

2013 Provisions for State Administrative Grants

Effective January 1, 2013

These Corporation for National & Community Service (CNCS) Grant Provisions are binding on the grantee. By accepting funds under this grant, the grantee agrees to comply with, and include in all subgrants, the provisions and all applicable federal statutes, regulations, and guidelines, and any amendments thereto. The grantee agrees to administer the grant in accordance with the approved grant application and budget, supporting documents, and other representations made in support of the approved grant application. For the purposes of these Provisions, the term grantee is used to connote either grantee or subgrantee, as appropriate, throughout these Provisions.

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A. CHANGES FROM THE 2012 ADMIN/PDAT/DISABILITY PROVISIONS

Removed all references to the PDAT and Disability grants.

Section B - Updated the references for the implementing regulations.

Section C - Updated the citation for access to the OMB Circulars and implementing regulations.

Section D.6.b. - Changed the annual progress report to semi-annual progress reports and updated the due dates.

Section D.6.d. – Added a final progress report.

Section E.8. – Removed the daily cap on contractual and consultant services.

Section E.10.b. - Added additional citations for excess program income

Section E.16.c.i. and 17.b.ii.(a) – Updated the web address for the CCR.

Attachment - Attached the revised Grant Program Civil Rights and Non-Harassment Policy.

B. LEGISLATIVE AND REGULATORY AUTHORITY

This grant is authorized by and subject to the National and Community Service Act of 1990, 42 U.S.C. 12501 *et seq.*, and the implementing regulations at 45 CFR Chapter XXV. Grantees must comply with the requirements of the Act and its implementing regulations.

C. OTHER APPLICABLE STATUTORY AND ADMINISTRATIVE PROVISIONS

The following applicable federal cost principles, administrative requirements, and audit requirements are incorporated by reference:

1. STATES, INDIAN TRIBES, U.S. TERRITORIES, AND LOCAL GOVERNMENTS

The following circulars and their implementing regulations apply to states, Indian tribes, U.S. territories, and local governments:

- a. OMB Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments – 45 CFR Part 2541.
- b. OMB Circular A-87, Cost Principles for State and Local Governments – 2 CFR Part 225.
- c. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

2. NONPROFIT ORGANIZATIONS

The following circulars and their implementing regulations apply to nonprofit organizations:

- a. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
- b. OMB Circular A-122, Cost Principles for Nonprofit Organizations – 2 CFR Part 230.
- c. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

3. EDUCATIONAL INSTITUTIONS

The following circulars and their implementing regulations apply to educational institutions:

- a. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
- b. OMB Circular A-21, Cost Principles for Educational Institutions – 2 CFR Part 220.
- c. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

These documents can be found here:

www.whitehouse.gov/omb/financial_offm_circulars/.

4. OTHER APPLICABLE STATUTES AND REGULATIONS

The grantee must comply with all other applicable statutes, executive orders, regulations, and policies governing the grant, including but not limited to those

cited in these Grant Provisions, the Grant Assurances and Certifications, and those cited in 45 CFR Parts 2541 and 2543.

5. ORDER OF PRECEDENCE

Any inconsistency shall be resolved by giving precedence in the following order (a) Applicable Federal Statutes, (b) Corporation and other Federal regulations, (c) Special Provisions, (d) General Provisions, (e) Notice of Funding Opportunity (NOFO), and (f) the approved Grant Application including all assurances, certification, attachments, and pre-award negotiations.

D. SPECIAL PROVISIONS

1. PURPOSE OF THE STATE ADMINISTRATIVE GRANT

The activities must be consistent with the AmeriCorps Regulations 45 CFR 2550.80, the application instructions, the Provisions, and with your State Service Plan. The duties of state commissions are described in 45 CFR 2550.80. Composition requirements and other requirements, restrictions and guidelines are described in 45 CFR 2550.50.

