of the grant period. Obligations outstanding as of the termination date shall be liquidated within 90 days. Such obligations must be related to goods or services provided and utilized within the grant period.
7. **Expenses Not Allowable.** Project funds may not be expended for: (a) items not part of the approved budget or separately approved by the Utah Office for Victims of Crime; (b) the purchase of land; (c) construction projects; (d) indirect or overhead cost rates which have not been approved by the federal government. Any expenditure of funds that are not listed or exceed the amount in the State of Utah SASP Application/Contract must obtain written permission from the Utah Office for Victims of Crime prior to incurring expenditure.
8. **Termination of Aid.** If through any cause the subgrantee shall fail to substantially fulfill in a timely and proper manner all its obligations, terms, covenants, conditions, or stipulations of the subgrant agreement, or substantially fails to comply with the Violence Against Women and Department of Justice Reauthorization Act of 2005 (SASP 2005) 42 U.S.C. §14043 g; and any regulations promulgated under these laws, as determined by the UOVC, then the UOVC shall have the right to terminate the subgrant agreement or to suspend fund payments by giving written notice to the subgrantee of such action and specifying the effective date thereof, at least thirty (30) days before the effective date of such action. In such event, all finished and unfinished documents, data studies, surveys, drawings, maps, models, photographs and reports prepared by or on behalf of the subgrantee under the subgrant agreement shall at the option of the UOVC, become its property, and the subgrantee shall be entitled to receive just and equitable reimbursement of any work satisfactorily completed under the subgrant agreement.
9. **Inspection and Audit.** The UOVC, Department of Justice, and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for purpose of audit and examinations to any books, documents, papers, and records of the subgrantee, and to relevant books and records of subgrantees and contractors as provided for in P.L. 90-351 as amended, P.L. 99-570, and the OJP Financial Guide.
10. **Personal Property.** The subgrantee shall retain any non expendable personal property acquired with subgrant funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program whether or not the program continues to be supported by UOVC subgrant funds. When there is no longer a need for the property to accomplish the purpose of the program, the subgrantee shall request property disposition instructions from the UOVC.

11. **Maintenance of Records.** All financial and statistical records, supporting documents, and all other records pertinent to subgrants or contracts shall be retained for at least three years after completion of the project for purposes of state and federal examinations and audits.
12. **Written Approval of Changes.** Subgrantees must obtain prior written approval from the UOVC for major program changes. These include (a) change of substance in program activities, designs, or objectives; (b) changes in the project director or key professional personnel identified in the approved application; and (c) changes in the approved project budget as specified in condition seven (7) above; and (d) budget contract adjustments.
13. **Third Party Participation.** No contract or agreement may be entered into by the subgrantee for execution of project activities or provision of services (other than purchase of supplies or standard commercial or maintenance services) which is not incorporated in the approved proposal or approved in advance by the UOVC. Any such arrangement shall provide that the subgrantee will retain ultimate control and responsibility for the subgrant project and that the subgrantee shall be bound by these subgrant conditions and any other requirements applicable to the subgrantee in the conduct of the project. The UOVC shall be provided with a copy of all such contracts and agreements entered into by subgrantees.
14. **Publications.** All published material and written reports submitted under grants or in conjunction with contracts under grants must be originally developed material unless otherwise specifically provided in the grant or contract document. When material, not originally developed, is included in the report, it must have the source identified. This identification may be in the Body of the report or by footnote. This provision is applicable when the material is in a verbatim or extensive paraphrase format. All written reports, studies and publications in pamphlet form must carry a caveat on the cover and title page which reads as follows:

PREPARATION AND PRINTING OF THIS DOCUMENT FINANCED BY THE  
U.S. BUREAU OF JUSTICE ASSISTANCE AND UTAH OFFICE FOR VICTIMS  
OF CRIME  
GRANT NUMBER: 2011-KF-AX-0014 and/or 2012-KF-AX-0037
15. **Written Descriptions of Programs.** The subgrantee agrees that when issuing statements, press releases, requests for proposals, bid solicitation, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to state and local governments, shall clearly state (a) the percentage of the total cost of the program or project which will be financed with Federal money, and (b) the dollar amount of Federal funds for the project or program.

16. **Conflict of Interest.** The subgrantee covenants that if it is a not-for-profit entity none of its officers, agents, members, or persons owning a "substantial interest" in the entity, is presently, nor during the life of this contract shall be, officers or employees of the UOVC, provided that if such persons are or become officers or employees of the UOVC they must disqualify this application and any future discussions concerning the entity making this application.
17. **Program Director.** There shall at all times during the life of the subgrant agreement be an individual appointed by the subgrantee as "Program Director." This individual will be responsible for program planning, operation and administration under the subgrant agreement.
18. **Confidentiality of Research Information.** Pursuant to Section 229 of the Justice System Improvements Act of 1979, research information identifiable to an individual, which was obtained through a program funded wholly or in part with Victims of Crime Act funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding, 28 CFR Part 22.
19. **Release of Information.** All records, papers and other documents kept by recipients of UOVC or SASP funds, their subgrantees and contractors, relating to the receipt and disposition of such funds, are required to be made available to the UOVC or the Bureau of Justice Assistance. These records and other documents submitted to the UOVC or the BJA pursuant to application for funds, are required to be made available to the UOVC or the BJA under the terms and conditions of the Federal Freedom of Information Act, 5 U.S.C. 552.
20. **Project Income.** All interest or other income earned by the subgrantee with respect to grant funds or as a result of conduct of the grant project (asset forfeitures, sale of publications, registration fees, services charges on fees, etc.) must be tracked. Interest on grant fund advancements must be returned to the UOVC by check payable to the Treasurer of the State of Utah. All other program income will remain with the project or be used to reduce projects costs. Program income is subject to the same requirements as are the Federal grant and cash match monies.
21. **Political Activity.** The restrictions of the Hatch Act, P.L. 93-443, 5 U.S.C. Chapter 73, Subchapter III (as amended), concerning the political activity of government employees are applicable to state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975

amendment to the Hatch Act, such State and local government employees may take an active part in political management and campaigns except they may not be candidates for office.

