



Grant Subaward Certification of Assurance of Compliance Information and Instructions

The Certification of Assurance of Compliance is a binding affirmation that Subrecipients will comply with the following regulations and restrictions:

- State and federal civil rights laws,
- Drug-Free Workplace,
- California Environmental Quality Act,
- Lobbying restrictions,
- Debarment and Suspension requirements,
- Proof of Authority documentation from the city council/governing board, and
- Federal grant fund requirements.

The Applicant is required to obtain written authorization by the governing body (e.g., County Board of Supervisors, City Council, or Governing Board) granting authority for the Subrecipient/Official Designee to enter into a Grant Subaward (and applicable Grant Subaward Amendments) with Cal OES (see *Subrecipient Handbook (SRH)* Section 1.005 and Section IV. of this form).

The Official Designee (see SRH Section 3.030) and the individual granting that authority (i.e., City/County Financial Officer, City/County Manager, or Governing Board Chair) must sign this form. For State agencies, only the Official Designee must sign this form.

Complete all sections of this form and then submit:

- As part of the Grant Subaward Application,
- With a Grant Subaward Amendment (Cal OES Form 2-213) if a new fund source is being added to the Grant Subaward, (applicable Certification of Assurance of Compliance would be needed), with a Grant Subaward Modification (Cal OES Form 2-223) if the Official Designee or Board Chair changes and the Resolution identifies them by name, and/or
- With a Grant Subaward Modification (Cal OES Form 2-223) if the federal program Special Conditions change after the approval of the Grant Subaward.



Grant Subaward Certification of Assurance of Compliance
Children's Justice Act Grants to States Program

Grant Subaward #: _____

Subrecipient: _____

I, _____ (Official Designee; same person as Section 15 of the Grant Subaward Face Sheet) hereby certify that the above Subrecipient is responsible for reviewing the Subrecipient Handbook (SRH) and adhering to all of the Grant Subaward requirements (state and/or federal) as directed by Cal OES including, but not limited to, the following areas:

I. Federal Grant Funds – SRH Sections 14.005

Subrecipients expending \$750,000 or more in federal grant funds annually are required to secure a single audit pursuant to Office of Management & Budget (OMB) Uniform Guidance 2 Code of Federal Regulations (CFR) Part 200, Subpart F and are allowed to allocate federal funds for the audit costs.

- Subrecipient expends \$750,000 or more in federal funds annually.
- Subrecipient does not expend \$750,000 or more in federal funds annually

II. Equal Employment Opportunity – SRH Section 2.025

It is the public policy of the State of California to promote equal employment opportunity (EEO) by prohibiting discrimination or harassment in employment because of race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, veteran and/or military status, protected medical leaves (requested or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, and any other status protected by state or federal law.

Subrecipients certify that they will comply with all state and federal requirements regarding EEO, nondiscrimination, and civil rights.

EEO Officer: _____

Title: _____

Address: _____

Telephone Number: _____

Email Address: _____

III. Drug-Free Workplace Act of 1990 – SRH Section 2.030

The State of California requires that every person or organization receiving a Grant Subaward or contract shall certify it will provide a drug-free workplace.

IV. California Environmental Quality Act (CEQA) – SRH Section 2.035

The California Environmental Quality Act (CEQA) (*Public Resources Code, Section 21000 et seq.*) requires all Cal OES-funded Subrecipients to certify compliance with CEQA. Subrecipients must certify they have completed, and will maintain on file, the appropriate CEQA compliance documentation.

V. Lobbying – SRH Sections 2.040 and 4.105

Grant Subaward funds, property, and funded positions must not be used for any lobbying activities. This includes, but is not limited to, being 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.

VI. Debarment and Suspension – SRH Section 2.045

Subrecipients receiving federal funds must certify that they will adhere to Federal Executive Order 12549, Debarment and Suspension. The Subrecipient certifies that neither the Subrecipient nor its principals are 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.

The Subrecipient certifies that it will not make any Second-Tier Subaward, or enter into any contract greater than \$25,000, with parties that are debarred, suspended, or otherwise excluded or ineligible for participation in Federal programs or activities.