2. PROHIBITIONS ON THE USE OF FUNDS

While charging time to the Administrative grant, the grantee and/or anyone acting under the supervision or authority of the grantee, may not engage in the following activities:

- a.** Attempting to influence legislation.
- b.** Organizing or engaging in protests, petitions, boycotts, or strikes.
- c.** Assisting, promoting, or deterring union organizing.
- d.** Impairing existing contracts for services or collective bargaining agreements.
- e.** Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive.
- f.** Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office.
- g.** Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.

- h. Engaging in religious instruction; conducting worship services; providing instruction as part of a program that includes mandatory religious instruction or worship; constructing or operating facilities devoted to religious instruction or worship; maintaining facilities primarily or inherently devoted to religious instruction or worship; or engaging in any form of religious proselytization.
- i. Providing a direct benefit to:
 - i. A for-profit entity;
 - ii. A labor union;
 - iii. A partisan political organization;
 - iv. An organization engaged in the religious activities described in the preceding sub-clause (h), unless grant funds are not used to support the religious activities; or
 - v. A nonprofit entity that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative.
- j. Providing abortion services or referrals for receipt of such services.
- k. Grant funds may not be used for international travel or projects where the primary beneficiaries of an activity are outside the United States.
- l. Other activities as the CNCS determines will be prohibited, upon notice to the grantee.

Individuals may exercise their rights as private citizens and may participate in the above activities on their own initiative, on non-CNCS time, and using non-CNCS funds.

3. BUDGET AND PROGRAMMATIC CHANGES

- a. **Programmatic Changes.** The grantee must obtain the prior written approval of CNCS before making the following changes:
 - i. Changes in the scope, objectives or goals of the program, whether or not they involve budgetary changes.
 - ii. Entering into subgrants or contracting out any activities funded by the grant and not specifically identified in the approved application and/or grant.

- b. **Changes in the Budget.** The grantee must obtain the prior written approval of CNCS's Office of Grants Management before deviating from the approved budget in any of the following ways:
 - i. **Specific Costs Requiring Prior Approval Before Incurrence** under OMB Circulars A-21 (2 CFR Part 220), A-87 (2 CFR Part 225) or A-122 (2 CFR Part 230). For certain cost items, the cost circulars require approval of the awarding agency for the cost to be allowable. Examples of these costs are overtime pay, rearrangement and alteration costs, and pre-award costs.
 - ii. **Purchases of Equipment over \$5,000** using grant funds, unless specified in the approved application and budget.

- c. **Approvals of Programmatic and Budget Changes.** CNCS's Grants Officers are the only officials who have the authority to alter or change the provisions or requirements of the grant. Grants Officers will execute written amendments, and grantees should not assume approvals have been granted unless documentation from the Grants Office has been received. Programmatic changes also require final approval of CNCS's Office of Grants Management after written recommendation for approval is received from the Program Office.

4. REPORTING REQUIREMENTS

Reporting requirements in these Provisions apply only to the grantee. The grantee is responsible for timely submission of periodic financial and progress reports during the project period and a final financial report.

- a. **Financial Reports.** The grantee shall complete and submit financial reports in eGrants (Financial Status Reports on menu tree) to report the status of all funds. Grantees must submit timely cumulative financial reports in accordance with CNCS guidelines according to the following schedule:

<u>Due Date</u>	<u>Reporting Period Covered</u>
July 31	Start of grant through June 30
January 31	July 1 – December 31

- b. **Progress Reports.** The grantee shall complete and submit cumulative progress reports in eGrants according to the following schedule:

<u>Due Date</u>	<u>Reporting Period Covered</u>
October 31	Start of grant through September 30
January 31	October 1 – December 31

- c. **Final Financial Reports.** Grantees completing the final year of their grant must submit, in lieu of the last financial report, a final financial report. This final financial report is due within 90 days after the end of the project period.
- d. **Final Progress Reports.** Grantees completing the final year of their grant must submit, in lieu of the last semi-annual report, a final progress report. The final progress report is due within 90-days after the end of the project period.
- e. **Requests for Extensions.** Each grantee must submit financial and progress reports by the given dates. Extensions of reporting deadlines will be granted only when 1) the report cannot be furnished in a timely manner for reasons legitimately beyond the control of the grantee, and 2) CNCS receives a request explaining the need for an extension before the due date of the report.

