

3.7 Assurances

The applicant hereby assures and certifies compliance with all federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements – 28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of federal funds for this federally-assisted project. Also, the applicant assures and certifies that it will:

1. Recognize that recipients and sub-recipients of federal grants have been awarded funds to carry out the goals and objectives identified in the grant. These funds are subject to certain regulations, oversight, and audit. In addition, the applicant acknowledges that grant recipients and sub-recipients are stewards of federal funds.
2. Possess the legal authority to apply for the grant, that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
3. Comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs.
4. Comply with provisions of federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by federal grants. (5 USC 1501, et seq.) The 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 CVS and the OJP.
5. Comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, if applicable.
6. Establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
7. Give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19.
8. Ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. Comply with the flood insurance purchase requirements of Section 102 (a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102 (a) requires, on and after March 2, 1975, the

- purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
10. Assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
 11. Comply and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C,D,E, and G, and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
 12. The Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate, the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
 13. Comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure, Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures, and Federal laws or regulations applicable to Federal assistance programs.
 14. Forward a copy of any findings of discrimination made by a Federal or State court or Federal or State administrative agency after a due process hearing to the U.S. Office of Civil Rights Compliance and CVS.
 15. Use appropriate accounting, auditing, and monitoring procedures and maintain records to assure fiscal control, proper management, and efficient disbursement of VOCA/SVAA funds. The recipient agrees to track, account for, and report on all funds from this award separately from all other funds, including each other as well as VOCA Recovery funds (if awarded). The accounting systems of the recipient must ensure that funds from this award are not comingled with funds from any other sources. Further, all personnel, as well as volunteers, whose activities are to be charged to the grant will maintain appropriate timesheets to document hours worked for activities related to this grant and non-grant related activities.

16. Provide an assurance that the program does not have an outstanding debt with any state or federal entity.
17. Submit an annual performance report documenting the activities supported by grant funds, and an assessment of the impact of the grant funds.
18. Provide an assurance that funds granted under this application will not be used to *supplant* federal, state, or local funds, which would otherwise be available to the office of victim assistance program through any other source. Grantees must use federal funds to *supplement* existing State and local funds for program activities and must not replace (supplant) State or local funds that they have appropriated or allocated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations may result in a range of penalties, including suspension of current and future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under a grant, and civil and/or criminal penalties.
19. Provide the name of a civil rights contact person who has lead responsibility for ensuring that all applicable civil rights requirements are met. The person shall act as a liaison in civil rights matters with the U.S. Office of Civil Rights Compliance.
20. Provide an Equal Employment Opportunity Plan if required to maintain one.
21. Provide an assurance that the program will comply with all applicable nondiscrimination requirements.
22. Provide an assurance that, in the event a federal or state court or federal or state administration agency makes a finding of discrimination after a due process hearing, on the grounds of race, color, religion, national origin, sex, age, or handicap against the program, the program will forward a copy of the finding to the U.S. Office of Civil Rights Compliance.
23. Comply with all applicable provisions of VOCA and SVAA guidelines, and ensure proper accounting and auditing procedures will be used, that records are maintained to assure fiscal control, and that victim assistance funds will be managed properly and efficiently.
24. Acknowledge that grant dollars must be used for their intended purpose and using grant funds for unjust enrichment, personal gain, or for other than their intended use is a form of theft, subject to criminal and civil prosecution under the laws of the United States, and the applicant will post a "Grant Fraud Reporting Contacts Poster" in a public place where all employees have access to contact information.

VOCA Only

1. Ensure compliance with all federal laws and regulations applicable to federal assistance programs and with the provisions of Title 28 Code of Federal Requirements (CFR) applicable to grants. The "Application for Victims Assistance Funds" states these assurances and requires the signature of the authorized official who is requesting funding.
2. Comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

DULY AUTHORIZED OFFICIAL(S)'S NAME AND TITLE

Name: _____ Title: _____

Signature: _____ Date: _____

Name: _____ Title: _____

Signature: _____ Date: _____