



WASHOE COUNTY

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CM/ACM _____
Comptroller _____
DA _____
Risk Mgt. _____
HR _____
Grant Mgt. _____

STAFF REPORT

BOARD MEETING DATE: August 23, 2016

DATE: August 2, 2016
TO: Board of County Commissioners
FROM: Amber Howell, Director of Social Services
ahowell@washoecounty.us (775) 785-8600
THROUGH: Kevin Schiller, Assistant County Manager

SUBJECT: Recommendation to accept a grant in the amount of [\$250,000] no County match, from the Fund to Assist Former Foster Youth (FAFFY), the State Independent Living Grant from the State Division of Child and Family Services (DCFS) to assist youth in making the transition from foster care to economic self-sufficiency, retroactively to July 1, 2016 through June 30, 2017, and if accepted, direct the Comptroller's Office to make the appropriate budget amendments.
(All Commission Districts)

SUMMARY

Recommendation to accept a grant in the amount of [\$250,000] no County match, from the Fund to Assist Former Foster Youth (FAFFY), the State Independent Living Grant from the State Division of Child and Family Services (DCFS) to assist youth in making the transition from foster care to economic self-sufficiency, retroactively to July 1, 2016 through June 30, 2017, and if accepted, direct the Comptroller's Office to make the appropriate budget amendments.

The Department is requesting the Board of Commissioners retroactively accept the grant award due to receipt of grant award in June 2016 and request for additional information by the State related to scope of work.

County Priority/Goal supported by this item: Safe, Secure and Healthy Communities

PREVIOUS ACTION

On March 11, 2014, the Board of county Commissioners approved the Department's request to accept \$601,350 annually in FAFFY funds for FY2014 – FY2016.

On September 8, 2010, the Board of County Commissioners approved the Department's request to accept \$228,000 annually in FAFFY funds for FY2011 – FY2013.

AGENDA ITEM # 11

On July 24, 2007, the Board of County Commissioners approved the Department's request to accept a \$228,000 FAFFY grant per year for the period of July 2007 through June 2010.

On October 10, 2006, the Board approved the Department's request to receive \$321,002 for FY 2007 from the State Division of Child and Family Services.

BACKGROUND

Assembly Bill 94, passed by the 2001 Legislature, authorized County Recorders to charge an additional fee to assist persons making the transition from foster care to independent living. These funds are forwarded to the State Division of Child and Family Services to grant to child welfare agencies. The local child welfare agency must disburse the funds on behalf of qualifying persons, based on need, to obtain goods and services including job training, housing assistance, medical insurance, and those items that will assist the youth in successfully transitioning to self-sufficiency. The Department can provide goods and services directly or through a contract with a non-profit community organization. Currently the Department has a contract with the Children's Cabinet to assist in coordination and disbursement of services.

GRANT AWARD SUMMARY

Project/Program Name: Washoe County Department of Social Services
Independent Living Program

Scope of the Project: Assist youth in making the transition from foster care to economic self-sufficiency.

Benefit to Washoe County Residents: This program provides the youth aging out of the foster care system the tools to become contributing citizens of Washoe County.

On-Going Program Support: None

Award Amount: [\$250,000]

Grant Period: July 1, 2016 through June 30, 2017.

Funding Source: State of Nevada, Division of Child and Family Services

Pass Through Entity: N/A

CFDA Number: N/A

Grant ID Number: AB94-17-012

Match Amount and Type: Not required

Sub-Awards and Contracts: The Children’s Cabinet has been contracted to provide case management services to youth that have aged out of the foster care system. The current contract allows for two possible one year extensions at the discretion of the County and is currently being extended.

FISCAL IMPACT

The board adopted the FY17 final budget for the FAFFY grant in the amount of \$228,000 in Internal Order 10119. The FY17 award amount is \$250,000. A budget amendment is necessary to bring the FY17 program budget in alignment with the grant award. Should the board approve the budget amendments, the adopted FY17 budget will be increased in the following accounts:

Cost Object	G/L Account	Amount
10119	432100- State Grants	\$22,000
10119	710711- Independent Living	\$22,000

RECOMMENDATION

It is recommended that the Board of County Commissioners accept a grant in the amount of [\$250,000] no County match, from the Fund to Assist Former Foster Youth (FAFFY), the State Independent Living Grant from the State Division of Child and Family Services (DCFS) to assist youth in making the transition from foster care to economic self-sufficiency, retroactively to July 1, 2016 through June 30, 2017, and if accepted, direct the Comptroller’s Office to make the appropriate budget amendments.