Extensions of deadlines for financial reports may only be granted by the Office of Grants Management, and extension of deadlines for Progress Reports may only be granted by the Program Office.

5. **GRANT PERIOD AND INCREMENTAL FUNDING**

For the purpose of this grant, the project period is the complete length of time the grantee is proposed to be funded to complete the approved activities under the grant. A project period may contain one or more budget periods. A budget period is a specific interval of time for which federal funds are provided to finance a grantee's approved activities and budget.

Unless otherwise specified, the grant covers a three-year project period. In approving a multi-year project period, CNCS generally makes an initial award for the first year of operation. Additional funding is contingent upon satisfactory performance, a grantee's demonstrated capacity to manage a grant and comply with grant requirements, and the availability of Congressional appropriations. The project period and the budget period are noted on the award document.

6. **MATCH REQUIREMENTS FOR STATE ADMINISTRATIVE GRANTS**

The amount of grant funds provided to a State Commission, together with other Federal funds available to establish or operate the State Commission, may not exceed:

- a. Eighty-five percent of the total cost to establish or operate the State Commission for the first year.
- b. A smaller percentage of such cost as CNCS may establish for the second, third, and fourth years.

- c. The Federal share will not exceed 50 percent of such costs for the fifth year and any subsequent year.

E. GENERAL PROVISIONS

7. RESPONSIBILITIES UNDER GRANT ADMINISTRATION

- a. **Accountability of Grantee.** The grantee has full fiscal and programmatic responsibility for managing all aspects of grant and grant-supported activities, subject to the oversight of CNCS. The grantee is accountable to CNCS for its use of CNCS grant funds. The grantee must expend grant funds in a judicious and reasonable manner. Although grantees are encouraged to seek the advice and opinion of CNCS on special problems that may arise, such advice does not diminish the grantee's responsibility for making sound judgments and does not mean that the responsibility for operating decisions has shifted to CNCS.
- b. **Notice to Corporation.** The grantee will notify the appropriate CNCS Program or Grants Officer immediately of any developments or delays that have a significant impact on funded activities, any significant problems relating to the administrative or financial aspects of the grant, or any suspected misconduct or malfeasance related to the grant or grantee. The grantee will inform the appropriate CNCS official about the corrective action taken or contemplated by the grantee and any assistance needed to resolve the situation.

8. FINANCIAL MANAGEMENT STANDARDS

- a. **General.** The grantee must maintain financial management systems that include standard accounting practices, sufficient internal controls, a clear audit trail, and written cost allocation procedures, as necessary. Financial management systems must be capable of distinguishing expenditures attributable to this grant from expenditures not attributable to this grant. The systems must be able to identify costs by program year and by budget category, and to differentiate between direct and indirect costs, or administrative costs. For further details about the grantee's financial management responsibilities, refer to OMB Circular A-102 and its implementing regulations (45 CFR Part 2543) or A-110 and its implementing regulations (45 CFR Part 2541), as applicable.
- b. **Consistency of Treatment.** To be allowable under an award, costs must be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the organization. Furthermore, the costs must be accorded consistent treatment in both federally financed

and other activities, as well as between activities, supported by different sources of federal funds.

- c. **Audits.** Grantee organizations that expend \$500,000 or more in total federal awards in a fiscal year shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act, as amended, 31 U.S.C. 7501, et seq., and OMB Circular A-133. If the grantee expends federal awards under only one federal program, it may elect to have a program specific audit, if it is otherwise eligible. A grantee that does not expend \$500,000 in Federal awards is exempt from the single audit requirements of OMB Circular A-133 for that year. However, it must continue to conduct financial management reviews of its programs, and records must be available for review and audit.

