

**VOCA VICTIM ASSISTANCE PROGRAM CERTIFIED ASSURANCES**

1. The Subgrantee assures that they are a public or a non-profit organization or a combination thereof, that provides direct services to crime victims.
2. The Subgrantee assures that they have community support and approval of its VOCA funded services, have a history of providing direct services in a cost-effective manner, can demonstrate a record of providing effective direct services to victims of crime, and have financial support from non-federal sources.
3. The Subgrantee assures that they can meet the VOCA program match requirements at a minimum of 20%, cash or in-kind, of the total VOCA project (VOCA grant plus match). The match for a Native American tribe/organization, located on a reservation, is 5%, cash or in-kind, of the total VOCA project (VOCA grant plus match).
4. The Subgrantee assures they can demonstrate that 25-50 % of their financial support comes from non-federal sources if they are a new program that has not demonstrated a record of providing victim services.
5. The Subgrantee assures that they will utilize volunteers.
6. The Subgrantee assures that they will promote within the community served, coordinated public and private efforts to aid crime victims.
7. The Subgrantee assures that they will assist victims in seeking available crime victim compensation benefits.
8. The Subgrantee assures that they will provide services to victims of Federal crimes on the same basis as victims of State crimes.
9. The Subgrantee assures that they will provide services, at no charge, through the VOCA funded project.
10. The Subgrantee assures that they will maintain confidentiality of client-counselor information as required by state and federal law.
11. The Subgrantee assures that they will comply with the applicable provisions of VOCA, the Program Guidelines, and the requirements of the M7100.1D which includes maintaining appropriate

programmatic and financial records that fully disclose the amount and disposition of VOCA funds received.

12. The Subgrantee assures that they will maintain statutorily required civil rights statistics on victims served by race or national origin, sex, age, and disability; and permit reasonable access to its books, documents, papers, and records to determine whether the recipient is in compliance with applicable civil rights laws.
13. The Subgrantee assures Confidentiality of Research Information under 1407(d) of VOCA codified at 42 U.S.C. 10604.
14. The Subgrantee assures that they will submit statistical and programmatic information on the use and impact of VOCA funds as requested by the Utah Office for Victims of Crime.
15. The Subgrantee agrees to complete the survey found at <https://external.ojp.usdoj.gov/eeop/Welcome.do> and submit the appropriate EEOP plan to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

The mailing address is as follows:

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 7<sup>th</sup> Street, NW  
Washington, DC 20531

The subgrantee must keep a copy on file for audit purposes. Non-profit subgrantees are exempt from submitting the EEOP; instead, they are required to fill out Certification Form (last page).

16. If recipient is a nonprofit or Nongovernmental Nonprofit Organization additional reporting requirements are required by S.B 132 (2015). For more information: <http://le.utah.gov/~2015/bills/static/SB0132.html>

**Subgrantee Acceptance of VOCA Victim Assistance Program Certified Assurances** (sign below)

X

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

\_\_\_\_\_  
Date

## VOCA SPECIAL CONDITIONS

1. The Subgrantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of UOVC.
2. The Subgrantee certifies that it will adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers in pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009).
3. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express prior written approval of OJP.
4. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk subgrantee. Cf. 28 C.F.R. parts 66, 70.
5. Demographic Data. The recipient assures that it will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.
6. The subgrantee authorizes Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant.
7. The recipient and any subrecipients must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has -- (1) submitted a claim for award funds that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving award funds. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by - mail: Office of the Inspector General U.S. Department of Justice Investigations Division 950 Pennsylvania Avenue, N.W. Room 4706 Washington, DC 20530 e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov) hotline: (contact information in English and Spanish): (800) 869-4499 or hotline fax: (202) 616-9881 Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig)
8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The

recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

9. The Subrecipient agrees to comply with Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (the "Part 200 Uniform Requirements") apply to this 2015 award from the Office of Justice Programs (OJP). For this 2015 award, the Part 200 Uniform Requirements, which were first adopted by DOJ on December 26, 2014, supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.

If this 2015 award supplements funds previously awarded by OJP under the same award number, the Part 200 Uniform Requirements apply with respect to all award funds (whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2015 award.

Potential availability of grace period for procurement standards: Under the Part 200 Uniform Requirements, a time-limited grace period may be available under certain circumstances to allow for transition from policies and procedures that complied with previous standards for procurements under federal awards to policies and procedures that comply with the new standards (that is, to those at 2 C.F.R. 200.317 through 200.326).