VII. Proof of Authority from City Council/Governing Board – SRH Section 1.055

Subrecipients accept responsibility for and must comply with the requirement to obtain a signed resolution from governing body (e.g., County Board of Supervisors, City Council, or Governing Board) granting authority for the Subrecipient/Official Designee (see Section 3.030) to enter into a Grant Subaward (and applicable Grant Subaward Amendments) with Cal OES. It is agreed that any liability arising out of the performance of this Grant Subaward, including civil court actions for damages, shall be the responsibility of the Subrecipient and the Official Designee. The State of California and Cal OES disclaim responsibility of

any such liability. Furthermore, it is also agreed that Grant Subaward funds received from Cal OES shall not be used to supplant expenditures controlled by the governing board.

Subrecipients are required to obtain written authorization by the governing body (e.g., County Board of Supervisors, City Council, or Governing Board) granting authority for the Subrecipient/Official Designee (see Section 3.030) to enter into a Grant Subaward (and applicable Grant Subaward Amendments) with Cal OES. The Applicant is also required to maintain said written authorization on file and make readily available upon demand.

VIII. Civil Rights Compliance – SRH Section 2.020

The Subrecipient complies with all laws that prohibit excluding, denying or discriminating against any person based on actual or perceived race, color, national origin, disability, religion, age, sex, gender identity, and sexual orientation in both the delivery of services and employment practices and does not use federal financial assistance to engage in explicitly religious activities.

IX. Special Conditions for Grant Subawards with Children's Justice Act (CJA) Grants to States Program Funds

1. Applicability of Uniform Administrative Requirements

Subrecipients must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 45 CFR Part 75 for Department of Health and Human Services (HHS), Children's Justice Act (CJA) federal awards.

The following provisions apply to CJA-funded programs:

- Subpart A – Acronyms and Definitions
 - Subpart B – General Provisions
 - Subpart D – Post Federal Award Requirements only portions apply to all:
 - 1) 45 CFR §75.303 – Internal Controls
 - 2) 45 CFR §75.351 through §75.353 – Subrecipient Monitoring and Management
- b) Unless otherwise stated, Subrecipients must refer to the HHS-specific language in 45 CFR Part 75 rather than 2 CFR Part 200.

2. Applicability of Additional Federal Regulations

In addition to 45 CFR Part 75, Subrecipients must also comply with the following federal regulations:

- 2 CFR Part 25 – Universal Identifier and System for Award Management
- 2 CFR Part 170 – Reporting Subaward and Executive Compensation Information
- 2 CFR Part 175 – Award Term for Trafficking in Persons
- 2 CFR Part 176 – Award Terms for Assistance Agreements that include Funds under the American Recovery and Reinvestment Act of 2009, Public Law 111-5
- 2 CFR Part 180 – OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non Procurement)
- 2 CFR Part 376 – Non Procurement Debarment and Suspension
- 2 CFR Part 382 – Requirements for Drug-Free Workplace (Financial Assistance)
- 31 U.S.C. §3335, §6501, and §6503 (see also 31 CFR Part 205 – Rules and Procedures for Efficient Federal-State Funds Transfers) – Cash Management Improvement Act
- 45 CFR Part 16 – Procedures of the Departmental Grant Appeals Board
- 45 CFR Part 30 – Claims Collection
- 45 CFR Part 80 – Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services, Effectuation of Title VI of the Civil Rights Act of 1964
- 45 CFR Part 81 – Practice and Procedure for Hearings Under Part 80 of this Title
- 45 CFR Part 84 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance
- 45 CFR Part 86 – Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance
- 45 CFR Part 87 – Equal Treatment for Faith-Based Organizations

- 45 CFR Part 91 – Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance
- 45 CFR Part 93 – New Restrictions on Lobbying
- 45 CFR Part 95 – General Administration – Grant Programs
- 45 CFR Part 100 – Intergovernmental Review of Department of Health and Human Services Programs and Activities

3. Statutory and National Policy Requirements

Subrecipients must comply with the following statutory and/or national policy requirements:

Human Trafficking Provisions: Subrecipients must comply with the requirements of Section 106(g) of the “Trafficking Victims Protection Act of 2000” (22 U.S.C. 7104). The full text of this requirement is found at <http://www.acf.hhs.gov/grants/award-term-and-condition-for-trafficking-in-persons>.