A recipient of a Federal Grant (pass-through entity) is required in accordance with paragraph 400(d) of OMB Circular A-133 to do the following with regard to its subrecipients: (1) identify the Federal award and funding source; (2) advise subrecipients of all requirements imposed on them; (3) monitor subrecipient activities and compliance; (4) ensure subrecipients have A-133 audits when required; (5) issue decisions and ensure follow-up on audit findings in a timely way; (6) where necessary, adjust its own records and financial statements based on audits; and (7) require subrecipients to permit access by the pass-through entity and auditors to records and financial statements as necessary for the pass-through entity to comply with A-133.

9. THE OFFICE OF INSPECTOR GENERAL

CNCS's Office of Inspector General (OIG) conducts and supervises independent and objective audits, evaluations, and investigations of CNCS programs and operations. Based on the results of these audits, reviews, and investigations, the OIG recommends policies to promote economy and efficiency and to prevent and detect fraud, waste, and abuse in CNCS's programs and operations.

The OIG conducts and supervises audits of CNCS grantees, as well as legislatively mandated audits and reviews. The legislatively mandated audits include the annual financial statement audit, and fulfilling the requirements of the Government Information Security Reform Act and its successor, the Federal Information Security Management Act. A risk-based approach, along with input received from Corporation management, is used to select grantees and grants for audit. The OIG hires audit firms to conduct some of its audits. The OIG audit staff is available to discuss its audit function, and can be reached at (202) 606-9390.

The OIG is available to offer assistance to grantees that become aware of suspected criminal activity in connection with the program. Grantees should immediately contact OIG when they first suspect that a criminal violation has

occurred. The OIG investigative staff is available to provide guidance and ensure that the appropriate law enforcement agency is notified, if required. The OIG may be reached by email at hotline@cncsig.gov or by telephone at (800) 452-8210.

10. PROGRAM INCOME

- a. **General.** Income, including fees for service earned as a direct result of the grant-funded program activities during the award period, must be retained by the grantee and used to finance the Administrative grant's non-CNCS share.
- b. **Excess Program Income.** Program income earned in excess of the amount needed to finance the grantee share must follow the appropriate requirements of 45 CFR §2541.250, 45 CFR §2543.24 or 2 CFR §215.24, 2 CFR Part 225, 2 CFR Part 215, or 2 CFR Part 220 and be deducted from total claimed costs, or with approval from CNCS through a budget amendment be used to enhance the program (additive process). Grantees that earn excess income must specify the amount of the excess in the comment box on the financial report.

11. SITE VISITS

CNCS reserves the right to make site visits to review and evaluate grantee records, accomplishments, organizational procedures, and financial control systems, to conduct interviews, and to provide technical assistance as necessary.

12. NON-DISCRIMINATION PUBLIC NOTICE AND RECORDS COMPLIANCE

- a. **Public Notice of Non-discrimination.** The grantee must notify service recipients, applicants, program staff, and the public, including those with impaired vision or hearing, that it operates its program or its activity subject to the non-discrimination requirements of the applicable statutes. The notice must summarize the requirements, note the availability of compliance information from the grantee and CNCS, and briefly explain procedures for filing discrimination complaints with CNCS. Sample language is:

It is against the law for organizations that receive federal financial assistance from the Corporation for National Service (CNCS) to discriminate on the basis of race, color, national origin, disability, sex, age, political affiliation, or, in most programs, religion. It is also unlawful to retaliate against any person who, or organization that, files a complaint about such discrimination.

In addition to filing a complaint with local and state agencies that are responsible for resolving discrimination complaints, you may bring a complaint to the attention of CNCS. If you believe that you or others have been discriminated against, or if you want more information, contact:

(Name, address, phone number – both voice and TDD, and preferably toll free – FAX number and email address of the grantee) or

*Office of Civil Rights and Inclusiveness
Corporation for National and Community Service
1201 New York Avenue, NW
Washington, D.C. 20525
(202) 606-7503 (voice)
1-800-833-3722 (TTY and reasonable accommodation line)
(202) 565-3465 (FAX)
eo@cns.gov (email)*

The grantee must include information on civil rights requirements, complaint procedures and the rights of beneficiaries in contracts, handbooks, manuals, pamphlets, and post in prominent locations, as appropriate. The grantee must also notify the public in recruitment material and application forms that it operates its program or activity subject to the nondiscrimination requirements.

