

**CORPORATION FOR NATIONAL
AND COMMUNITY SERVICE (CNCS)**

**SOCIAL INNOVATION FUND
PAY FOR SUCCESS**

**COOPERATIVE AGREEMENT
TERMS AND CONDITIONS**

(CFDA No. 24.024)

Version 4 (effective September 16, 2014)

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I. GOVERNING AUTHORITIES, TERMS AND CONDITIONS OF SOCIAL INNOVATION FUND COOPERATIVE AGREEMENTS

A. STATUTORY AUTHORITY

This Cooperative Agreement is authorized by and subject to the National and Community Service Act of 1990, as amended by the Serve America Act (the “NCSA”), codified as 42 U.S.C. 12501 et seq., at §12653(d). Awardees must comply with the requirements of the Act and its implementing regulations.

B. 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 education 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/

C. OTHER APPLICABLE STATUTES, REGULATIONS AND AUTHORITIES

The Awardee must comply with all other applicable statutes, executive orders, regulations, and policies governing the Cooperative Agreement, including, but not limited to, those cited in the Notice of Federal Funding Availability, these Terms and Conditions, the Cooperative Agreement Assurances and Certifications, and those cited in 45 CFR Parts 2541 and 2543.

D. OTHER DOCUMENTS GOVERNING THE COOPERATIVE AGREEMENT

In addition to the applicable statutes and regulations referred to and incorporated above, the Awardee must perform its Cooperative Agreement consistent with the requirements stated in:

1. The Notice of Grant Award and Signature Page;
2. These Social Innovation Fund Pay for Success Cooperative Agreement Terms and Conditions;
3. The Social Innovation Fund Pay for Success Grant Competition Notice of Federal Funding Availability;
4. The Awardee's approved Application (including the final approved budget).

E. ORDER OF PRECEDENCE

Any inconsistency in the documents governing this Cooperative Agreement shall be resolved by giving precedence in the following order:

- a. The NCSA and other applicable Federal Statutes,
- b. CNCS and other Federal regulations,
- c. Notice of Grant Award and Signature Page,
- d. Social Innovation Fund Special Provisions (contained herein),
- e. General Provisions (contained herein),
- f. The Social Innovation Fund Notice of Federal Funding Availability, and
- g. the approved Application (including all assurances, certifications, attachments, and pre-award negotiations).

II. SOCIAL INNOVATION FUND SPECIAL PROVISIONS

A. DEFINITIONS

For this Cooperative Agreement the following definitions apply:

1. **Application** means all information and materials (including all assurances and certifications, the proposed budget as approved by CNCS, or any information incorporated by reference) submitted by the Awardee in CNCS's eGrants system in response to the Notice of Federal Funds Opportunity, including any amendments or modifications to the information and materials made in response to any CNCS request for clarification. Copies of the assurances and certifications agreed to in the eGrants system are included for reference as appendices to these Terms and Conditions.
2. **Awardee** means the direct recipient of this award under section 198k of the NCSA (42U.S.C. 12653k).
3. **Competitive sub-recipient or subgrant selection process** means an open and merit-based process to select subgrantees carried out by an Awardee in compliance with section 198k(h)(1) of the NCSA (42 U.S.C. 12653K9J)(3)), and in a manner which:
 - a. Is open to all eligible nonprofit organizations, public or nonprofit universities, foundations, state and local governments (and other political subdivisions), tribes, as well as certain faith-based organizations with practical experience in social finance (and related fields). Eligible nonprofit organizations include those described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under section 501(a) and any organization described in sections 170(c)(1) or (2) of the Internal Revenue Code, or any collaborations of the above organizations.
 - b. Provides sufficient public notice of the availability of SIF subgrants to eligible nonprofit community organizations within the specific local geographic areas and issue area(s) covered under this Cooperative Agreement;

- c. Advises potential applicants of:
 - i. What organizations are eligible for funding;
 - ii. How to obtain and submit an application;
 - iii. The criteria (including appropriate subcriteria) that will be considered in reviewing applications; and
 - iv. Any relative percentages, weights, or other means used to distinguish among the criteria; and
- d. Ensures that subgrant applications will be reviewed consistent with the established criteria and will be free from any actual conflicts of interest (or the reasonable perception of any such conflict).

4. **Low-income community** means either:

- a. A population of individuals or households being served by a subgrantee on the basis of having a household income that is 20 percent or less of the applicable Federal poverty guideline, or
- b. Either a population of individuals or households, or a specific local geographic area, with specific measurable indicators that correlate to low-income, such as, but not exclusive to, K-12 students qualifying for free- or reduced-lunch, long-term unemployment, risk of homelessness, low school achievement, persistent hunger, or serious mental illness.

As specified in section 198K of the National Community Service Act (NCSA), Social Innovation Fund intermediary grantees must make subgrants and otherwise support programs that serve “low-income” communities.

5. **Subgrantee means a community organization receiving funds awarded by an Awardee under section 198K(j) of the NCSA (42 U.S.C. 12653k(j))**. For projects to Structure PFS Transactions, the term Sub-Grantee refers to the Transaction Coordinators, funded by Grantees, who directly support deal structuring. For Transaction Structuring applicants, grantees will be intermediary organizations who do not provide services directly to execute deal structuring, but instead provide grants to Transaction Coordinators.

6. **Sub-recipient means an organization receiving services provided by an Awardee or their contractor under section 198K(j) of the NCSA (42 U.S.C. 12653k(j))**.