POSSIBLE MOTION

Should the Board agree with staff’s recommendation, a possible motion would be: “move to accept a grant in the amount of [\$250,000] no County match, from the Fund to Assist Former Foster Youth (FAFFY), the State Independent Living Grant from the State Division of Child and Family Services (DCFS) to assist youth in making the transition from foster care to economic self-sufficiency, retroactively to July 1, 2016 through June 30, 2017, and if accepted, direct the Comptroller’s Office to make the appropriate budget amendments.”

BRIAN SANDOVAL
Governor



RICHARD WHITLEY, MS
Director

KELLY WOOLDRIDGE
Administrator

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES
4126 TECHNOLOGY WAY, SUITE 300
CARSON CITY, NV 89706
Telephone (775) 684-4400 • Fax (775) 684-4455
dcfs.nv.gov

May 26, 2016

Amber Howell
Washoe County Department of Social Services
P.O. Box 11130
Reno, NV 89520

RECEIVED

JUN 01 2016

WASHOE COUNTY
SOCIAL SERVICES DEPT.

Subject: Funds to Assist Former Foster Youth (FAFFY)

Dear Ms. Howell:

I am pleased to inform you that you have been awarded FAFFY funding for Federal Fiscal Year 2017 (July 1, 2016 – June 30, 2017) in the amount indicated below.

Award Amount

\$250,000.00

The GMU staff will contact you in the next two weeks in order for your agency to move forward with the next steps in the process. If you have any questions or need further clarification, please contact Grants and Projects Analyst, Mirjana Gavric at 775-684-7946 or mgavric@dcfs.nv.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edwards".

Dorothy Edwards
Clinical Program Planner II

**ADDITIONAL REQUIREMENTS AGREED TO BY SUB GRANTEE IN
RECEIVING FUNDS PURSUANT TO THIS AWARD OR IN APPLICATION
FOR SAME**

1. The sub grantee agrees to abide by all appropriate provisions and procedures of the Division of Child and Family Services (DCFS).
2. The sub grantee agrees to comply with arrangements for review of accounting procedures, back-up documentation and programmatic information, as initiated by DCFS.
3. The sub grantee agrees to facilitate and participate in annual on-site reviews, where fiscal and programmatic documents will be reviewed and discussed.
4. The sub grantee agrees to comply with the Basic Accounting Requirements.
5. The sub grantee agrees to provide the agreed upon Scope of Service(s).
6. The sub grantee agrees to comply with general financial requirements and submit the Monthly Financial Status and Request for Funds Report form (Reimbursement form) as prescribed by DCFS Grants Management Unit (GMU). Payment for services rendered under this grant will only be made after the complete and correct financial request has been approved by the GMU.
7. The sub grantee agrees to submit quarterly program performance reports utilizing the online reporting system.
8. The sub grantee certifies that the proposal upon which these grant funds are based was authorized by the governing body of the applicant.
9. The sub grantee agrees to comply with Public Law 103-227, Part C, Environmental Tobacco Smoke (Pro Children Act of 1994) requiring that smoking not be permitted in any portion of any indoor area routinely owned or leased or contracted for by any entity and used routinely or regularly for provision of health, day care, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per day and/or imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant certifies that the agency/organization will comply with this Act (Public Law 103-227).
10. The sub grantee acknowledges that this grant/sub grant award may be terminated with 30 days written notice by either party.
11. The sub grantee has provided DCFS GMU with verification that the following insurance coverage meets State of Nevada insurance requirements: Worker's Compensation Insurance, Commercial General Liability Insurance, Business Automobile Insurance (for agency owned vehicles) and Professional Liability Insurance (as applicable).