Sample language, in bold print, is “This program is available to all, without regard to race, color, national origin, sex, sexual orientation, religion, age, disability, political affiliation, marital or parental status, military service, community, or social affiliations, or, in most instances, religion.”

Where a significant portion of the population eligible to be served needs services or information in a language other than English, the grantee shall take reasonable steps to provide written material of the type ordinarily available to the public in appropriate languages.

- b. Records and Compliance Information.** The grantee must keep records and make available to CNCS timely, complete and accurate compliance information to allow CNCS to determine if the grantee is complying with the civil rights statutes and implementing regulations. CNCS will provide specific guidance regarding records and compliance information.
- c. Obligation to Cooperate.** The grantee must cooperate with CNCS so that CNCS can ensure compliance with the civil rights statutes and implementing regulations. The grantee shall permit access by CNCS during normal business hours to its books, records, accounts, staff, facilities, and other sources of information as may be needed to determine compliance.

13. GRANT PRODUCTS

- a. **Sharing Grant Products.** To the extent practicable, the grantee agrees to make products produced under the grant available at the cost of reproduction to others in the field.
- b. **Acknowledgment of Support.** Publications created with funding under the grant may include a CNCS logo if they are consistent with the purposes of the grant. The grantee is responsible for assuring that the following acknowledgment and disclaimer appears in any external report or publication of material based upon work supported by this grant.

“This material is based upon work supported by CNCS under Grant No. _____. Opinions or points of view expressed in this document are those of the authors and do not necessarily reflect the official position of, or a position that is endorsed by, CNCS.”

14. SUSPENSION OR TERMINATION OF THE GRANT

Regulations related to CNCS’s authority to suspend or terminate this grant are contained in 45 CFR § 2540.400. In addition, a grantee may suspend or terminate assistance to one of its subgrantees, provided that such action affords the subgrantee, at a minimum, the notice and hearing rights described in 45 CFR § 2540.400.

15. TRAFFICKING IN PERSONS

This grant is subject to requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104).

- a. Provisions applicable to a recipient that is a private entity.
 - i. You as the grantee and your employees may not:
 - (a.) Engage in severe forms of trafficking in persons during the period of time that the grant is in effect;
 - (b.) Procure a commercial sex act during the period of time that the grant is in effect; or
 - (c.) Use forced labor in the performance of the grant.
 - ii. We as the federal awarding agency may unilaterally terminate this grant, without penalty, if it,
 - (a.) Is determined you have violated a prohibition in paragraph a.i. of this grant term; or
 - (b.) Has an employee who is determined by the agency official authorized to terminate the grant to have violated a prohibition in paragraph a.i. of this grant term through conduct that is either:
 - 1. Associated with performance under this grant; or

2. Imputed to you using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement),” as implemented by our agency at 2 CFR Part 2200.
- b.** Provisions applicable to a grantee other than a private entity. We as the federal awarding agency may unilaterally terminate this grant, without penalty, if it –
- i.** Is determined to have violated an applicable prohibition of paragraph a.i. of this grant term; or
 - ii.** Has an employee who is determined by the agency official authorized to terminate the grant to have violated an applicable prohibition in paragraph a.i. of this grant term through conduct that is –
 - (a.) Associated with performance under this grant; or
 - (b.) Imputed to you using the standards and due process for imputing conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 2200.
- c.** Provisions applicable to any grantee.
- i.** You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.i. of this grant term.
 - ii.** Our right to terminate unilaterally that is described in paragraph a.ii. or b of this section:
 - (a.) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - (b.) Is in addition to all other remedies for noncompliance that are available to us under this grant.
 - iii.** You must include the requirements of paragraph a.i. of this grant term in any subgrant you make to a private entity.
- d.** Definitions. For purposes of this grant term:
- i.** “Employee” means either:
 - (a.) An individual employed by you or a subgrantee who is engaged in the performance of the project or program under this grant; or
 - (b.) Another person engaged in the performance of the project or program under this grant and not compensated by you including, but not limited to, a volunteer or individual

