

Federal Grants & Programs Division (FG&P) SFY 2024 Application Certifications & Assurances

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| FG&P Opportunity Title: (i.e. "SFY 2024 VOCA") | |
| AmpliFund Applicant ID#: | |
| Applicant Legal Name: The applicant <u>must</u> be the agency that will receive and disburse the grant funds. | |
| Project Title: | |

CERTIFICATIONS: *To be completed & signed by the project's Authorized Official.*

1. Certification of Application

I hereby certify the information in this application is accurate and, as the Authorized Official for the project, hereby agree to comply with all provisions of the grant program and all other applicable state and federal laws.

STOP & SASP Grant Program Applicants: Applicant certifies that during the development of this grant application, victim services providers were consulted with to ensure proposed activities and requests are designed to promote the safety, confidentiality, and economic independence of victims of intimate partner violence, sexual assault, and stalking.

Authorized Official Initials: _____

2. Discrimination & Harassment Policy Certification

My signature below hereby acknowledges my review of the Nebraska Crime Commission's Discrimination & Harassment Policy located at:

<https://ncc.nebraska.gov/sites/ncc.nebraska.gov/files/OI%2342.pdf>

Authorized Official Initials: _____

3. Certified Assurances

- A. The applicant assures that federal grant funds will not be used to supplant existing funds.
- B. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) shall prescribe will be provided to assure fiscal control, proper management, and efficient disbursement of funds received under the Act.
- C. The applicant assures that they and all subawards under this award have a UEI number and are registered with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and the federal administering office of the Applicable Grant Program (i.e., OVW, OVC, or BJA)).
- D. 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 Crime Commission may require.
- E. The applicant certifies that the proposed project fulfills all program requirements; that all the information is correct; that there has been and will be throughout the life of the grant, appropriate coordination with affected agencies; and, that the applicant will comply with all provisions of the Applicable Grant Program as well as all other applicable federal and state laws.
- F. **STOP & SASP Grant Program Applicants:** The applicant assures that it will comply, and all its contractors will comply, with all relevant statutory and regulatory requirements *which may include*, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322 and the Violence Against Women Act of 2000, P.L. 106-386, the Omnibus Crime Control and Safe Streets Act of 1968 as amended, 42 U.S.C. 3711 et seq., the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, and OVW's implementing regulations at 28 CFR Part 90.
- G. The applicant assures it will comply with the Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. Applicant will take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP).
- H. The applicant assures that in the event a federal or state court or administrative agency makes a finding of discrimination after a due process hearing, the subrecipient of funds will forward a copy of the finding to the Office of Civil Rights Compliance of the Office of Justice Programs in Washington, D.C. Additionally, a copy of the findings will be sent to the Crime Commission.
- I. The applicant assures that, if required, it will formulate an equal employment opportunity program (EEO) in accordance with 28 CFR 42.301 et. seq., and submit a certification to the state that it has a current EEO on file which meets the requirements therein.
- J. The subgrantee assures that it and its contractors and any subawards will comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 CFR Part 2800 (together, the Part 200 Uniform Requirements), and the current edition of the DOJ Grants Financial Guides as posted on the DOJ website to include any amendments made

throughout the course of the grant period.

- K. The applicant, if a non-Federal entity, assures that if it expends \$750,000 or more in Federal funds (from all sources including pass-through subawards) in the organization's fiscal year, it will arrange for a single organization-wide audit to be conducted in accordance with the provisions of Title 2 CFR Subpart F. If less than \$750,000 is expended in one year, then the agency is exempt from Federal audit requirements. In this case, the non-Federal entity assures that financial records will be maintained in an acceptable accounting system and be available for review or audit by appropriate officials of federal, state, or local agencies.
- L. The applicant agrees to attend training as required by the Crime Commission.
- M. The applicant agrees to establish and maintain a Drug Free Workplace Policy.
- N. The applicant assures that if awarded funds, it will make Determinations of the Suitability to Interact with Minors for all individuals conducting some or all of activities to be carried out under the award (by the subrecipient at any tier) if those activities are to benefit individuals under 18 years of age. The subrecipient at any tier must make determinations of suitability before certain individuals may interact with participating minors and documentation of this determination will be kept by the subrecipient to be reviewed as requested by the Crime Commission. This requirement applies regardless of an individual's employment status and whether or not the grant award funds the individual's position. The applicant agrees to pass down this condition and verify suitability is attained prior to dispersing funds to a pass-through entity (sub-subrecipient). Details of this requirement are posted here:

<https://ojp.gov/funding/Explore/Interact-Minors.htm>

- O. **STOP & SASP Grant Program Applicants:** Applicant assures that it has an existing policy that addresses responding to workplace-related incidents of sexual misconduct, domestic violence, and dating violence of an employee, volunteer, consultant, or contractor. If there is no existing policy, the applicant agrees to develop a policy to respond to workplace-related incidents of sexual misconduct, domestic violence, and dating violence within 270 days of receiving the award.