12. The sub grantee will cooperate with DCFS GMU and any contractor hired by the GMU in establishing a professional program evaluation system to include outcome measures and the measurement of consumer impact.
13. Require its employees, board members and volunteers to maintain the confidentiality of any information, which would identify persons receiving services.
14. The sub grantee agrees to mark equipment purchased with grant funds with the grant name, track equipment by the acquisition date, cost, percentage of grant funds used and disposition information. Equipment must be returned to DCFS if the sub grant is terminated or if the sub grantee is no longer funded by the particular grant source in the following grant cycle.
15. The sub grantee acknowledges that this sub grant award is contingent upon available funding and may be reduced within the sub grant period.
16. The sub grantee agrees to have a 5-year record retention schedule for the ML / DV, FVPSA and VOCA sub-grant documentation.
17. The sub grantee agrees to make its services available to clients who may not be specified within their Scope of Work and upon the request of DCFS, in the event of a disaster.
18. The sub grantee must promptly refer to the Department of Justice (DOJ) Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under 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 grant funds. The condition also applies to any sub recipients. 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

Email: 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

19. Sub grantee understands and agrees that it cannot use any Federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of the Office of Justice Programs (OJP).

20. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving", 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages sub grantees and sub recipients to 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.

21. The sub grantee agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the name and total compensation of the five most highly compensated executives of the sub grantee and first-tier sub recipients of award funds. Such data will be submitted to the Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting System (FSRS). The details of sub grantee obligations, which derive from the Federal Funding Accountability and Transparency act of 2006 are posted on the Office of Justice Programs website at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made 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 operate in his or her name).

22. The sub grantee understands and agrees that penalties and interest are not allowable expenditures.

All documents, certifications and Public Laws addressed in this document are considered part of the conditions under which this sub-grant is offered and must be adhered to by the sub grantee. Additional requirements of the sub-grantee may also apply.

Printed Name	Date
Signature	Date
Signature of President / Chairperson of Governing Body, Tribal Authority or Director of Public Agency	Date

BASIC ACCOUNTING REQUIREMENTS (ATTACHMENT A)

Accounting for grant funds will be in accordance with generally accepted accounting principles, insofar as practicable, consistently applied, regardless of the source of funds. The Division of Child and Family Services reserves the right, however, to prescribe the method of accountability in any particular case.

SUPPORTING RECORDS OF GRANT EXPENDITURES MUST BE IN SUFFICIENT DETAIL TO SHOW THE EXACT NATURE OF EXPENDITURES. WHERE COSTS APPLY TO TWO OR MORE PROJECTS, SUCH COSTS WILL BE PRORATED TO EACH GRANT.

1. Establish a system of FUND ACCOUNTING approved by the Division of Child and Family Services or establish a separate bank account for each grant award.
2. Establish a filing system by State grant identification number. For example:
 - A. One folder for each grant's transactions should suffice where transactions are few.
 - B. Where transactions are many, originate a folder for each cost category described in the grant.
3. Spend only within categories allocated in the grant award.
4. Expenditures accumulated prior to the beginning date of the grant cannot be paid from grant money.
5. Obligations incurred during the grant period may be paid from grant funds after the ending date. All such obligations must be liquidated within 45 days after the end of the project period. Any obligations made after the ending date of the grant cannot be paid from grant money.
6. Any changes to the amounts, periods, and other terms and conditions listed in the notice of grant award must be requested and approved in writing.
7. Budget Category changes: All changes greater than 10% in any category must be approved in writing in advance by the granting agency.
8. Board of Directors for the project should establish a written travel policy prior to the start of the grant. Approval of this policy should be available for audit review. Travel reimbursement is limited to State rates.

NEVADA DIVISION OF CHILD & FAMILY SERVICES

SUBJECT:	HIPAA Business Associate Addendum and Confidentiality Agreement Policy
POLICY NUMBER:	0003-2004
NUMBER OF PAGES:	9
EFFECTIVE DATE:	Upon Approval or April 20, 2005
ISSUED DATE:	March 18, 2004
REVIEWED:	<p>DATE: 03/18/04 BY: Pete Galantowicz, Psychologist I</p> <p>09/01/04 BY: DHR HIPAA Core Team</p> <p>09/14/04 BY: DCFS HIPAA Review Team</p> <p>04/01/05 BY: DCFS Policy Clearance Review</p>
SUPERSEDES:	n/a
PAGES:	
APPROVED BY:	Signature on file
NAME/TITLE:	Diane Comeaux, Administrator Division of Child & Family Services
REFERENCES:	45 CFR §§ 160 and 164
ATTACHMENTS:	Business Associate Addendum (BAA) Confidentiality Agreement (CA)

A. Purpose

The purpose of this policy is to implement the requirements of the final Health Insurance Portability and Accountability Act (HIPAA) privacy and security rule outlined 45 CFR §§ 160 and 164. The regulations require a covered entity to have a written contract or other arrangement documenting satisfactory assurance that a business associate will appropriately safeguard client protected health information.