- a) Mandatory Disclosures: Subrecipients are subject to the requirements in 31 U.S.C. 3321, 41 U.S.C. 2313, and provisions found in Federal regulations at 45 CFR §75.113 and Appendix XII of this part, and 2 CFR Parts 180 and 376 for debarment and suspension. Non-Federal entities must disclose all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to comply may result in any noncompliance remedies, including debarment and suspension.

Administration for Children and Families (ACF) is required to review and consider information about any current or potential recipient, Subrecipient, contractor, or subcontractor contained in the Federal Awardee Performance and Integrity Information System (FAPIIS) (<https://www.fapiis.gov>) and System for Award Management (SAM). Non-Federal entities may review and comment on any information about itself that has been entered into FAPIIS. ACF will consider any comments by the non-Federal entity, in addition to other information in FAPIIS to judge the Subrecipient’s integrity, business ethics, and record of performance under Federal awards when completing its review of risk.

- b) Posting Federally Funded Disclaimer Language on Documents: In accordance with Section 505 of Public Law 115-31, the Consolidated Appropriations Act of 2017, when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, Subrecipients receiving Federal funds included in this Act, including but

not limited to State and local governments and Subrecipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

- c) Salary Limitation – Federal Executive Level II: Subrecipients must not pay the salary of an individual through a Grant Subaward, Second-Tier Subaward, or other extramural mechanism, including non-federal share, that exceeds the amount of the Federal Executive Level II salary for that calendar year as per a provision as part of the Consolidated Appropriations Act (e.g., Public Law 115-31, May 5, 2017) from Congress.

This amount is published annually by the U.S. Office of Personnel Management and can be found on their website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/> under the “Rates of Pay for the Executive Schedule” link. This amount reflects an individual's base salary exclusive of fringe benefits and any income that an individual may be permitted to earn outside of the duties of the non-Federal entities' organization.

This salary limitation also applies to subawards, contracts, and subcontracts under an ACF grant or cooperative agreement.

- d) Smoking Prohibitions: In accordance with Title XII of Public Law 103-227, the “PROKIDS Act of 1994,” Subrecipients must ensure that smoking is not permitted in any portion of any indoor facility owned or regularly used 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 whether directly or through State, Territories, local and Tribal governments. Federal programs include grants, cooperative agreements, loans and loan guarantees, subawards, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions or facilities used for inpatient drug and alcohol treatment.

The above language must be included in any Operational Agreements and Second-Tier Subawards that contain provisions for children's services and all shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1,000 per day.

- e) Micro-purchase and Simplified Acquisition Threshold for Financial Assistance: Pursuant to statutory changes set forth in the National

Defense Authorization Act for Fiscal Year 2018, which became law on December 12, 2017, the threshold for micro-purchases is now set at \$10,000, and the threshold for simplified acquisition is now \$250,000. In accordance with 41 U.S.C. § 1902(f), changes to the thresholds are not effective until implemented in the Federal Acquisition Regulations (FAR). However, pursuant to 2 CFR §200.102, OMB has issued an exception to allow Subrecipients to use these higher thresholds in advance of revisions to the FAR at 48 CFR Subpart 2.1 and the Uniform Guidance.

Further, the National Defense Authorization Act for Fiscal Year 2017, which became law on December 23, 2016, establishes a uniform process by which institutions of higher education, or related or affiliated nonprofit entities, nonprofit research organizations or independent research institutes can request a micro-purchase threshold above \$10,000. Prior to requesting a higher threshold, please contact your Cal OES Program Specialist.

4. Monitoring

According to the applicability table in 45 CFR §75.101(b)(1), the exceptions described in §75.101(d) and 75.101(e), Subrecipients must comply with Monitoring and Management requirements described in subpart D, §75.351 through §75.353.

5. Debarment or Suspension

Subrecipients may not participate in any capacity or be a Subrecipient of Federal funds designated if the organization has been debarred or suspended or otherwise found to be ineligible for participation in Federal assistance programs or activities. Please see Executive Orders 12549 and 12689, as well as 2 CFR Parts 180 and 376 for debarment and suspension provisions.

Subrecipients must include a similar term and condition for all Second-Tier Subawards or contracts awarded under these programs. Prior to issuing Second-Tier Subawards or contracts under this grant, Subrecipients must review information available through the System for Award Management, <https://www.sam.gov>, to determine whether an entity is ineligible.