22. **Copyrights and Rights in Data.** Where activities supported by this grant produce original computer programs, writings, sound recordings, pictorial reproductions, drawing or other graphical representation and works of any similar nature (the term computer programs includes executable computer programs and supporting data in any form), the government has the right to use, duplicate and disclose, in whole, in part, or in any manner for any purpose whatsoever and have others do so. If the material is copyrightable, the grantee may copyright such, but the government reserves a royalty-free non-exclusive and irreversible license to reproduce, publish and use such materials in whole or in part and authorize others to do so.
23. **Patents.** If any discovery or invention arises or is developed in course of, or as result of work performed under this grant, the subgrantee shall refer the discovery or invention to SASP. The subgrantee hereby agrees that determination of rights to inventions made under this grant shall be made by the Administrator of SASP or her/his duly authorized representative, who shall have the sole and exclusive powers to determine whether or not and where patent application should be filed and to determine the disposition of all rights in such inventions, including title to and license rights under any patent application or patent which may issue thereon. The determination of the Administrator, or his duly authorized representative, shall be accepted as final. In addition, the subgrantee hereby agrees and otherwise recognizes that the Government shall acquire at least an irrevocable non-exclusive royalty free license to practice and have practiced throughout the world for governmental purposes any invention made in the course of or under this subgrant.
24. **Information Systems.** With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. **The grantee further agrees:**

That all computer programs (software) produced under this grant will be made available to SASP for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.

To provide a complete copy of the computer programs and documentation, upon request, to SASP. The documentation will include but not be limited to system description, operating instruction, program maintenance instructions, input forms, file descriptions,

report formats, program listings, and flow charts for the system and programs.

## **25. Criminal Penalties**

- a. Whoever embezzles, willfully misapplies, steals or obtains by fraud or endeavors to embezzle, willfully misapply, steal or obtain by fraud any funds, assets, or property which are the subject of grant or contractor or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration; or whether receives, conceals, or retains such funds, assets, or property to his use or gain, knowing such funds, assets, or property to have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.
- b. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to the Act, whether received directly or indirectly from the Administration, shall be subject to the provisions of Section 371 of Title 18, U.S.C.

## **26. Out-of-Scope Activities**

The following activities are out of program scope and will not be supported by the SASP Formula Grant Program funding:

- Research projects (This does not include program assessments conducted only for internal improvement purposes. See section on Research and Protection of Human Subjects in the FY 2014 Solicitation Companion Guide at <http://www.ovw.usdoj.gov/docs/companion-guide-10-16-12.pdf>.)
- Sexual assault forensic examiner projects
- Activities focused on prevention efforts (e.g., bystander intervention, social norm campaigns, presentations on healthy relationships, etc.)
- Criminal justice-related projects, including law enforcement, prosecution, courts, and forensic interviews
- Domestic violence services that do not relate to sexual violence

## **27. Unallowable Activities**

The following is a list of activities that are unallowable and cannot be supported by SASP Formula Grant Program funding.

- Lobbying
- Fundraising
- Purchase of real property
- Construction
- Physical modifications to buildings, including minor renovations (such as painting or carpeting)

**28. Letter of Nonsupplanting**

Any funds awarded through the SASP grant will be used to supplement existing funds for program activities and will not replace (supplant) nonfederal funds that have been appropriated for the purpose of providing services to victims of domestic violence, dating violence and child victimization. This organization understands that supplanting violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

**29. Violence Against Women Act Non-Discrimination Provision**

The Violence Against Women Reauthorization Act of 2013 added a new civil rights provision that applies to all FY 2014 OVW grants. This provision prohibits OVW grantees and subgrantees from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. More guidance on this provision will be forthcoming and made available on the OVW website. Additional information on the civil rights obligations of OVW funding recipients can be found in the FY 2014 Solicitation Companion Guide under "Civil Rights Compliance."

The following are some frequently asked questions (FAQs) about VAWA's nondiscrimination grant condition, including the obligations of VAWA recipients and what people may do if they believe they have experienced discrimination barred by this new nondiscrimination grant condition." The above mentioned frequently asked questions (FAQs) can be found at this link.

<http://www.justice.gov/sites/default/files/ovw/legacy/2014/06/20/faqs-ngc-vawa.pdf>

UOVC plans to hold training to help subgrantees comply with this Non-Discrimination Provision. **By signing below, you certify that you will comply with this provision and have key project personnel attend this mandatory training.**

**30. Nonprofit Organization Requirement**

Any entity that is eligible for a SASP Formula subgrant based on its status as a nonprofit organization must be an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code. See 42 U.S.C. § 13925(b)(16)(B). State and territorial agencies administering SASP Formula funds are responsible for ensuring that SASP subgrantees that are eligible as nonprofit organizations meet this requirement. **If you applying for funds based on your status as a non-profit organization please provide evidence of your 501(c) (3) status with this application.**