- whose service are contributed by a third part as an in-kind contribution toward cost sharing or matching requirements.
- ii. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subsection to involuntary servitude, peonage, debt bondage, or slavery.
 - iii. “Private entity”:
 - (a.) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR Part 175.25.
 - (b.) Includes:
 - 1. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR Part 175.25(b).
 - 2. A for-profit organization.
 - iv. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

16. CENTRAL CONTRACTOR REGISTRATION (CCR) and UNIVERSAL IDENTIFIER REQUIREMENTS

- a. Requirement for Central Contractor Registration (CCR): Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.
- b. Requirement for Data Universal Numbering System (DUNS) Numbers. If you are authorized to make subawards under this award, you:
 - i. Must notify potential subrecipients that no entity (see definition in paragraph c. of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
 - ii. May not make a subaward to an entity unless the entity has provided its DUNS number to you.
- c. Definitions. For purposes of this award term:
 - i. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information

- about registration procedures may be found at the CCR Internet site (currently at <https://www.sam.gov/portal/public/SAM/>).
- ii. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
 - iii. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - (a.) A Governmental organization, which is a State, local government, or Indian Tribe;
 - (b.) A foreign public entity;
 - (c.) A domestic or foreign non-profit organization;
 - (d.) A domestic or foreign for-profit organization; and
 - (e.) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
 - iv. Subaward:
 - (a.) This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - (b.) The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ----.210 of the attachment to OMB Circular A-133, ``Audits of States, Local Governments, and Non-Profit Organizations").
 - (c.) A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
 - v. Subrecipient means an entity that:
 - (a.) Receives a subaward from you under this award; and
 - (b.) Is accountable to you for the use of the Federal funds provided by the subaward.

17. TRANSPARENCY ACT AWARD TERM (for Grants and Cooperative Agreements of \$25,000 or More)

Reporting Subawards and Executive Compensation:

- a. Reporting of first-tier subawards.
 - i. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).
 - ii. Where and when to report.

- (a.) You must report each obligating action described in paragraph a.i. of this award term to <http://www.frs.gov>.
 - (b.) For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
 - iii. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.frs.gov> specify.
- b. Reporting Total Compensation of Recipient Executives.
 - i. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if--
 - (a.) the total Federal funding authorized to date under this award is \$25,000 or more;
 - (b.) in the preceding fiscal year, you received--
 - 1. 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - 2. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (c.) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
 - ii. Where and when to report. You must report executive total compensation described in paragraph b.i. of this award term:
 - (a.) As part of your registration profile at <https://www.sam.gov/portal/public/SAM/>.
 - (b.) By the end of the month following the month in which this award is made, and annually thereafter.
- c. Reporting of Total Compensation of Subrecipient Executives.
 - i. Applicability and what to report. Unless you are exempt as

provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if--

- (a.) in the subrecipient's preceding fiscal year, the subrecipient received--
 - 1. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - 2. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - (b.) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
- ii. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.i. of this award term:
- (a.) To the recipient.
 - (b.) By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
- d. Exemptions. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
- i. Subawards, and
 - ii. The total compensation of the five most highly compensated executives of any subrecipient.
- e. Definitions. For purposes of this award term:
- i. Entity means all of the following, as defined in 2 CFR Part 25:
 - (a.) A Governmental organization, which is a State, local

- government, or Indian tribe;
 - (b.) A foreign public entity;
 - (c.) A domestic or foreign nonprofit organization;
 - (d.) A domestic or foreign for-profit organization;
 - (e.) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- ii. Executive means officers, managing partners, or any other employees in management positions.
- iii. Subaward:
 - (a.) This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - (b.) The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ---- .210 of the attachment to OMB Circular A-133, ``Audits of States, Local Governments, and Non-Profit Organizations").
 - (c.) A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
- iv. Subrecipient means an entity that:
 - (a.) Receives a subaward from you (the recipient) under this award; and
 - (b.) Is accountable to you for the use of the Federal funds provided by the subaward.
- v. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - (a.) Salary and bonus.
 - (b.) Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - (c.) Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - (d.) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

