



## **Federal Fund Grant Subaward Assurances**

### Information and Instructions

This document is a binding affirmation that, in addition to the requirements and restrictions outlined in the Subrecipient Handbook, Subrecipients will comply with the assurances required by the federal program/fund source.

**The Official Designee (see SRH Section 3.030) 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 federal fund source is being added to the Grant Subaward, and/or
- With a Grant Subaward Modification (Cal OES Form 2-223) if the assurances are received by Cal OES after the executive of the applicable Grant Subaward. Cal OES will notify Subrecipients when this is required.



**Federal Fund Grant Subaward Assurances  
Children's Justice Act Grants to States Program**

Subrecipient: \_\_\_\_\_

	Cal OES Program Name	Grant Subaward #	Grant Subaward Performance Period
1.			
2.			
3.			
4.			
5.			
6.			

Subrecipients agree to adhere to the following and ensure these assurances are passed down to Second-Tier Subrecipients.

**1. Required Audits and Financial Statements (SRH Section 14.005)**

Subrecipients expending \$750,000 or more in federal funds annually must comply with the single audit requirement established by the Federal Office of Management and Budget (OMB) Uniform Guidance 2 CFR Part 200, Subpart F and arrange for a single audit by an independent Certified Public Accountant (CPA) firm annually. Audits conducted under this section will be performed using the guidelines established by the American Institute of Certified Public Accountants (AICPA) for such audits.

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

**2. Applicability of Uniform Administrative Requirements**

Subrecipients (and any Second-Tier 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

Unless otherwise stated, Subrecipients (and any Second-Tier Subrecipients) must refer to the HHS-specific language in 45 CFR Part 75 rather than 2 CFR Part 200.

### **3. Applicability of Additional Federal Regulations**

In addition to 45 CFR Part 75, Subrecipients (and any Second-Tier 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

#### **4. Statutory and National Policy Requirements**

Subrecipients (and any Second-Tier Subrecipients) must comply with the following statutory and/or national policy requirements:

- Human Trafficking Provisions. Grant Subawards are subject to 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>.
- Mandatory Disclosures. Grant Subawards 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.

ACF is required to review and consider information about any current or potential recipient, Subrecipient, any Second-Tier 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 grant recipients integrity, business ethics, and record of performance under Federal awards when completing its review of risk.

- Micro-purchase and Simplified Acquisition Threshold for Financial Assistance. Due 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 grantees, Subrecipients, and Second-Tier 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 Cal OES.
- Non-Discrimination Legal Requirements for Recipients of Federal Financial Assistance. Subrecipients (and any Second-Tier Subrecipients) must administer Grant Subawards in compliance with federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age and, in some circumstances, religion, conscience, and sex (including gender identity, sexual orientation, and pregnancy). This includes taking reasonable steps to provide meaningful access to persons with limited English proficiency and providing programs that are accessible to and usable by persons with disabilities. The HHS Office for Civil Rights provides guidance on complying with civil rights laws enforced by HHS. See <https://www.hhs.gov/civil-rights/for-providers/provider-obligations/index.html> and <https://www.hhs.gov/civil-rights/for-individuals/nondiscrimination/index.html>.
  - Subrecipients (and any Second-Tier Subrecipients) must take reasonable steps to ensure that they provide meaningful access to persons with limited English proficiency. For guidance on meeting the legal obligation to take reasonable steps to ensure meaningful access to Grant Subaward programs or

activities by limited English proficient individuals, see <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/fact-sheet-guidance/index.html> and <https://www.lep.gov>.

- For information on the specific legal obligations for serving qualified individuals with disabilities, including providing program access, reasonable modifications, and taking appropriate steps to provide effective communication, see <http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html>.
- HHS funded health and education programs must be administered in an environment free of sexual harassment, see <https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/index.html>.
- For guidance on administering Grant Subawards in compliance with applicable federal religious nondiscrimination laws and applicable federal conscience protection and associated anti-discrimination laws, see <https://www.hhs.gov/conscience/conscience-protections/index.html> and <https://www.hhs.gov/conscience/religious-freedom/index.html>.
- *Posting Federally Funded Disclaimer Language on Documents.* In accordance with Section 505 of Public Law 115-31, the Consolidated Appropriations Act of 2017 is applicable to the mandatory grant programs. 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, all Subrecipients (and any Second-Tier Subrecipients) receiving Federal funds included in this Act, including but not limited to State and local governments and recipients 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.
- *Prohibition on Expending HHS Award Funds for Covered Telecommunications Equipment or Services as Per 2 CFR §200.216.*

Effective August 13, 2020, 2 CFR §200.216 applies to all grant programs: Prohibition on certain telecommunications and video surveillance services or equipment.

- a. As described in 2 CFR 200.216, Subrecipients (and any Second-Tier Subrecipients) are prohibited to obligate or spend grant funds (to include direct and indirect expenditures as well as cost share and program) to:
    - o Procure or obtain;
    - o Extend or renew a contract to procure or obtain; or
    - o Enter into contract (or extend or renew contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Pub. L. 115- 232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
  - b. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
  - c. Telecommunications or video surveillance services provided by such entities or using such equipment.
  - d. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise, connected to the government of a covered foreign country.”
- Salary Limitation – Federal Executive Level II. Federal funds for these grant programs consistently include a provision as part of the Consolidated Appropriations Act (e.g., Public Law 115-31, May 5, 2017) from Congress that the amount that shall be used to pay the salary of an individual, through a grant or other extramural mechanism including non-federal share, must not exceed the amount of the Federal Executive Level II salary for that calendar year. 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/2017/executive-senior-level> 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 Grant Subawards, contracts, and Second-Tier Subawards under an ACF grant or cooperative agreement.

- Smoking Prohibitions. In accordance with Title XII of Public Law 103-227, the “PRO-KIDS Act of 1994,” smoking may not be 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, Grant Subawards, Second-Tier 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 and used for inpatient drug and alcohol treatment.

## **5. Subrecipients and Subcontracting Monitoring and Management**

- According to the Applicability table in 45 CFR §75.101(b)(1), and the exceptions described in §§75.101(d) and (e), all grant programs must comply with the Subrecipient Monitoring and Management requirements described in subpart D, §§75.351 - .353.
- Debarred or Suspended. Second-Tier Subrecipients may not participate in these programs in any capacity or receive Federal funds 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 review information available through the System for Award Management, <https://www.sam.gov>, to determine whether an entity is ineligible.



- Contract Monitoring. Subrecipients (and any Second-Tier Subrecipients) are responsible for ensuring that contracts contain the applicable provisions described in Appendix II of 45 CFR Part 75. Subrecipients (and any Second-Tier Subrecipients) are responsible for 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 the Subrecipient (and any Second-Tier Subrecipients) and be sufficiently detailed for compliance.
- Subrecipient Monitoring. Subrecipients are required to advise Second-Tier Subrecipients of requirements imposed on them by Federal laws, regulations, and the provisions of Grant Subawards 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 Subrecipients to ensure that the Grant Subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the T&Cs of the Grant Subaward, and that Grant Subaward performance goals are achieved.

<p><b>CERTIFICATION</b></p> <p>I certify the Subrecipient identified above will comply with the requirements of the Subrecipient Handbook and the federal fund Grant Subaward assurances outlined above.</p> <p>Official Designee's Signature: _____</p> <p>Official Designee's Typed Name: _____</p> <p>Official Designee's Title: _____</p> <p>Date Executed: _____</p>
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