**31. Nonprofit Entity Receipt of State Money Act.** Contractor/Company certifies that it has received and understands its requirements under Utah Code Annotated 51-2a-102, 204, & 63L-9-101 et seq. (the Nonprofit Entity Receipt of State Money Act). If Contractor/Company determines that it is a "nonprofit entity" as that term is specifically defined by Utah Code Annotated 63J-9-101, the Contractor/Company shall notify the state entity that is a party to this contract of this fact, in writing,

an shall comply with all requirements of the Act, as well as Utah Code Annotated, 51-2a-102 et. seq. Contractor/Company shall provide all documentation required by these sections of the Utah Code Annotated before receiving any state monies and affirms that Contractor/Company will adhere to all requirements of these Acts. Contractor/company acknowledges that he State is bound by the provisions of the Acts referenced above and may withhold money or demand return of any money appropriated if the Contractor/Company fails to comply with any provisions of the sections referenced above, or as those sections are amended. Contractor/Company agrees to provide the state entity an itemized report at least annually detailing the expenditure of the state money.

**32. Accommodations and Language Access.** Applicants are encouraged to allocate grant funds to support activities that help to ensure individuals with disabilities and Deaf individuals and persons with limited English proficiency have meaningful and full access to their programs. For example, grant funds can be used to support American Sign Language (ASL) interpreter services, language interpretation and translation services, or the purchase of adaptive equipment. Applicants proposing to use grant funds to create websites, videos and other materials must ensure that they are accessible to persons with disabilities. Grant funds must be allocated for these purposes.

**33. Compliance with OVW Financial Requirements**

Each OVW grantee agrees to follow the financial and administrative requirements in the OVW Financial Grants Management Guide at <http://www.ovw.usdoj.gov/docs/ovw-fgmg.pdf> as a condition of receiving grant funding. If UOVC determines that a current grantee has violated any of the requirements of the Guide, the grantee may be denied access to funding.

**34. Conference Planning and Expenditure Limitations**

Applicants should be aware of all applicable laws, regulations, policies and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (which is defined to include meetings, retreats, seminars, symposiums, training and other similar events), including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies and guidance is available at <http://www.ovw.usdoj.gov/grantees.html>. Applicants should also be aware of the following specific restrictions on conference planning and expenditure limitations:

- Cost of Logistical Conference Planning
- Cost of Programmatic Conference Planning
- Conference Space and Audio-Visual Equipment and Services
- Prohibition on Trinkets at Conferences
- Entertainment at Conferences
- Food and Beverages at Conferences

Updated Department of Justice and OVW guidance on conference planning, minimization of costs, and conference cost reporting is accessible on the OVW website <http://www.ovw.usdoj.gov/grantees.html>. For additional information regarding food and beverage regulations, please refer to the OVW Financial Grants Management Guide at

<http://www.ovw.usdoj.gov/docs/ovw-fgmg.pdf>.

### **35. Federal Financial Guidelines**

Federal grants are governed by the provisions of the OMB circulars applicable to financial assistance and the OVW Financial Grants Management Guide, which can be found at <http://www.ovw.usdoj.gov/docs/ovw-fgmg.pdf>. The Financial Grants Management Guide includes information on allowable costs, methods of payment, audit requirements, accounting systems, and financial records. This document outlines the successful administration of grant funds.

Any recipient of an award will be responsible for monitoring subgrants/contracts, including MOU partner activities, under the grant in accordance with all applicable statutes, regulations, OMB circulars and guidelines, and the OVW Financial Grants Management Guide. Primary recipients will be responsible for oversight of subgrantee/partner spending and monitoring specific performance measures and outcomes attributable to the use of OVW funds.

### **36. Food and Beverage/Costs for Refreshments and Meals**

Generally food and beverage costs are **not** allowable, and under no circumstances may OVW funding be used to supply food and/or beverages during refreshment breaks. OVW may approve the use of OVW funds to provide food and/or beverages for a meal at a meeting, conference, training, or other event, if one of the following applies:

- The location of the event is not in close proximity to food establishments. It should be a priority to try to secure a location near reasonably priced and accessible commercial food establishments.
- Not serving food will significantly lengthen the day or necessitate extending the meeting to achieve meeting outcomes.
- A special presentation at a conference requires a plenary address where there is no other time for food to be obtained.
- Other extenuating circumstances necessitate the provision of food.

### **37. High Risk Grantees**

Based on UOVC's assessment of each grantee with regard to current or previous funding, unresolved audit issues, delinquent programmatic and fiscal reporting, and prior performance, a grantee may be designated "high risk." Awards to high-risk grantees may carry special conditions such as increased monitoring and/or prohibitions on drawing funds until certain requirements are met.

### **38. Information for All Federal Award Grantees**

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. UOVC strongly encourages applicants to review the information pertaining to these additional requirements prior to submitting an application. Additional information for each requirement can be found in the FY 2014 Solicitation Companion Guide at <http://www.ovw.usdoj.gov/docs/companion-guide-10-16-12.pdf>

- Civil Rights Compliance
- Funding to Faith-Based Organizations
- Confidentiality and Privacy Protections

- Research and the Protection of Human Subjects (if applicable)
- Anti-Lobbying Act
- Reporting Requirements
- National Environmental Policy Act (NEPA) (if applicable)
- DOJ Information Technology Standards (if applicable)
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Reporting Fraud, Waste, Error, and Abuse
- Suspension or Termination of Funding
- Nonprofit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement
- Active SAM Registration

**The signature below certifies that the program proposed in this application meets all the requirements of the Violent Crime Control and Law Enforcement Act of 1994 and updated reauthorizations in 2000 and 2005, that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with the provisions of the Crime Control Act and all other Federal laws.** By appropriate language incorporated in each grant, subgrant or other document under which funds are to be disbursed, the authorized official shall assure that the applicable certified assurances and grant conditions will be complied with by their own agency and any other agency with whom they make contracts or agreements with.