- (e.) Above-market earnings on deferred compensation which is not tax-qualified.
- (f.) Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

F. Attachments

Grant Program Civil Rights and Non-Harassment Policy

Grant Program Civil Rights and Non-Harassment Policy

The Corporation for National and Community Service (CNCS) has zero tolerance for the harassment of any individual or group of individuals for any reason. CNCS is committed to treating all persons with dignity and respect. CNCS prohibits all forms of discrimination based upon race, color, national origin, gender, age, religion, sexual orientation, disability, gender identity or expression, political affiliation, marital or parental status, or military service. All programs administered by, or receiving Federal financial assistance from CNCS, must be free from all forms of harassment. Whether in CNCS offices or campuses, in other service-related settings such as training sessions or service sites, or at service-related social events, such harassment is unacceptable. Any such harassment, if found, will result in immediate corrective action, up to and including removal or termination of any CNCS employee or volunteer. Recipients of Federal financial assistance, be they individuals, organizations, programs and/or projects are also subject to this zero tolerance policy. Where a violation is found, and subject to regulatory procedures, appropriate corrective action will be taken, up to and including termination of Federal financial assistance from all Federal sources.

Slurs and other verbal or physical conduct relating to an individual's gender, race, ethnicity, religion, sexual orientation or any other basis constitute harassment when it has the purpose or effect of interfering with service performance or creating an intimidating, hostile, or offensive service environment. Harassment includes, but is not limited to: explicit or implicit demands for sexual favors; pressure for dates; deliberate touching, leaning over, or cornering; offensive teasing, jokes, remarks, or questions; letters, phone calls, or distribution or display of offensive materials; offensive looks or gestures; gender, racial, ethnic, or religious baiting; physical assaults or other threatening behavior; or demeaning, debasing or abusive comments or actions that intimidate.

CNCS does not tolerate harassment by anyone including persons of the same or different races, sexes, religions, or ethnic origins; or from a CNCS employee or supervisor; a project, or site employee or supervisor; a non-employee (e.g., client); a co-worker or service member.

I expect supervisors and managers of CNCS programs and projects, when made aware of alleged harassment by employees, service participants, or other individuals, to immediately take swift and appropriate action. CNCS will not tolerate retaliation against a person who raises harassment concerns in good faith. Any CNCS employee who violates this policy will be subject to discipline, up to and including termination, and any grantee that permits harassment in violation of this policy will be subject to a finding of non-compliance and administrative procedures that may result in termination of Federal financial assistance from CNCS and all other Federal agencies.

Any person who believes that he or she has been discriminated against in violation of civil rights laws, regulations, or this policy, or in retaliation for opposition to discrimination or participation in discrimination complaint proceedings (e.g., as a complainant or witness) in any CNCS program or project, may raise his or her concerns with our Office of Civil Rights and Inclusiveness (OCRI). Discrimination claims not brought to the attention of OCRI within 45 days of their occurrence may not be accepted in a formal complaint of discrimination. No one can be required to use a program, project or sponsor dispute resolution procedure before contacting OCRI. If another procedure is used, it does not affect the 45-day time limit. OCRI may be reached at (202) 606-7503 (voice), (202) 606-3472 (TTY), eo@cns.gov, or through www.nationalservice.gov.

5/15/2012
Date


Wendy Spence, Chief Executive Officer

DISASTER SERVICES | ECONOMIC OPPORTUNITY | EDUCATION | ENVIRONMENTAL STEWARDSHIP | HEALTHY FUTURES | VETERANS AND MILITARY FAMILIES

AMERICORPS | SENIOR CORPS | SOCIAL INNOVATION FUND