



State Grant Program Standard Assurances

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for State assistance and the institutional, managerial and financial capability to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within:

- (a) Applicable Federal Regulations (see below);
- (b) State programmatic and financial guidelines stipulated by Cal OES;
- (c) California State Nonprofit Security Grant Program Guidance; and
- (d) Federal and State Grant Program Guidelines.

Federal Regulations

Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the Office of Management and Budget (OMB) and can be found at <http://www.whitehouse.gov/omb/>.

In the event Cal OES determines that changes are necessary to the subaward after a subaward has been made, including changes to period of performance or terms and conditions, Applicants will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Applicant acceptance of the changes to the subaward.

State award requirements are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority

The Applicant will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

- a) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
- b) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body; and
- c) Applicant is authorized by the city council, governing board, or authorized body to apply for State assistance, and the institutional, managerial and



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financial capability (including funds sufficient to pay the non-State share of project cost, if any) to ensure proper planning, management and completion of the project described in this application.

- d) Official executing this agreement is authorized by the Applicant.

This Proof of Authority must be maintained on file and readily available upon request.

2. Period of Performance

The period of performance is specified in the Award. The Applicant is only authorized to perform allowable activities approved under the award, within the period of performance.

3. Lobbying and Political Activities

Cal OES grant funds, grant property, or grant funded positions shall not be used for any lobbying activities. Lobbying activities include, but are not limited to, paying, either directly by the undersigned or by another party on behalf of the undersigned, any person to influence or to attempt 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 grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.214 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principals, recipients, or subrecipients:

- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;



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- c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
- d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Compliance with local, state, and federal laws

The Applicant must comply with all applicable local, state, and federal statutes, regulations, program plans, and application requirements.

6. Non-Discrimination and Equal Employment Opportunity

The Applicant must comply with all applicable 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. These laws, if applicable to the Applicant, include, but are not limited to, the following:

- a) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101, et seq.), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;
- b) Public Health Service Act of 1912 (42 U.S.C. § 290dd-2), relating to confidentiality of patient records regarding substance abuse treatment;
- c) The Applicant will comply with California's Fair Employment and Housing Act (FEHA) (California Government Code §§ 12940 – 12957). FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions; and



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- d) The requirements of any other nondiscrimination statute(s) that may apply to this application.

7. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1990 (Government Code § 8350, et seq.), the Applicant certifies that it will maintain a drug-free workplace.

8. Environmental Standards

The Applicant will comply with state and federal environmental standards, including,

- a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000 – 21177), to include coordination with the city or county planning agency;
- b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000 – 15387);
- c) Federal Environmental Planning and Historic Preservation (for dual-funded projects between federal and state funding).

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to section 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

9. Access to Records

The Applicant will maintain such records, and give the State of California, through any authorized representative, access to and the right to examine those records, as the State of California deems necessary. Such records will include all paper or electronic records, books, papers, or documents related to the award, and such other records as will facilitate an effective audit. The Applicant will also establish a proper accounting system in accordance with generally accepted accounting standards.

10. Conflict of Interest

The Applicant will establish safeguards to prohibit the Applicant's employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.



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11. Financial Management

Applicants will comply with false claims requirements as stipulated in the California False Claims Act (Government Code §§ 12650 – 12656), which prohibits the submission of false or fraudulent claims for payment.

12. Human Trafficking

The Applicant will comply with the requirements of section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104).

13. Labor Standards

The Applicant will comply with the following labor standards:

- a) The California Labor Code, which provides labor law requirements for the State of California; and
- b) The Federal Fair Labor Standards Act (29 U.S.C. § 201, et seq.), as they apply to Federal, State, and local governments.

14. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code § 3700, et seq.

15. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code § 7920.000, et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.



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IMPORTANT

The purpose of the assurance is to obtain state financial assistance, including any and all state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant 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 recipient may be ineligible for award of any future grants if Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document **must** be included in the award documents for all subawards at all tiers.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Recipient: _____

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____