The Division of Child and Family Services (DCFS) has business activities that include both covered and non-covered functions as defined by HIPAA. Therefore, DCFS is a hybrid entity.

As a hybrid entity, DCFS is required to designate the health care components covered under HIPAA. The designated health care components are the functions performed by the Northern and Southern Nevada Child and Adolescent Services.

B. Intent

The intent of this policy is to provide the procedures and forms for DCFS to determine what type of contracts or other agreements require a Business Associate Addendum (BAA) and/or a Confidentiality Agreement (CA).

C. *Definitions*

Business Associate:

A business associate is a person or organization that performs functions on behalf of a covered entity or provides services to a covered entity that *involve* the use or disclosure of client protected health information.

A member of the DCFS workforce is not a business associate. A business associate may be another covered entity.

A contract with an outside provider to furnish client assessments, such as, a licensed psychologist, would be considered a business associate.

Non-Business Associate:

A non-business associate is a person or organization that performs certain functions or activities that *do not involve* the use or disclosure of client protected health information, and where any access to client protected health information by such persons would be *incidental*, if at all.

An example of a non-business associate would be an individual or organization contracted to provide building maintenance or janitorial services.

Protected Health Information (PHI) and Electronic Protected Health Information (ePHI):

Protected health information is any information, whether oral or recorded in any form or media, that:

- A covered entity creates or receives;
- Relates to the past, present or future physical or mental health or condition of an individual, the provision of health care to an individual, or the payment of health care to an individual;
- Identifies the client or there is reasonable basis to believe that the information could be used to identify the individual; and
- Is ePHI if transmitted by electronic media, maintained in any media described as electronic media, or transmitted or maintained in any other form or media.

D. *Procedures for Contracts, Sub-Grants and Inter-local Agreements*

DCFS may disclose protected health information to a business associate and/or organization and may allow a business associate and/or organization to create or receive protected health information on its behalf. However, DCFS must ensure that proper safeguards are in place.

Certain contractors may be considered part of the DCFS covered component's workforce, if the following criteria apply:

1. The workstation of the individual under contract is on the covered health care component's premises; and
2. The person performs a substantial proportion of his/her activities at this location.

Contractors, meeting the definition of a workforce member, do not require a business associate addendum.

DCFS will obtain satisfactory assurances that the contracts or other arrangements between DCFS and its business associates comply with the procedures described herein.

1. DCFS will identify existing contracts or other arrangements with individuals or organizations that meet the definition of a business associate.
2. DCFS will obtain satisfactory assurances that contracts or other arrangements with individuals or organizations, meeting the definition of a business associate, will include the BAA.
3. DCFS, upon learning that a pattern of activity or practice of an individual or organization constitutes a material breach or violation of the BAA obligation under the contract or other arrangement, will take reasonable steps to cure the breach or end the violation, as applicable. If such steps are unsuccessful, DCFS will:
 - a. Terminate the contract or arrangement, if feasible; or
 - b. Report the problem to the Department of Health and Human Services if termination is not feasible.

DCFS will obtain satisfactory assurances that inter-local agreements with *other government agencies* include a CA. DCFS, upon learning that a pattern of activity or practice by an individual or organization constitutes a violation of the CA under the inter-local agreement, will take reasonable steps to cure the breach or end the violation, as applicable.

Unless bound by Federal regulations or State statutes that are more restrictive, covered and non-covered programs administered by DCFS will follow this policy to safeguard individually identifiable health information, as applicable.

The Business Associate Addendum attached to this policy fulfills all the requirements specified by HIPAA privacy and security standards with regard to business associate relationships. The Confidentiality Agreement promotes the exercise and practice of due diligence in protecting the client personal information that may be made available to other government entities.