SUBGRANTEE ACCEPTANCE OF GRANT CONDITIONS (*sign below*)

X \_\_\_\_\_  
Authorized Official Signature (as appears on Cover Sheet)      Date \_\_\_\_\_

\_\_\_\_\_  
Authorized Official Title

**AUDIT REQUIREMENTS**

For Local Government Agency Only

The applicant agency expending more than \$500,000 in Federal funds per year assures that it will submit audit reports (with Management Letters) to UOVC annually. The audit report must comply with OMB circular A-133 and be submitted to UOVC within one month of completion of the audit.

By State code, **local governments** must complete their audit within six months of the end of their fiscal year, and **other agencies** must complete their audit within nine months. During the audit process subgrantees or their auditors must send UOVC a confirmation letter that verifies payments made to the grant program.

The audit will include a Schedule of Federal Financial Assistance that contains revenue and expenditure information from the grant. The following information will assist the auditors in completing the Schedule of Federal Financial assistance:

**Federal Grantor Agency:** Department of Justice

**Federal Grantor Number:** 2013-VA-GX-0055

**Federal CFDA Number:** 16.017

**Provide the following information:**

**Fiscal Year of Applicant Agency\***

*(July-June, Jan-Dec etc.):*

---

**Name and title of audit contact person\*\*:**

*(Individual responsible for agency's Single Audit)*

---

**Address:**

---

**Telephone number:**

---

\* The "agency" referred to here is the unit of local government or the non-profit agency authorized to apply for the grant.

\*\*Provide the audit contact person with a copy of this form.

**RAPE OR MANDATE FOR THE STATE OF UTAH (Applicable to Non-Profit Organizations)**

The Utah Office for Victims of Crime requires all non-profit organizations 501(c) 3 receiving Violence Against Women (SASP) funding who provide rape crisis services to certify their compliance with the Confidential Communications for Sexual Assault Act, Utah State Judicial Code 77. All Subgrantee staff and volunteers who provide direct services to victims of sexual violence must complete 40 hours of training in assisting victims of sexual assault. Training to certify as a Rape Crisis Counselor must be provided by a Utah Rape Crisis Program or a State sexual assault coalition.

**Confidential Communications for Sexual Assault Act  
Utah State Judicial Code Section 77**

**77-38-201. Title.**

This part is known and cited as the "Confidential Communications for Sexual Assault Act."

Renumbered and Amended by Chapter 3, 2008 General Session

**77-38-202. Purpose.**

It is the purpose of this act to enhance and promote the mental, physical and emotional recovery of victims of sexual assault and to protect the information given by victims to sexual assault counselors from being disclosed.

Renumbered and Amended by Chapter 3, 2008 General Session

**77-38-203. Definitions.**

As used in this part:

- (1) "Confidential communication" means information given to a sexual assault counselor by a victim and includes reports or working papers made in the course of the counseling relationship.
- (2) "Rape crisis center" means any office, institution, or center assisting victims of sexual assault and their families which offers crisis intervention, medical, and legal services, and counseling.
- (3) "Sexual assault counselor" means a person who is employed by or volunteers at a rape crisis center who has a minimum of 40 hours of training in counseling and assisting victims of sexual assault and who is under the supervision of the director or designee of a rape crisis center.
- (4) "Victim" means a person who has experienced a sexual assault of whatever nature including incest and rape and requests counseling or assistance regarding the mental, physical, and emotional consequences of the sexual assault.

Renumbered and Amended by Chapter 3, 2008 General Session

**77-38-204. Disclosure of confidential communications.**

The confidential communication between a victim and a sexual assault counselor is available to a third person only when:

- (1) the victim is a minor and the counselor believes it is in the best interest of the victim to disclose the confidential communication to the victim's parents;
- (2) the victim is a minor and the minor's parents or guardian have consented to disclosure of the confidential communication to a third party based upon representations made by the counselor that it is in the best interest of the minor victim to make such disclosure;
- (3) the victim is not a minor, has given consent, and the counselor believes the disclosure is necessary to accomplish the desired result of counseling; or
- (4) the counselor has an obligation under Title 62A, Chapter 4a, Child and Family Services, to report information transmitted in the confidential communication.

Renumbered and Amended by Chapter 3, 2008 General Session

**AS THE DULY AUTHORIZED REPRESENTATIVE OF THE APPLICANT, I HEREBY CERTIFY THAT THE APPLICANT IS IN COMPLIANCE WITH THE TRAINING MANDATE STATED ABOVE (sign below).**

X

\_\_\_\_\_  
Authorized Official Signature (as appears on Cover Sheet)

\_\_\_\_\_  
Date

**IF YOU ARE NOT CURRENTLY IN COMPLIANCE WITH THE TRAINING MANDATE STATED ABOVE, PLEASE CHECK THE BOX AND SUBMIT A LETTER REQUESTING A 90 DAY EXTENTION IN ORDER TO COMPLY.**

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER**

**CERTIFICATION REGARDING  
DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION  
LOWER TIER COVERED TRANSACTIONS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 13CFR Part 145. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

**(BEFORE COMPLETING & SIGNING CERTIFICATION, READ INSTRUCTIONS ON NEXT PAGE)**

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Subgrantee Name: \_\_\_\_\_

Name and Title of Authorized Representative: \_\_\_\_\_

X \_\_\_\_\_  
Authorized Official Signature (as appears on Cover Sheet)                      Date

**INSTRUCTIONS FOR CERTIFICATION**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations (13CFR Part 145).
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non-procurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**CERTIFICATION REGARDING COMPLIANCE WITH VICTIM RIGHTS**

Subgrantee understands that the purpose of this grant is to provide financial assistance to organizations that serve victims of crime. Grantee understands that certain state laws exist setting a minimum level of rights for victims of crime and that these rights change from time to time. Subgrantee further understands that all agencies who apply for and receive these grant funds must contractually agree to extend any and all rights and services, applicable to the agency, that are required by law.