For more information on the Part 200 Uniform Requirements, including information regarding the potentially-available grace period described above, see the Office of Justice Programs (OJP) website at <http://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

10. The recipient agrees to comply with 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, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").  
[http://ojp.gov/financialguide/DOJ/pdfs/2015\\_DOJ\\_FinancialGuide.pdf](http://ojp.gov/financialguide/DOJ/pdfs/2015_DOJ_FinancialGuide.pdf)

11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
13. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this UOVC award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this UOVC award, the recipient will promptly notify, in writing, the grant manager for this UOVC award, and, if so requested by UOVC, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding. UOVC will contact OJP to help make determinations.
14. A recipient that is eligible under the Part 200 Uniform Requirements to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise UOVC in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC). This condition notifies subgrantees that they are eligible to request indirect cost rates as described under the law.
15. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
16. The recipient must collect, maintain, and provide to OJP, data that measure the performance and effectiveness of activities under this award, in the manner, and within the timeframes, specified in the program solicitation, or as otherwise specified by OJP. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.
17. VOCA Requirements  
The recipient assures it will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 42 U.S.C. 10603(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, funds under this award will:

- a) be awarded only to eligible victim assistance organizations, 42 U.S.C. 10603(a)(2);
  - b) not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 42 U.S.C. 10603(a)(2); and
  - c) be allocated in accordance with program guidelines or regulations implementing 42 U.S.C. 10603(a)(2)(A) and 42 U.S.C. 10603(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.
18. All non-profit sub-recipients of VOCA Assistance funding under this award to make their financial statements available online (either on the recipient's, the sub-recipient's, or another publicly available website). OVC will consider sub-recipient organizations that have Federal 501(c)(3) tax status as in compliance with this requirement, with no further action needed, to the extent that such organization files IRS Form 990 or similar tax document (e.g., 990-EZ), as several sources already provide searchable online databases of such financial statements.
19. All non-profit sub-recipients of VOCA Assistance funding under this award to certify their non-profit status. Sub-recipients may certify their non-profit status by submitting a statement to the recipient (to be placed in the grant file) affirmatively asserting that the sub-recipient is a non-profit organization, and indicating that it has on file, and available upon audit, either – 1) a copy of the recipient's 501(c)(3) designation letter; 2) a letter from the recipient's state/territory taxing body or state/territory attorney general stating that the recipient is a non-profit organization operating within the state/territory; or 3) a copy of the recipient's state/territory certificate of incorporation that substantiates its non-profit status. Sub-recipients that are local non-profit affiliates of state/territory or national non-profits should have available proof of (1), (2) or (3), and a statement by the state/territory or national parent organization that the recipient is a local non-profit affiliate.
20. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302) that is approved by the Office for Civil Rights is a violation of the Standard Assurances executed by the recipient, and may result in suspension of funding until such time as the recipient is in compliance, or termination of the award.
21. The recipient understands and agrees that UOVC may withhold award funds, or may impose other related requirements, if the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.
22. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting

(in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient --
  - a) represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
  - b) certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
2. If the recipient does or is authorized to make subawards or contracts under this award –
  - a) it represents that --
    1. it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward, contract, or subcontract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
    2. it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
  - b) it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

23. The Grantee agrees to submit a Subgrant Award Report (SAR) to OVC for each subgrantee of the VOCA victim assistance funds, within ninety (90) days of awarding funds to subgrantees. States and territories are required to submit this information through the automated system.
  
24. The recipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The recipient agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the recipient plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The recipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.
  
25. The recipient agrees to submit (and, as necessary, require sub-recipients to submit) performance reports on the performance metrics identified by OVC, and in the time and manner required by OVC. This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction. Beginning October 1, 2015, the recipient agrees to submit (and, as necessary, require sub-recipients to submit) such information quarterly.

**Subgrantee Acceptance of VOCA Special Conditions** (sign below)

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

## CERTIFIED ASSURANCES

1. The Subgrantee assures that grant funds awarded under the Victims of Crime Act of 1984 will not 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 the matching funds required to pay the non-Federal portion of the cost of each program, for which grant funds are made available, shall be in addition to funds that would otherwise be made available for VOCA projects by the recipients of grant funds.
3. 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 ensure 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.
4. 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.)
5. 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:
  - a. The subgrantee assures that it will comply, and all its contractors will comply with: 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; and their implementing regulations.
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 Office of Civil Rights of OJP and 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 and the Office of Justice Programs' Financial Guide. The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide").  
Available here: [http://ojp.gov/financialguide/DOJ/pdfs/2015\\_DOJ\\_FinancialGuide.pdf](http://ojp.gov/financialguide/DOJ/pdfs/2015_DOJ_FinancialGuide.pdf)
8. The Subgrantee assures that it will comply with the provision of 28 CFR 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. New references can be found in 2 C.F.R Part 200