The policy must address the following: 1) allegations of workplace-related incidents of sexual misconduct, domestic violence, and dating violence by an employee, volunteer, consultant, or contractor; 2) workplace supports for employees, volunteers, consultants, or contractors who are victims of sexual misconduct, domestic violence, or dating violence; and 3) adjudications that will result in an employee, volunteer, contractor, or consultant being prohibited from occupying positions that could undermine the ability of the recipient or subrecipient to carry out the grant funded project, such as positions working with victims and other vulnerable populations. A policy may provide that certain adjudications do not prohibit an individual from occupying such a position but must include standards for granting such an exemption for an individual.

Subrecipient agrees to make their policies available to the Crime Commission upon request.

- P. **STOP & SASP Grant Program Applicants:** Applicant assures that it and any subawards will document their compliance with the confidentiality and privacy provisions required under the VAWA SASP and STOP Grant Programs.
- Q. **JAG Grant Program Applicants:** Applicant certifies that property (i.e., equipment and supplies) purchased with federal funds will be used for criminal justice purposes.

CERTIFICATION

I certify that I have read and reviewed the above assurances, that the Applicant will comply with all provisions of the Applicable Grant Program (FG&P Fund Opportunity) indicated on page one of this document and all other applicable federal laws and state laws, and the Applicant will implement the project as written if approved by the Crime Commission.

Authorized Official Initials: _____

5. 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.

A. LOBBYING

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the applicant certifies that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, 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;
- (2) If the applicant's request for Federal funds is in excess of \$100,000, and 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 applicant shall complete and submit Standard Form – LLL, "Disclosure of Lobbying Activities" in accordance with its instructions; and
- (3) The applicant shall require that the language of this certification be included in the award documents for all subgrants and procurement contracts (and their subcontracts at any tier) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C § 1352.

B. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867, and to other related requirements, the applicant certifies, with respect to prospective participants in a primary tier “covered transaction,” as defined at 2 C.F.R. § 2867.20(a), that neither it nor any of its principals—

- (1) Is 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;
- (2) Has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects its (or its principals’) present responsibility;
- (3) Is presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and/or
- (4) Has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

Where the applicant is unable to certify to any of the statements in this certification, it shall attach explanation to this application. Where the applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the applicant also must disclose such felony criminal conviction in writing to the applicable Department:

- For Office of Justice Programs (OJP) applicants (VOCA and JAG), to OJP at Ojpcompliancereporting@usdoj.gov.
- For Office on Violence Against Women (OVW) applicants (STOP and SASP), to OVW at OVW.GFMD@usdoj.gov.

C. FEDERAL TAXES

(1) If the applicant is a corporation, it 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 the applicable Department:

- For Office of Justice Programs (OJP) applicants (VOCA and JAG), to OJP at Ojpcompliancereporting@usdoj.gov.
- For Office on Violence Against Women (OVW) applicants (STOP and SASP), to OVW at OVW.GFMD@usdoj.gov.

(2) Where the applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.

D. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

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

- (1) 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 its 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 –
 - i. The dangers of drug abuse in the workplace;
 - ii. The applicant's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the award 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 award, the employee will—
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of the employee's conviction for a violation of the criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - e. Notifying the Department, in writing, within 10 calendar days after receiving notice under subparagraph (d)(ii) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of any such convicted employee, as follows – U.S. Department 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 award.
 - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(ii), with respect to any employee who is so convicted:
 - i. 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
 - ii. 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; and
 - 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.

Authorized Official Initials: _____

My signature below indicates I have read and initialed each of the certifications and assurances above, and I hereby certify that the applicant organization and its applicable staff will comply with these certifications as outlined for and relevant to the Applicable Grant Program.

Organization Name: _____

Organization Address: _____

Authorized Official Name: _____

Authorized Official Title: _____

Signature of Authorized Official: _____

Date Signed (month/day/year): _____