E. Guideline for Identification

This guideline identifies when to use a BAA, CA, or when standard document language is recommended.

Inter-local Agreements: An inter-local agreement is an arrangement between government agencies. Although these arrangements are not required to have a BAA, HIPAA regulations recommend a form of understanding be utilized to protect the covered entity. Therefore, the Confidentiality Agreement (CA) should be attached to all inter-local agreements.

Independent Contracts: These contracts must be reviewed based on covered and non-covered components.

Covered Components:

All contracts must have a BAA attached where services *directly involve* the use or disclosure of client protected health information.

All contracts for services *not directly involving* client protected health information do not require a BAA. The State independent contract template, which has been approved by the Attorney General's Office, provides the requirements for confidentiality.

Non-covered Components:

For contracted services having *direct access* to client protected health information, it is *recommended* the contract have a BAA attached. For the non-covered components within DCFS, these contracts normally will be with individuals or organizations providing direct services, such as, a licensed psychologist, who is providing assessments for child welfare services.

Contractors who *do not require access* to client protected health information do not require a BAA. The State contract template provides the confidentiality requirements. An example of this type of contract would be a contract providing lawn service for a juvenile justice office.

Provider Agreements: All provider agreements for covered or non-covered components of DCFS are recommended to have a BAA.

Leases: Lease agreements for covered or non-covered components are not required to have a BAA.

Sub grants: Sub grants requiring access to PHI must have the BAA as an attachment to the award notification. The sub grants not requiring access to PHI do not require a BAA. The sub grant specifications and requirements provide the conditions for confidentiality.

Record Retention for any contract or other agreement for a covered or non-covered health care component having a BAA attached must have a record retention period of a minimum of six (6) years.

F. Business and Non-Business Associate Tracking

DCFS designated staff will maintain a log to track the business and non-business associate contracts, grants/sub grants, inter-local agreements and other arrangements. The log will be provided to the DCFS HIPAA Privacy and Security Officer as necessary to review compliance.

Division of Child and Family Services
Grants Management Unit

CERTIFICATION OF APPLICATION

The applicant certifies the following:

To the best of our knowledge and belief, the information in this application is true and correct and all documents requiring signature and date have been appropriately signed and dated. The application for funds has been authorized by the governing body of the applicant. The applicant will comply with the Assurances and Agreements if the application is funded.

Printed Name

Title

Signature

Date

President/Chairperson of Governing Body,
Tribal Authority or Director of Public Agency

Date

Division of Child and Family Services
Grants Management Unit

CERTIFICATION OF REPORTING REQUIREMENTS

The applicant certifies the following:

By signing this certification, the agency certifies that it can meet the reporting requirements for the funds which include all required program and financial reports to be submitted to DCFS within 15 calendar days after the end of the month for financial reports and 15 calendar days after the end of the quarter for programmatic reports.

The following personnel will be responsible for ensuring that the reporting data is submitted to DCFS on-time:

Primary Person's Contact Information:

Name:	
Phone Number:	
Email Address:	

Secondary Person's Contact Information (Financial Contact preferred):

Name:	
Phone Number:	
Email Address:	

Printed Name

Title

Signature

Date

Grantee Legal / Corporate Entity Name

Date

CERTIFICATION # 1

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

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 whom this proposal is submitted if at any time the prospective lower tier participant learns that 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 rules implementing Executive Order 12549: 45 CFR Part 76. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations or the definitions.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, the prospective lower tier participant 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 the clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions” will be included, 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 the certification of a prospective participant in a lower tier covered transaction that the prospective participant is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless the participant in a covered transaction knows that the certification is erroneous. A participant may decide the method and frequency of determining the eligibility of the principals. Each participant may, but is not required to, check the Non-procurement List (of excluded parties).

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 debarred, suspended, 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 debarment and/or suspension.

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary
Exclusion –
Lower Tier Covered Transactions**

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither the prospective participant or the prospective participant's principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any 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.

Suspension. An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in a covered transaction for a temporary period, pending completion of an investigation and such legal, debarment, or Program Fraud Civil Remedies Act proceedings as may ensue. A person so excluded is "suspended".