**Subgrantee Acceptance of VOCA Victim Assistance Program Certified Assurances** (sign below)

X

\_\_\_\_\_

Authorized Official Signature (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 on September 30, December 31, March 31, and July 31. (Annual reports must be received no later than 90 days after the ending date of the project.)
3. **Finalization of Contract:** The Subgrantee shall submit the contract within 90 days of contract beginning date. Funds authorized through the Request for Proposal and final approval process may be null and void after the 90 day period.
4. **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 E. Record of Providing Effective Services, Quarterly Progress reports and Annual Performance Reports. VOCA-funded personnel shall participate in the report presentations. Quarterly progress reports must contain verification that reports have been made.
5. **Audit Reports:** Subgrantees are to have annual examinations in the form of audits. These audits will be submitted to the Utah Office for Victims of Crime with any Management Letter no less than one month after completion of the audit. The audits must conform to 2 C.F.R. Part 200, 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 has changed to \$750,000 of total federal assistance expenditures made in the grantee's fiscal year.
6. **Matching Funds:** Subgrantees must provide adequate cash or in-kind match to defray at least twenty percent (20%) of the total costs of establishing and operating the program. This amount must be expended during the program period. The match must be funds that were not heretofore available for program efforts, but may include forfeited assets. Subgrantees who have received funds for four (4) or more years must provide one-fourth (25%) cash match within the 20% program match budget.

7. **Utilization and Payment of Funds:** Funds awarded are to be expended only for purposes and activities covered by the 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.
8. **Obligation of Grant Funds:** Subgrant funds may not be obligated prior to the effective date or subsequent to the termination date of the subgrant 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.
9. **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. Expenditure changes in contract will be permitted only with the prior written approval of the Office for Victims of Crime.
10. **Category Change:** Subgrantee will plan and budget for equipment and supplies early in the grant project to ensure the full benefit of the purchase is received. Moving personnel, purchasing equipment and supplies, and requesting training funds during the last month of the grant may not be undertaken merely for the purpose of using available funds, as this does not support the purpose of the program.
11. **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 Victims of Crime Act of 1984 as amended; 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.
12. **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.

13. **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.
14. **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.
15. **Written Approval of Changes:** Subgrantees must obtain prior written approval from the UOVC for any and all program changes deviating from the contract. These include but are not limited to: (a) change of program activities, designs, or objectives; (b) changes in personnel identified in the contract; (c) any changes in the approved project budget.
16. **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.
17. **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 & UTAH OFFICE FOR VICTIMS OF CRIME  
GRANT NUMBER: 2012-VA-GX-0063/2013-VA-GX-0061

18. **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.
19. **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.
20. **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.
21. **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. New References in 2 CFR Part 200
22. **Release of Information:** All records, papers and other documents kept by recipients of UOVC or VOCA 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.
23. **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 project costs. Program income is subject to the same requirements as are the Federal grant and cash match monies.

24. **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.
25. **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.
26. **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 the Office of Victims of Crime (OVC). The Subgrantee hereby agrees that determination of rights to inventions made under this grant shall be made by the Administrator of OVC or 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.
27. **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 (new references in 2 CFR Part 200) governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:
- a. That all computer programs (software) produced under this grant will be made available to the OVC 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.



**AUDIT REQUIREMENTS**

The applicant agency assures that it will submit audit reports (with Management Letters) to UOVC annually. The applicant agency expending more than \$750,000 in Federal funds per year assures that it will submit audit reports (with Management Letters) to UOVC annually. The audit report must comply with 2 CFR Part 200 and 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; **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. Subgrantees must make UOVC aware of any audit findings and enclose a copy of audit and related management letters to UOVC within one month of audit issuance.

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: (the Federal Grantor Number is for UOVC use only - leave it blank)

**Federal Grantor Agency:** Department of Justice

**Federal Grantor Number:**

**Federal CFDA Number:** 16.575

**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 CRISIS COUNSELOR 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 application is in compliance with the training mandate stated above.** (Sign below)

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

**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 extension 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. See also 2 CFR Part 200. 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). See also 2 CFR Part 200.
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. Subgrantee 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 OF JUSTICE PROGRAMS  
OFFICE OF THE CHIEF FINANCIAL OFFICER

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. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance on Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," 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)

Pursuant to Executive Order 12549, Debarment and Suspension, implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a), and other requirements:

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) Have not within a two-year period preceding this application been convicted of a felony criminal violation under any Federal law, unless such felony criminal conviction has been disclosed in writing to the Office of Justice Programs (OJP) at [Ojpcompliancereporting@usdoj.gov](mailto:Ojpcompliancereporting@usdoj.gov), and, after such disclosure, the applicant has received a specific written determination from OJP that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.