Subgrantees specifically represents herein that Subgrantees understands the legal rights extended to victims of crime and will train all relevant employees and volunteers in those rights. Subgrantee specifically agrees to comply with all victim rights laws.

Subgrantee further understands that this certification is a material representation of fact upon which reliance will be placed when the agency determines to award a grant. False certification or violation of the certification shall be grounds for suspension of payments or suspension or termination of the grant.

- 1. Name of Organization: \_\_\_\_\_
- 2. Address of Organization: \_\_\_\_\_  
\_\_\_\_\_
- 3. Name of Authorized Official: \_\_\_\_\_
- 4. Title of Authorized Representative: \_\_\_\_\_

X \_\_\_\_\_ Date  
Authorized Official Signature (as appears on Cover Sheet)

**U.S. Department of Justice**  
*Office on Violence Against Women*

**Acknowledgement of Notice of Statutory Requirement to Comply with the Confidentiality and Privacy Provisions of the Violence Against Women Act, as Amended**

---

---

Under section 40002(b)(2) of the Violence Against Women Act, as amended (42 U.S.C. 13925(b)(2)), grantees and subgrantees with funding from the Office on Violence Against Women (OVW) are required to meet the following terms with regard to nondisclosure of confidential or private information and to document their compliance. By signature on this form, applicants for grants from OVW are acknowledging that they have notice that, if awarded funds, they will be required to comply with this provision, and will mandate that subgrantees, if any, comply with this provision, and will create and maintain documentation of compliance, such as policies and procedures for release of victim information, and will mandate that subgrantees, if any, will do so as well.

**(A) In general**

In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this subchapter shall protect the confidentiality and privacy of persons receiving services.

**(B) Nondisclosure**

Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

- (i) disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or
- (ii) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.

**(C) Release**

If release of information described in subparagraph (B) is compelled by statutory or court mandate—

- (i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and
- (ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

**(D) Information sharing**

(i) Grantees and subgrantees may share—

- (I) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting,

State of Utah Sexual Assault Service Formula Grant Program

---

evaluation, or data collection requirements;

(II) court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and

(III) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

(ii) In no circumstances may—

(I) an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee;

(II) any personally identifying information be shared in order to comply with Federal, tribal, or State reporting, evaluation, or data collection requirements, whether for this program or any other Federal, tribal, or State grant program.

**(E) Statutorily mandated reports of abuse or neglect**

Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined and specifically mandated by the State or tribe involved.

**(F) Oversight**

Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

**(G) Confidentiality assessment and assurances**

Grantees and subgrantees must document their compliance with the confidentiality and privacy provisions required under this section.

---

As the duly authorized representative of the applicant, I hereby acknowledge that the applicant has received notice of that if awarded funding they will comply with the above statutory requirements. This acknowledgement shall be treated as a material representation of fact upon which the Department of Justice will rely if it determines to award the covered transaction, grant, or cooperative agreement.

\_\_\_\_\_  
Typed Name of Authorized Representative

\_\_\_\_\_  
Title

Telephone Number \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Agency Name

## **DELIVERY OF LEGAL ASSISTANCE**

### Submit Letter

#### **Directions:**

Based on the requirement listed below, applicants for VAWA funds must certify in the form of form of a letter, on letterhead, signed and dated by the authorizing official. States will be responsible to ensure that subgrantees meet the requirement. UOVC will not award funds for legal assistance to any subgrantee that has not submitted a sufficient letter.

A sample letter is provided below. Please have your authorizing official on your grant sign a letter, as instructed above and submit the letter with your grant application.

**Delivery of Legal Assistance Requirement:** Any grantee or subgrantee providing legal assistance with funds awarded under this program shall certify in writing that:

- (1) any person providing legal assistance with funds through this program
  - (A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or
  - (B) (i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and  
(ii) has completed, or will complete, training in connection with domestic violence, dating violence, sexual assault or stalking and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide;
- (2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, state, territorial, or local domestic violence, dating violence, sexual assault or stalking victim service provider or coalition, as well as appropriate tribal, state, territorial, and local law enforcement officials;
- (3) any person or organization providing legal assistance with funds through this program has informed and will continue to inform state, local, or tribal domestic violence, dating violence, sexual assault or stalking programs and coalitions, as well as appropriate state and local law enforcement officials of their work; and
- (4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.

#### **Additional Information**

OVW in their circular 1122-0020 states: "Legal assistance" includes assistance to adult and youth victims of sexual assault, intimate partner domestic violence, dating violence, and stalking in: a) family, Tribal, Territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and b) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

**Sample Certification Letter Regarding Delivery of Legal Assistance**

[Applicant Letterhead]

[Date]

Director  
Utah Office for Victims of Crime  
350 E. 500 S. #200  
Salt Lake City, Utah 84111

Dear Director:

This letter serves to certify that **[Applicant]** is in compliance with the following statutory requirements:

- (1) Any person providing legal assistance through a program funded under the LAV Program
  - (A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault or stalking in the targeted population; or
  - (B) (i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and
  - (ii) has completed, or will complete, training in connection with domestic violence, dating violence, stalking, or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide.
  