Voluntary Exclusion or Voluntarily Excluded. A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

Signature

Title

Grantee Legal / Corporate Entity Name

Date

CERTIFICATION # 2

Certification Regarding Drug-Free Workplace Requirements

Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If grantee does not identify the workplace at the time of the application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in the office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other areas where work under the grant take place. Categorical descriptions may be used (e.g. all vehicles of a mass authority of State highway department while in operation, State employees in each local unemployment office, performance in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s) if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to the certification. Grantee's attention is called, in particular, to the following definitions from these rules:

Controlled substances means a controlled substance in Schedules I through V of the Controlled Substance Act (21 U.S.C. #12) and as further defined by regulations (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of Nolo Contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (I) All direct charge employees; (II) All indirect charge employees under their impact or involvement is insignificant to the performance of the grant; and (III) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the

payroll of the grantee (e.g., volunteers, even if used to meet a matching requirements consultants or independent contractors not on the grantee's payroll; or employees of sub-recipients or subcontractors in covered workplaces).

Alternate I - Grantees Other Than Individuals

The grantee certifies that it 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 ongoing drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs;
 - (4) The penalties that may be imposed upon employees or 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 ten calendar days after receiving notice under paragraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. 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 paragraph (d) (2), with respect to any employee who is 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 Federal, State, or local health, law enforcement, or other appropriate agency; Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(g) The grantee may insert 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
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Are there workplaces on file that are not identified here? YES NO

Alternate II - Grantees Who Are Individuals

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substance in conducting any activity with the grant;
- (b) If the convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include identification number(s) of each affected grant.

[55 FR 2160, 21702, May 25, 1990]

_____ Signature	_____ Title
_____ Grantee Legal / Corporate Entity Name	_____ Date

CERTIFICATION # 3

CERTIFICATION REGARDING LOBBYING

- (1) 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 in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form 111, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Grantee Legal / Corporate Entity Name

Date

CERTIFICATION #4

Certification Regarding Environmental Tobacco Smoke

Public Law 103-227, Part C – Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (ACT), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children’s services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application, the applicant/grantee certifies compliance with the requirements of the Act. The applicant/grantee further agrees that the language of this certification will be included in any sub awards which contain provisions for children’s services and that all sub grantees shall certify accordingly.

_____ Signature	_____ Title
_____ Grantee Legal / Corporate Entity Name	_____ Date

CERTIFICATION # 5

**Certification Regarding
Equal Treatment for Faith-Based Organizations**

A final rule of the Department of Health and Human Services (DHHS) went into effect on August 16, 2004, which created, among other things, a new Part 87 Equal Treatment for Faith-Based Organizations, and revised the Department's uniform administrative requirements at 45 CFR Parts 74, 92 and 96 to incorporate the requirements of Part 87.

The Administration of Children and Families (ACF) is committed to providing State Administrators, State Grant Managers and subsequently sub-grantees with the most accurate and concise information to help guide program activities. This regulation addresses several key Equal Treatment issues that require full compliance by Federally-funded State Programs, sub-grantees, grantees and contractors.

Issues include:

- 1) Nondiscrimination against religions organizations;
- 2) Ability of religious organizations to maintain their religious character, including the use of space in their facilities, without removing religious art, icons, scriptures, or other religious symbols;
- 3) Prohibition against the use of Federal funds to finance inherently religious activities, except where Federal funds are provided to religious organizations as a result of a genuine and independent private choice of a beneficiary or through other indirect funding mechanisms, such as certificates or vouchers; and
- 4) Application of State or local government laws to religious organizations.

NOTE: Neither the Department (DHHS) nor any State or local government and other intermediate organizations receiving funds under any Department (DHHS) program shall, in the selection of service providers, discriminate for or against an organization on the basis of the organization's religious character or affiliation.

It is imperative that State sub grantees, grantees and contractors policies reflect the Equal Treatment Regulations. The full text of the final rule may be accessed via the Internet at <http://www.hhs.gov/fbc/regs.html>

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 45 CFR Part 87, Equal Treatment for Faith-Based Organizations as revised in the Department's uniform Administrative requirements identified above. Any organization that fails to file the required certification shall be subject to disqualification of their application.

Signature

Title

Grantee Legal / Corporate Entity Name

Date