(d) 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 (b) of this certification; and

(e) 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.

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.

#### a. FEDERAL TAXES

If the applicant is a corporation, the applicant certifies that either (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to OJP at [Ojpcompliancereporting@usdoj.gov](mailto:Ojpcompliancereporting@usdoj.gov), and, after such disclosure, the applicant has received a specific written determination from OJP that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.

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.

#### 4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

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

The dangers of drug abuse in the workplace;

The grantee's policy of maintaining a drug-free workplace;

Any available drug counseling, rehabilitation, and employee assistance programs; and

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 7th 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;

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

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

Grantee Name and Address \_\_\_\_\_

Application Number and/or Project Name \_\_\_\_\_

Grantee IRS/Vendor Number \_\_\_\_\_

Type/Print Name and Title of Authorized Representative \_\_\_\_\_

Signature \_\_\_\_\_

[https://grants.ojp.usdoj.gov/gmsinternal/viewAssuranceText.do?id=2&type=GMS\\_APPLI...](https://grants.ojp.usdoj.gov/gmsinternal/viewAssuranceText.do?id=2&type=GMS_APPLI...) 7/15/2015

**CERTIFICATION FORM** link to official form: <http://ojp.gov/about/ocr/pdfs/cert.pdf>

**Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements**

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three. If recipient completes Section A or C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Recipient's Name:	
Address:	
Is agency a; <input type="checkbox"/> Direct or <input type="checkbox"/> Sub recipient of OJP, OVW or COPS funding? Law Enforcement Agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	
DUNS Number:	Vendor Number (only if direct recipient)
Name and Title of Contact Person:	
Telephone Number:	E-Mail Address:

**Section A—Declaration Claiming Complete Exemption from the EEOP Requirement**

Please check all the following boxes that apply.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Less than fifty employees. | <input type="checkbox"/> Indian Tribe            | <input type="checkbox"/> Medical Institution.                            |
| <input type="checkbox"/> Nonprofit Organization     | <input type="checkbox"/> Educational Institution | <input type="checkbox"/> Receiving a single award(s) 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.

*If recipient sub-grants a single award over \$500,000, in addition, please complete Section D*

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

I, \_\_\_\_\_ [responsible official], certify that \_\_\_\_\_

[recipient], which has fifty 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 pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:

\_\_\_\_\_  
[organization],

\_\_\_\_\_  
[address].

\_\_\_\_\_  
Print or Type Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Section C—Declaration Stating that an EEOP Short Form Has Been Submitted to the Office for Civil Rights for Review**

*If a recipient agency has fifty or more employees and is receiving a single award, or subaward, of \$500,000 or more, then the recipient agency must send an EEOP Short Form to the OCR for review.*

I, \_\_\_\_\_ [responsible  
official], certify that \_\_\_\_\_  
[recipient], which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an  
EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on \_\_\_\_\_  
[date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

*If recipient sub-grants a single award over \$500,000, in addition, please complete Section D*

---

*Print or Type Name and Title*

*Signature*

*Date*

## **INSTRUCTIONS**

### **Completing the Certification Form**

#### **Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements**

The federal regulations implementing the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, require some recipients of financial assistance from the U.S. Department of Justice subject to the statute's administrative provisions to create, keep on file, submit to the Office for Civil Rights (OCR) at the Office of Justice Programs (OJP) for review, and implement an Equal Employment Opportunity Plan (EEOP). *See* 28 C.F.R. pt. 42, subpt. E. All awards from the Office of Community Oriented Policing Services (COPS) are subject to the EEOP requirements; many awards from OJP, including awards from the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC) are subject to the EEOP requirements; and many awards from the Office on Violence Against Women (OVW) are also subject to the EEOP requirements. If you have any questions as to whether your award from the U.S. Department of Justice is subject to the Safe Streets Act's EEOP requirements, please consult your grant award document, your program manager, or the OCR.

**Recipients should complete *either* Section A *or* Section B *or* Section C, not all three. If recipient completes Section A *or* C and sub-grants a single award over \$500,000, in addition, please complete Section D.**

#### **Section A**

The regulations exempt some recipients from all of the EEOP requirements. Your organization may claim an exemption from all of the EEOP requirements if it meets any of the following criteria: it is a nonprofit organization, an educational institution, a medical institution, or an Indian tribe; *or* it received an award under \$25,000; *or* it has less than fifty employees. To claim the complete exemption from the EEOP requirements, complete Section A.