- (2) Any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a state, local, territorial, or tribal domestic violence, dating violence, sexual assault, or stalking victim service provider or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials.
  
- (3) Any person or organization providing legal assistance through a program funded under this Program has informed and will continue to inform state, local, or tribal domestic violence, dating violence or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work.
  
- (4) The grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.

Sincerely,  
**[Applicant's Authorizing Official]**

**UTAH REQUIREMENT FOR NON-PROFITS**

Submit letter

**Directions:** Please certify your answers to the in the form of a letter, on letterhead, signed and dated by the authorizing official with your grant application.

House Bill 283 (2014 Legislative General Session) requires us to obtain certain information from entities receiving money from or through UOVC before we issue a contract. In order to comply with this law, the following questions must be answered in writing. Your response must be on your letterhead and signed by your chief executive officer. We suggest you copy these questions directly onto letterhead and respond accordingly.

1. Are you a non-profit entity as defined under Utah Code Annotated 51-21-102, 204, & 63J-9-101 et seq. (the Nonprofit Entity Receipt of State Money Act). If yes, please respond to question #2 below. If no, this law does not apply in your case.
2. Do you have bylaws that provide for:
  - The financial oversight of the state money?
  - Overall compliance with state laws related to the state money?
  - Procedures for the governing board of the nonprofit entity to designate an administrator who manages the state money?; and
  - Procedures for the governing board to dismiss the administrator?

You must provide a copy of your bylaws highlighting where in your organization's bylaws these requirements are provided for.

If your bylaws do not specifically address and highlight the items in question 2, UOVC may not enter into a contract until a copy of amended bylaws is received in our office.

3. Please disclose in writing whether:
  - Your governing board gets at least 50% of its funds from federal, state, and local government entities through contracts, in your previous fiscal year, and whether you anticipate meeting or exceeding this percentage in the fiscal year the grant is issued, OR
  - If your revenues or expenditures of all funds is \$500,000 or more, in your previous fiscal year, and whether you anticipate meeting or exceeding this amount in the fiscal year the grant is issued

If either of the items in #3 apply, UOVC is required to notify the Utah State Auditor's office.

The following language will be inserted in all contracts issued by UOVC.

## State of Utah Sexual Assault Service Formula Grant Program

---

Contractor/Company certifies that it has received and understands its requirements under Utah Code Annotated 51-2a-102, 204, & 63L-9-101 et seq. (the Nonprofit Entity Receipt of State Money Act). If Contractor/Company determines that it is a “nonprofit entity” as that term is specifically defined by Utah Code Annotated 63J-9-101, the Contractor/Company shall notify the state entity that is a party to this contract of this fact, in writing, and shall comply with all requirements of the Act, as well as Utah Code Annotated, 51-2a-102 et. seq. Contractor/Company shall provide all documentation required by these sections of the Utah Code Annotated before receiving any state monies and affirms that Contractor/Company will adhere to all requirements of these Acts. Contractor/company acknowledges that the State is bound by the provisions of the Acts referenced above and may withhold money or demand return of any money appropriated if the Contractor/Company fails to comply with any provisions of the sections referenced above, or as those sections are amended. Contractor/Company agrees to provide the state entity an itemized report at least annually detailing the expenditure of the state money.

**ACTIVITIES THAT COMPROMISE VICTIM SAFETY AND RECOVERY**  
Certification

Because of the overall purpose of the program to enhance victim safety and offender accountability, grant funds may not be used to support activities that compromise victim safety and recovery. The following activities have been found to jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions:

- Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, relationship to the perpetrator, or the age and/or gender of their children;<sup>2</sup>
- Procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services;
- Offering perpetrators the option of entering pre-trial diversion programs or placing batterers in anger management programs;
- Requiring mediation or counseling for couples as a systemic response to domestic violence or sexual assault, or in situations in which child sexual abuse is alleged;
- Requiring victims to report sexual assault, stalking, or domestic violence crimes to law enforcement or forcing victims to participate in criminal proceedings;
- Relying on court-mandated batterer intervention programs that do not use the coercive power of the criminal justice system to hold batterers accountable for their behavior; or
- Supporting policies or engaging in practices that impose restrictive conditions to be met by the victim in order to receive services (e.g., attending counseling, seeking an order of protection)

**Please check the appropriate boxes and provide explanations when necessary.**

1. Does your agency have procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, relationship to the perpetrator, or the age and/or gender of their children?

Safe Shelter: YES/ NO (Please Circle)

Advocacy Services: YES/ NO (Please Circle)

State of Utah Sexual Assault Service Formula Grant Program

---

Counseling: YES/ NO (Please Circle)

Other assistance, please describe: \_\_\_\_\_ YES/NO (Please Circle)

If your agency checked yes to any of the services listed above, please explain:

2. Does your agency have procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services?

YES/ NO (Please Circle)

If your agency checked yes to any of the services listed above, please explain:

3. Does your agency offering perpetrators the option of entering pre-trial diversion programs or placing batterers in anger management programs?

YES/ NO (Please Circle)

If your agency checked yes to any of the services listed above, please explain:

4. Does your agency require mediation or counseling for couples as a systemic response to domestic violence or sexual assault, or in situations in which child sexual abuse is alleged?

YES/ NO (Please Circle)

If your agency checked yes to any of the services listed above, please explain:

5. Does your agency require victims to report sexual assault, stalking, or domestic violence crimes to law enforcement or forcing victims to participate in criminal proceedings?

YES/ NO (Please Circle)

If your agency checked yes to any of the services listed above, please explain:

6. Does your agency rely on court-mandated batterer intervention programs that do not use the coercive power of the criminal justice system to hold batterers accountable for their behavior?