6. Subrecipient and Contractor Determinations

Subrecipients are required to make case-by-case determinations whether the substance of an agreement creates a Federal assistance relationship (Second-Tier Subaward) or a procurement relationship (contract). The presence of one or more characteristics may not be present in all cases; as such, the Subrecipient must use judgment as the substance of the

relationship is more important than the form of the agreement. The ACF may also supply and require Subrecipients to comply with additional guidance to support these determinations.

- a) **Second-Tier Subaward:** A Subrecipient provides a Second-Tier Subaward for the purpose of carrying out a portion of a Federal program and creates a Federal assistance relationship with the Second-Tier Subrecipient. The terms and conditions of Federal awards flow down to Second-Tier Subawards unless a particular section of 45 CFR Part 75 or the terms and conditions of the Federal award specifically indicates otherwise.

One or more of the following characteristics support the classification of Second-Tier Subaward:

- Determines who is eligible to receive federal financial assistance.
 - Has its performance measured in relation to whether objectives of a Federal program are met.
 - Has responsibility for programmatic decision making.
 - Is responsible for adherence to applicable Federal program requirements specified in the award.
 - In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods and services for the benefit of the Subrecipient.
 - In cases when any State, local, Tribal, or Territorial governments engages in a Second-Tier Subaward with another entity, that entity is also considered a Subrecipient.
- b) **Subrecipient Monitoring:** Subrecipients are required to advise Second-Tier Subrecipients of requirements imposed on them by Federal laws, regulations, and the provisions of grant agreements as well as any supplemental requirements imposed by Cal OES. These include grant administrative and audit requirements (where applicable) under 45 CFR Part 75.

Subrecipients are responsible for monitoring the activities of the Second Tier Subrecipient to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward, and that subaward performance goals are achieved. Monitoring must cover each program, function and

activity. Records must be maintained by the Subrecipient and be sufficiently detailed for compliance.

- c) Audits: Subrecipients must ensure that any non-Federal Second-Tier Subrecipients that expend Federal funds totaling \$750,000 or more during the course of its fiscal year must arrange for a financial audit in compliance with the requirements of 45 CFR Part 75 Subpart F.
- d) Contractors: A contract is for the purpose of obtaining goods and services for the Subrecipient's own use and creates a procurement relationship with a contractor. "Goods and services" are routine items and activities that are intended for the direct benefit or use by the Subrecipient.
- e) Examples of routine "goods" are tangible items such as supplies (e.g., pens, paper, and folders) and equipment (e.g., computers and copiers) for the sole use by the Subrecipient. Examples of routine "services" are activities provided, such as janitorial and building maintenance services for the Subrecipient.
- f) "Good and services" are not intended to carry out (in whole or part) a public purpose, unless specifically authorized by law.
- g) One or more of the following characteristics support the classification of contractor:
 - Provides the goods and services within normal business operations.
 - Provides similar goods or services to many different purchasers.
 - Operates in a competitive environment.
 - Provides goods or services that are ancillary to the operation of the Federal program.
 - Is not subject to compliance requirements of the Federal program as a result of the agreement, through similar requirements may apply for other reasons.
- h) Contract Monitoring: Subrecipients are responsible for ensuring that contracts contain the applicable provisions described in Appendix II of 45 CFR Part 75. Subrecipients are responsible for maintaining oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of the contract or purchase order. Records must be maintained by Subrecipients and be sufficiently detailed for compliance.

All appropriate documentation must be maintained on file by the Subrecipient and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Subrecipient may be ineligible for Subaward of any future grants if the Cal OES determines that any of the following has occurred: (1) the Subrecipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

CERTIFICATION	
<p>I, the official named below, am the same individual authorized to sign the Grant Subaward [Section 15 on Grant Subaward Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant Subrecipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.</p>	
Official Designee's Signature: _____	
Official Designee's Typed Name: _____	
Official Designee's Title: _____	
Date Executed: _____	
Federal Employer ID #: _____ Federal DUNS #: _____	
Current System for Award Management (SAM) Expiration Date: _____	
Executed in the City/County of: _____	
AUTHORIZED BY:	
City Financial Officer	County Financial Officer
City Manager	County Manager
Governing Board Chair	
Signature: _____	
Typed Name: _____	
Title: _____	