#### **Section B**

Although the regulations require some recipients to create, maintain on file, and implement an EEOP, the regulations allow some recipients to forego submitting the EEOP to the OCR for review. Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business; *and* (2) have fifty or more employees; *and* (3) have received a single grant award of \$25,000 or more, but less than \$500,000, may claim the limited exemption from the submission requirement by completing Section B. In completing Section B, the recipient should note that the EEOP on file has been prepared within twenty-four months of the date of the most recent grant award.

#### **Section C**

Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business, *and* (2) have fifty or more employees, *and* (3) have received a single grant award of \$500,000 or more, must prepare, maintain on file, *submit to the OCR for review*, and implement an EEOP. Recipients that have submitted an EEOP Utilization Report (or in the process of submitting one) to the OCR, should complete Section C.

#### **Section D**

Recipients that (1) receive a single award over \$500,000; *and* (2) subaward a single award of \$500,000 or more must provide a list; including, name, address and DUNS # of each such sub-recipient by completing Section D.

#### **Submission Process**

Recipients should download the online Certification Form, complete required sections, have the appropriate official sign it, electronically scan the signed document, and then send the signed document to the following e-mail address: [EEOPForms@usdoj.gov](mailto:EEOPForms@usdoj.gov). *The document must have the following title: EEOP Certification.* If you have questions about completing or submitting the Certification Form, please contact the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, DC 20531 (Telephone: (202) 307-0690 and TTY: (202) 307-2027).

**Reporting Requirements for Nongovernmental Nonprofit Organizations**  
**(If you are not a Non-profit or NGO, this provision does not apply)**

Definitions

“Federal pass-through money” means federal money received by a nongovernmental nonprofit organization (NGO) through a subaward or contract from the state or a political subdivision.

“Federal pass-through money” does NOT include federal money received by an NGO as payment for goods or services purchased by the state or political subdivision of the NGO.

“State money” means money that is owned, held, or administered by a state agency and derived from state fee or tax revenues, including funds awarded directly to the NGO by the state entity or appropriated to a state entity to distribute to an NGO. “State grant money” does NOT include money to an NGO for the purchase of goods or services based on a contract between a state entity and an NGO that is subject to the state procurement process, nor does it include donations/contributions received by a State entity and pass through to an NGO.

“Local money” means money that owned, held, or administered by a political subdivision of the state that is derived from fee or tax revenues. “Local money” does NOT include money received by an NGO as payment for goods and services purchased from the NGO or contributions/donations received by the political subdivision.

Reporting Requirement

A state agency that disburses any state money or federal-pass through money to an NGO must enter into a written agreement with the NGO requiring them to disclose to the state agency **annually** whether:

- 1) The NGO received or expended over \$25,000, \$100,000, \$350,000, or \$750,000 in federal pass-through, state, or local money in the previous year, or;
- 2) Anticipates receiving or expending in the year that the federal pass-through or state money is issued, over \$25,000, \$100,000, \$350,000 or \$750,000 in federal pass-through money, state money, or local money.”

A. Does your agency answer Yes or NO to either or the two above statements?

Circle Answer: YES or NO

B. By signing below, I certify my NGO will disclose to the state annually whether the NGO received or expended or anticipates receiving or expending over \$25,000, \$100,000 or \$350,000 or \$750,000 in federal pass-through money, state money, or local money.

C. My agency will comply by filling out the survey link honestly, and accurately.  
<http://goo.gl/forms/6WJc4uBb18> **Please fill out this short form by April 16<sup>th</sup>, 2016.** It is similar to the form on pages 25 and 26, which ask for information on current and prior years.

D. If you answered yes to either of the two statements above you need to: **Submit your agencies required financial report** within 6 months of the NGOs fiscal year end by uploading them to [reporting.utah.gov](http://reporting.utah.gov).

(The type of financial report that is required depends on total combined amount of federal-pass through, state, and local money received. See documents on following pages from the State Auditor for submission information, FAQs, and information on the type of financial report required. )

E. If your agency has **any findings** that relate to federal awards that UOVC subawarded (VOCA, VAWA, SASP, USASP), you must submit a copy of your audit and any accompanying reports to UOVC within 9 months after your year-end or one month after the issuance of the audit. Audits with findings should be emailed to Lori Olsen at [loriolsen@utah.gov](mailto:loriolsen@utah.gov).