YES/ NO (Please Circle)

If your agency checked yes to any of the services listed above, please explain:

7. Does your agency support policies or engaging in practices that impose restrictive conditions to be met by the victim in order to receive services (e.g., attending counseling, seeking an order of protection)?

YES/ NO (Please Circle)

State of Utah Sexual Assault Service Formula Grant Program

---

If your agency checked yes to any of the services listed above, please explain:

Name of Authorized Official: \_\_\_\_\_

Title of Authorized Official: \_\_\_\_\_

Signature of Authorized Official: \_\_\_\_\_ Date \_\_\_\_\_

Name of Organization: \_\_\_\_\_

Address of Organization: \_\_\_\_\_

**The following two documents are neither mandatory nor do they need signatures.**

These documents have been included as required. They are provided to encourage Federal subgrantees to adopt and enforce on-the-job policies and programs for its employees and contractors.

**SEAT BELT USE BY GOVERNMENT CONTRACTORS, SUBCONTRACTORS, AND GRANTEES**

**THE WHITE HOUSE**  
Office of the Press Secretary

---

For Immediate Release  
2009

October 1,

**EXECUTIVE ORDER**

-----

**FEDERAL LEADERSHIP ON REDUCING TEXT MESSAGING WHILE DRIVING**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7902(c) of title 5, United States Code, and the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 et seq., and in order to demonstrate Federal leadership in improving safety on our roads and highways and to enhance the efficiency of Federal contracting, it is hereby ordered as follows:

Section 1. Policy. With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government-owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers. Extending this policy to cover Federal contractors is designed to promote economy and efficiency in Federal procurement. Federal contractors and contractor employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement

Sec. 2. Text Messaging While Driving by Federal Employees. Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving.

Sec. 3. Scope of Order. (a) All agencies of the executive branch are directed to take appropriate action within the scope of their existing programs to further the policies of this order and to implement section 2 of this order. This includes, but is not limited to, considering new rules and programs, and reevaluating existing programs to prohibit text messaging while driving, and conducting education, awareness, and other outreach for Federal employees about the safety risks associated with texting while driving. These initiatives should encourage voluntary compliance with the agency's text messaging policy while off duty.

(b) Within 90 days of the date of this order, each agency is directed, consistent with all applicable laws and regulations: (i) to take appropriate measures to implement this order, (ii) to adopt measures to ensure compliance with section 2 of this order, including through appropriate disciplinary actions, and (iii) to notify the Secretary of Transportation of the measures it undertakes hereunder.

(c) Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients. Each Federal agency, in procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after the date of this order, shall encourage contractors, subcontractors, and recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Agencies should also encourage Federal contractors, subcontractors, and grant recipients and subrecipients as described in this section to conduct initiatives of the type described in section 3(a) of this order.

Sec. 5. Coordination. The Secretary of Transportation, in consultation with the Administrator of General Services and the Director of the Office of Personnel Management, shall provide leadership and guidance to the heads of executive branch agencies to assist them with any action pursuant to this order.

Sec. 6. Definitions.

(a) The term "agency" as used in this order means an executive agency, as defined in 5 U.S.C. 105, except for the Government Accountability Office. (b) "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. (c) "Driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle

with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

Sec. 7. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect or alter:

(i) Authority granted by law or Executive Order to an agency, or the head thereof;

(ii) Powers and duties of the heads of the various departments and agencies pursuant to the Highway Safety Act of 1966, as amended, 23 U.S.C. 402 and 403, section 19 of the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668, sections 7901 and 7902 of title 5, United States Code, or the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 et seq.;

(iii) Rights, duties, or procedures under the National Labor Relations Act, 29 U.S.C. 151 et seq.; or

(iv) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,

October 1, 2009.

**Executive Order 13513 of October 1, 2009**  
**Federal Leadership On Reducing Text Messaging While Driving**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7902(c) of title 5, United States Code, and the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 *et seq.*, and in order to demonstrate Federal leadership in improving safety on our roads and highways and to enhance the efficiency of Federal contracting, it is hereby ordered as follows:

**Section 1. Policy.** With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers. Extending this policy to cover Federal contractors is designed to promote economy and efficiency in Federal procurement. Federal contractors and contractor employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement.

**Sec. 2. Text Messaging While Driving by Federal Employees.** Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving.

**Sec. 3. Scope of Order.** (a) All agencies of the executive branch are directed to take appropriate action within the scope of their existing programs to further the policies of this order and to implement section 2 of this order. This includes, but is not limited to, considering new rules and programs, and reevaluating existing programs to prohibit text messaging while driving, and conducting education, awareness, and other outreach for Federal employees about the safety risks associated with texting while driving. These initiatives should encourage voluntary compliance with the agency's text messaging policy while off duty. (b) Within 90 days of the date of this order, each agency is directed, consistent with all applicable laws and regulations: (i) to take appropriate measures to implement this order, (ii) to adopt measures to ensure compliance with section 2 of this order, including through appropriate disciplinary actions, and (iii) to notify the Secretary of Transportation of the measures it undertakes hereunder. (c) Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

**Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients.** Each Federal agency, in procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after the date of this order, shall encourage contractors, subcontractors, and recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Agencies

## State of Utah Sexual Assault Service Formula Grant Program

---

should also encourage Federal contractors, subcontractors, and grant recipients and subrecipients as described in this section to conduct initiatives of the type described in section 3(a) of this order.