Name of Nonprofit \_\_\_\_\_

Name of Authorizing Official \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

# Nonprofit Subgrantees

This document is for Nonprofit subgrantees of the State Office for Victims of Crime to provide information required by SB 132 (2015). Please fill in or circle your agencies response to each question.

**Name of Nonprofit :** \_\_\_\_\_

**Nonprofit Address :** \_\_\_\_\_

**Nonprofit City :** \_\_\_\_\_

**Nonprofit Address :** \_\_\_\_\_

**Nonprofit City :** \_\_\_\_\_

**Nonprofit Zip Code :** \_\_\_\_\_

**Nonprofit Contact Phone Number or Email :** \_\_\_\_\_

**Year End for the Nonprofit Circle one:**

June 30                  December 31                  March 31                  September 30

Please report on the current fiscal year and past two fiscal years.

## For Fiscal Year 2014

**Is the Nonprofit required to report to the Office of the State Auditor in the previous year?**

A nongovernmental nonprofit that receives in excess of \$25,000 in federal pass through, state and local money in a given fiscal year is required to report to the Office of the State Auditor

- Yes
- No

**Level of Funding**

This is the accumulation of federal pass through, state, and local money received during the fiscal year.

Circle one:

\$25,000                  \$100,000                  \$350,000                  \$750,000

**Does the Nonprofit anticipate meeting requirements to report to the Office of the State Auditor in the year the federal pass through or state money is disbursed?**

A nongovernmental nonprofit that receives in excess of \$25,000 in federal pass through, state and local money in a given fiscal year is required to report to the Office of the State Auditor.

- Yes
- No

**Level of Funding**

This is the accumulation of federal pass through, state and local money received during the fiscal year.

Circle one:

\$25,000                  \$100,000                  \$350,000                  \$750,000

**For Fiscal Year 2015**

**Is the Nonprofit required to report to the Office of the State Auditor in the previous year?**

A nongovernmental nonprofit that receives in excess of \$25,000 in federal pass through, state and local money in a given fiscal year is required to report to the Office of the State Auditor

- Yes
- No

**Level of Funding**

This is the accumulation of federal pass through, state, and local money received during the fiscal year.  
Circle one:

\$25,000          \$100,000          \$350,000          \$750,000

**Does the Nonprofit anticipate meeting requirements to report to the Office of the State Auditor in the year the federal pass through or state money is disbursed?**

A nongovernmental nonprofit that receives in excess of \$25,000 in federal pass through, state and local money in a given fiscal year is required to report to the Office of the State Auditor.

- Yes
- No

**Level of Funding**

This is the accumulation of federal pass through, state and local money received during the fiscal year.  
Circle one:

\$25,000          \$100,000          \$350,000          \$750,000

**For Fiscal Year 2016**

**Is the Nonprofit required to report to the Office of the State Auditor in the previous year?**

A nongovernmental nonprofit that receives in excess of \$25,000 in federal pass through, state and local money in a given fiscal year is required to report to the Office of the State Auditor

- Yes
- No

**Level of Funding**

This is the accumulation of federal pass through, state, and local money received during the fiscal year.  
Circle one:

\$25,000          \$100,000          \$350,000          \$750,000

**Does the Nonprofit anticipate meeting requirements to report to the Office of the State Auditor in the year the federal pass through or state money is disbursed?**

A nongovernmental nonprofit that receives in excess of \$25,000 in federal pass through, state and local money in a given fiscal year is required to report to the Office of the State Auditor.

- Yes
- No

**Level of Funding**

This is the accumulation of federal pass through, state and local money received during the fiscal year.  
Circle one:

\$25,000          \$100,000          \$350,000          \$750,000

**REPORTING REQUIREMENTS FOR NONGOVERNMENTAL NONPROFIT ORGANIZATIONS (NGOs) THAT RECEIVE FEDERAL PASS-THROUGH, STATE, OR LOCAL GOVERNMENT MONEY**

**Definitions**

“**Federal pass-through money**” means federal money received by the state or a political subdivision and passed through to an NGO through a subaward or contract. “Federal pass-through money” does NOT include federal money received by an NGO as payment for goods or services purchased by the state or political subdivision from the NGO.

“**State money**” means any money that is owned, held, or administered by a state agency and derived from state fee or tax revenues, including funds awarded directly to the NGO by the state entity or appropriated to a state entity to distribute to an NGO. “State money” does NOT include money to an NGO for the purchase of goods or services based on a contract between a state entity and an NGO that is subject to the state procurement process, nor does it include donations/contributions received by a State entity and passed through to an NGO.