**Sec. 5. *Coordination.*** The Secretary of Transportation, in consultation with the Administrator of General Services and the Director of the Office of Personnel Management, shall provide leadership and guidance to the heads of executive branch agencies to assist them with any action pursuant to this order.

**Sec. 6. *Definitions.*** (a) The term “agency” as used in this order means an executive agency, as defined in 5 U.S.C. 105, except for the Government Accountability Office.

(b) “Texting” or “Text Messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(c) “Driving” means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

**Sec. 7. *General Provisions.*** (a) Nothing in this order shall be construed to impair or otherwise affect or alter: (i) Authority granted by law or Executive Order to an agency, or the head thereof; (ii) Powers and duties of the heads of the various departments and agencies pursuant to the Highway Safety Act of 1966, as amended, 23 U.S.C. 402 and 403, section 19 of the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668, sections 7901 and 7902 of title 5, United States Code, or the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 *et seq.*; (iii) Rights, duties, or procedures under the National Labor Relations Act, 29 U.S.C. 151 *et seq.*; or (iv) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals. (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations. (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,  
*October 1, 2009.*

[FR Doc. E9–24203  
Filed 10–5–09; 8:45 am]  
Billing code 3195–W9–P

### STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. 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.
2. 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. 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. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 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. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which include:
  - Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d);
  - 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));
  - Civil Rights Act of 1964 (42 U.S.C. § 2000d);
  - Rehabilitation Act of 1973 (29 U.S.C. § 794);
  - Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34);
  - Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86);
  - Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07);
  - Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
  - Equal Treatment for Faith-Based Organizations (28 C.F.R. pt. 38)

- Nondiscrimination; Equal Employment Opportunity; Policies and Procedures (28 C.F.R. pt. 42)

*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.*

*Additionally, all grant recipients (including subgrantees or contractors) agree to report any complaints, lawsuits, or findings from a federal or state court or a federal or state Administrative Agency regarding a civil rights finding.*

7. If a governmental entity:

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, 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.

---

**Print/type Name and Title**

**Signature of authorizing official (on cover sheet)**

**Date**

*U.S. DEPARTMENT OF  
JUSTICE OFFICE OF  
JUSTICE PROGRAMS OFFICE  
OF THE COMPTROLLER*

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT,  
SUSPENSION AND OTHER RESPONSIBILITY MATTERS AND  
DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this 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 Justice 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 applicant 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 subawards 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 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 (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 applicant 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 (GRANTEES OTHER THAN INDIVIDUALS)**

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 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 grantee'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, 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 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  
810 Seventh Street, 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; 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;

State of Utah Sexual Assault Service Formula Grant Program

---

(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).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

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

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

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check \_\_\_ if the State has elected to complete OJP Form 4061/7.

---

**DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)**

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. As a condition of the grant, 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
- B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to:

Department of Justice  
Office of Justice Programs  
ATTN: Control Desk  
810 Seventh Street, N.W.,  
Washington, D.C. 20531

---

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

---

---

2. Application Number and/or Project Name:

---

3. Grantee IRS/Vendor Number \_\_\_\_\_

4. Type/Print Name and Title of Authorized Representative

---

5. Signature

6. Date

OJP FORM 4061/6 (3-91) REPLACES OJP FORMS 4061/2, 4061/3 AND 4061/4 WHICH ARE OBSOLETE. OFFICE OF JUSTICE PROGRAMS BJA NIJ OJJD BJS OVC

State of Utah Sexual Assault Service Formula Grant Program

**CERTIFICATION FORM**

Recipient Name and Address: \_\_\_\_\_

Grant Title: \_\_\_\_\_ Grant Number: \_\_\_\_\_ Award Amount: \_\_\_\_\_

Contact Person Name and Title: \_\_\_\_\_ Phone Number: ( ) \_\_\_\_\_

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R §§ 42.301-308. The regulations exempt some recipients from all of the EEOP requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEOP, but they do not need to submit the EEOP to OJP for review. Recipients that claim a complete exemption from the EEOP requirement must complete **Section A** below. Recipients that claim the limited exemption from the submission requirement must complete **Section B** below. **A recipient should complete either Section A or Section B, not both.** If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEOP recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7 Street, N.W., Washington, D.C. 20531. For assistance in completing this form, please call (202)307-0690 or TTY (202)307-2027.

**Section A- Declaration Claiming Complete Exemption from the EEOP Requirement. Please check all the boxes that apply.**

- Recipient has less than 50 employees;
- Recipient is an Indian tribe,
- Recipient is a non-profit organization,
- Recipient is an educational institution, or
- Recipient is a medical institution,
- Recipient is receiving an award less than \$25,000

I, \_\_\_\_\_ **[responsible official]**, certify that \_\_\_\_\_ **[recipient]** is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R §42.302. I further certify that \_\_\_\_\_ **[recipient]** will comply with applicable Federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Print or type Name and Title	Signature	Date
------------------------------	-----------	------

**Section B- Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review.**

If a recipient agency has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, \_\_\_\_\_ **[responsible official]**, certify that the \_\_\_\_\_ **[recipient]**, which has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEOP in accordance with 28 CFR §42.301, *et seq.*, subpart E. I further certify that the EEOP has been formulated and signed into effect within the past two years by the proper authority and that it is available for review. The EEOP is on file in the office of: \_\_\_\_\_ **[organization]**, at \_\_\_\_\_ **[address]**, for review by the public and employees or for review or audit by officials of the relevant state planning agency or the Office for Civil Rights, Office of Justice Programs, U. S. Department of Justice, as required by relevant laws and regulations.

Print or type Name and Title	Signature	Date
OMB Approval No. 1121-0140		Expiration Date: 12/31/12