“**Local money**” means money that is owned, held, or administered by a political subdivision of the state that is derived from fee or tax revenues. “Local money” does NOT include money received by an NGO as payment for goods and services purchased from the NGO or contributions/donations received by the political subdivision.

**NGO Reporting Requirements**

- An NGO that receives state money or federal pass-through money *from a state agency* must enter into a written agreement with that state agency in which the NGO agrees to disclose to the state agency **annually** whether the NGO received or spent at least \$25,000 in combined federal pass-through, state, and local money in both 1) the previous year, and 2) the year in which the federal pass-through or state money is received.
- An NGO that receives or spends at least \$25,000 in combined federal pass-through, state, and local money is required to submit the following reports **annually** to the Office of the Utah State Auditor at reporting.auditor.utah.gov. (If your nonprofit is not located in the dropdown menu for nonprofits, please contact Kylie Cone at [kccone@utah.gov](mailto:kccone@utah.gov) or 801-538-1025.) These reports are due within **6 months** of the NGO’s fiscal year end.

<b>TOTAL COMBINED AMOUNT OF FEDERAL PASS-THROUGH, STATE, AND LOCAL MONEY</b>	<b>TYPE OF REPORT REQUIRED</b>  (DUE WITHIN 6 MONTHS OF NGO’S FISCAL YEAR END)
<b>More than \$750,000</b>	An audit in accordance with Generally Accepted Auditing Standards (GAAS)

<b>Between \$350,000 and \$750,000</b>	A review conducted by an independent certified public accountant
<b>Between \$100,000 and \$350,000</b>	A compilation of its accounts by an independent certified public accountant
<b>Between \$25,000 and \$100,000</b>	A copy of Form 990 or a financial report form (located at <a href="http://reporting.auditor.utah.gov">reporting.auditor.utah.gov</a> – option 7 “Small Financial Survey (Less than \$350,000)”)

**Note: An audit in accordance with GAAS will satisfy any of the reporting requirements listed above.**

**Question and Answers:**

**Question: When are the new requirements in effect?**

**Answer:** The effective date of SB132 is retroactive to January 1, 2014 and was signed by the Governor on March 24, 2015. It is our understanding that the effective date of this bill was set retroactively in order to signal to the nonprofit organizations that they were not required in any way to follow the earlier requirements set forth in HB283, which was passed during the 2014 legislative session. As such, we expect all nonprofit organizations whose fiscal year end is after March 24, 2015 to follow the new reporting requirements. For fiscal year’s ending prior to March 24, 2015, we will allow submission of required reports under either the old or new requirements.

**Question: If an NGO goes through a competitive application process, are they exempt from reporting requirements?**

**Answer:** No. Even if an NGO goes through a competitive application process, the result is still a grant awarded to the NGO and would qualify them for reporting to the Office of the State Auditor. A competitive application process is NOT the same as going through the “state procurement process.”

**Question: Are the reporting requirements based on the amount awarded during the fiscal year, or the actual amounts received and/or spent during the fiscal year?**

**Answer:** The reporting requirements (i.e. audit, review, compilation, Form 990) are based on the actual combined amount of federal pass-through, state, and local money *received or spent during the NGO’s fiscal year*, regardless of when the money was awarded.

**Question: What are NGOs required to report to an awarding state agency on an annual basis?**

**Answer:** NGOs that receive money from a state agency (either federal pass-through or state money) are required to report whether they did or will receive or spend between \$25,000 and \$100,000, between \$100,000 and \$350,000, between \$350,000 and \$750,000 or greater than \$750,000 in combined federal pass-through, state, or local money for both:

- 1) The previous fiscal year of the nonprofit organization; **and**
- 2) The fiscal year in which the money is issued.

**Question: What reports are required of NGOs that receive or spend between \$25,000 and \$100,000 in combined federal pass-through, state, and local money in a given fiscal year?**

**Answer:** The law allows the state auditor to determine the reporting format for nonprofits that receive or spend less than \$100,000. As such, we have determined that we will accept the NGO's Form 990 or Form 990 EZ as their fiscal report. NGOs that fall within this range may also use the "Small Financial Survey (Less than \$350,000)" located under option 7 on reporting.auditor.utah.gov.

**Question: What is required of an NGO that receives or spends less than \$25,000 in combined federal pass-through, state, and local money in a given fiscal year, even though they may have been awarded more than \$25,000?**

**Answer:** An NGO is only required to report to the Office of the Utah State Auditor if it actually *receives or spends* an excess of \$25,000 in combined federal pass-through, state, and local money during their fiscal year. If an NGO receives or spends less than \$25,000, they are not required to report to our Office, even if they may have been *awarded* more than \$25,000 during the year.

**Question: Do these requirements apply to charter schools that are nonprofits?**

**Answer:** No. The law specifically excludes charter schools that are nonprofits from being subject to these requirements (see *Utah Code* 51-2a-201.5(5)). Charter schools that are nonprofits are subject, instead, to *Utah Code* 53A-1a-507.

**Question: How can an NGO determine whether they are a subrecipient (of award funds) or a contractor, to ascertain whether they are required to follow reporting requirements?**

**Answer:** Procurement contracts are not subject to reporting requirements. A procurement contract occurs when the principal purpose of the contract is for the State to acquire property or services for the direct use of the State, but not to carry out a program for a public purpose. Further, the contractor provides similar goods or services to purchasers other than state entities.

The following table is based upon guidance given in the Uniform Guidance for Federal Awards and provides additional considerations. **We encourage NGOs to work with their awarding agencies to identify whether they are a subrecipient or a contractor since there are a multitude of situations and every case is different.**

<b>Guidelines for Subrecipient/Contractor Determination</b>	
<b>Subrecipient</b>	<b>Contractor</b>
<ul style="list-style-type: none"> <li>• Creates an "assistance" relationship.</li> <li>• Determines who is eligible to receive assistance.</li> <li>• Has its performance measured in relation to whether objectives of the assistance program are met.</li> <li>• Has responsibility for programmatic decision making.</li> <li>• Is responsible for adherence to applicable program requirements specified in the award documentation.</li> <li>• In accordance with its agreement, uses the funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the awarding agency.</li> </ul>	<ul style="list-style-type: none"> <li>• Purpose is to obtain goods and services for the contracting entity's own use and creates a procurement relationship.</li> <li>• Provides the goods and services within normal business operations.</li> <li>• Provides similar goods or services to many different purchasers.</li> <li>• Normally operates in a competitive environment.</li> <li>• Provides goods or services that are ancillary to the operation of the program.</li> <li>• Is not subject to compliance requirements of the program as a result of the agreement, though similar requirements may apply for other reasons.</li> </ul>

**Legal Requirements** – *Utah Code 51-2a-201.5*, resulting from S.B. 132, *Fiscal Requirements for Local Governments and Nonprofits*, which was passed in 2015.

**For questions**, contact Ryan Roberts of the Office of the State Auditor at 801-538-1721 or [ryanroberts@utah.gov](mailto:ryanroberts@utah.gov).

**DECISION TREE:**

**DETERMINING WHETHER AN NGO IS REQUIRED TO REPORT TO THE OFFICE OF THE UTAH STATE AUDITOR**

1. Did the NGO receive in excess of \$25,000 in federal pass-through, state, and local money during a given fiscal year?
  - Yes – Continue
  - No – Stop! The NGO is not required to submit reports to the Office of the Utah State Auditor (OSA).
  
2. Is the NGO considered a subrecipient or grantee by the awarding agency?
  - Yes – Continue
  - No – Stop! The NGO is not required to submit reports to the Office of the Utah State Auditor (OSA).
  
3. Are total annual receipt or expense of federal pass-through, state and local money less than \$750,000?
  - Yes – Continue
  - No - Stop! An audit in accordance with Generally Accepted Auditing Standards (GAAS) is required to be performed and submitted to the OSA.\*
  
4. Are total annual receipt or expense of federal pass-through, state and local money less than \$350,000?
  - Yes – Continue
  - No - Stop! A review conducted by an independent certified public accountant is required to be performed and submitted to the OSA.\*
  
5. Are total annual receipt or expense of federal pass-through, state and local money less than \$100,000?
  - Yes – A copy of Form 990, Form 990 EZ, or a financial report form (located at reporting.auditor.utah.gov – Option 7 “Small Financial Survey (less than \$350,000) is required to be completed and submitted to the OSA.\*
  - No – Stop! A compilation of its accounts by an independent certified public accountant is required to be completed and submitted to the OSA.\*

\* An entity may decide to have a financial audit even if one is not required as outlined above. If an audit is performed, the audit would satisfy any of the reporting requirements listed above.

A complete list of the current reporting requirements can be found on the osa website at: <http://auditor.utah.gov/local-government-2/reporting-requirements/non-profit-organization-reporting/>

**NOTE: PLEASE SUBMIT REQUIRED REPORTS AT [reporting.auditor.utah.gov](http://reporting.auditor.utah.gov) USING OPTION 1. ALL REQUIRED REPORTS ARE DUE WITHIN 6 MONTHS OF THE NGO'S FISCAL YEAR END.**