B. ROLES AND RESPONSIBILITIES OF THE AWARDEE

1. General

The Awardee must perform the activities supported by this Cooperative Agreement in compliance with the statutes, regulations and administrative authorities cited or referred to in these Terms and Conditions, in conformance with its approved Application (including the approved budget), and consistent with any approvals or directions provided by CNCS in the course of carrying out the Cooperative Agreement. The Awardee is legally accountable to CNCS for the use of award funds and is bound by the provisions of the award. The Awardee is responsible for ensuring that subgrantees or other organizations carrying out activities under this award comply with these Terms and Conditions, including regulations and OMB circulars incorporated by reference.

2. Affiliation with the Social Innovation Fund

a. Identification as a Social Innovation Fund Program. The grantee must identify the program as a Social Innovation Fund (SIF) program. All partnership agreements/MOUs related to the SIF program must explicitly state that the program is a SIF program and SIF dollars are the resource being provided.

b. The Social Innovation Fund Name and Logo. The Social Innovation Fund (SIF) is a registered service mark of the Corporation for National and Community Service. CNCS provides a camera-ready logo. All grantee, sub-recipient and subgrantee websites must clearly state that they are a SIF grantee and must prominently display the SIF logo. Grantees, sub-recipients and subgrantees must use the Social Innovation Fund name and logo on all public facing materials, signs, banners, press releases, social media, and publications related to their SIF program in accordance with CNCS requirements.

To publicize the relationship between the program and the SIF, the grantee, sub-recipient and subgrantee should use one of the following phrases when describing their program: *“a Social Innovation Fund (SIF) program”* or *“a proud grantee/sub-recipient/subgrantee of the Social Innovation Fund (SIF) program.”* Grantees are strongly encouraged to provide information or training to their sub-recipients/subgrantees about how their program is part of the Social Innovation Fund portfolio and about the other national service programs of CNCS. Grantees are strongly encouraged to place signs that include the Social Innovation Fund name and logo at their service sites and may use the slogan *“Powered by the Social Innovation Fund (SIF).”* SIF grantee representative should include their affiliation with the Social Innovation Fund during public speaking opportunities.

The grantee may not alter the SIF logo, and must obtain written permission from CNCS before using the Social Innovation Fund name or logo on materials that will be sold, or permitting donors to use the Social Innovation Fund name or logo in promotional

materials. The grantee may not use or display the Social Innovation Fund name or logo in connection with any activity prohibited in these grant provisions.

3. Sub-recipients and subgrantees

a. The Awardee shall provide to CNCS a detailed plan for carrying out its competitive sub-recipient/subgrant selection process within the timeline prescribed by the SIF Director. That detailed plan must:

- i.* Fully comply with the requirements specified in section 198K((h) of the NCSA (42 U.S.C. 12653k(j)(3)) and in the definition of “Competitive sub- grant selection process” in these Terms and Conditions;
- ii.* Be otherwise consistent with the Awardee’s application and approved budget.

b. The Awardee shall—

- i.* Make its sub-recipient/subgrant awards consistent with its approved detailed plan and the requirements of sections 198K(j) and (k) of the NCSA (42 U.S.C. 12653k(j) and (k)), and the Terms and Conditions of this Cooperative Agreement;
- ii.* Complete its competitive sub-recipient/subgrant selection process and make its sub-recipient/subgrant awards as stated in the Application; and
- iii.* Ensure that no less than 80% of the funds provided by CNCS under its Cooperative Agreement are spent on services or cash grants provided to sub-recipients/subgrantees.

4. SIF Learning Community

The Awardee shall participate in SIF Learning Community activities as reasonably requested by CNCS from time to time and shall work collaboratively with CNCS to develop such activities.

5. Evaluation and Knowledge Sharing

a. The Awardee will make publically available all documents and tools developed as part of this process, including PFS contracts, taking into consideration confidentiality needs of transaction participants as well as local, state and federal laws.

b. The Awardee will participate in the evaluation and collaborate with the evaluators, as agreed upon in the final evaluation design. These activities include supporting sub-recipients and subgrantees to ensure they are able to cooperate with the program-wide evaluation and providing data and documentation of outcomes and outputs to the third-party evaluator.

c. The Awardee will encourage sub-recipients and match funders to provide

information about program progress and to participate in SIF network events and conversations.

C. ROLES AND RESPONSIBILITIES OF CNCS

Performance under this Cooperative Agreement is subject to the general oversight and monitoring of CNCS. Additional substantial involvement of CNCS will include:

1. Sub-Recipients/Subgrantees

- a.** Reviewing and approving the Awardee's final detailed plan for carrying out its competitive sub-recipient/subgrant selection process within approximately 15 business days of receipt of the plan; and
- b.** Reviewing the Awardee's execution of its approved competitive sub-recipient/subgrant selection process for compliance with applicable requirements under the grant award.

2. SIF Learning Community

- a.** Coordination of activities between the Awardee, CNCS, other Social Innovation Fund awardees, other recipients of assistance from CNCS, public agencies, and other invited public or private organizations; and
- b.** The development of best practices deliverables.

D. BUDGET AND PROGRAMMATIC CHANGES

1. Programmatic Changes

The Awardee must first obtain the prior written approval of CNCS's Social Innovation Fund Program Office before making the following changes:

- a.** Changes in the scope, objectives or goals of the Awardee's program, whether or not they involve budgetary changes;
- b.** Entering into sub-recipient or subgrant agreements for Social Innovation Fund activities funded by the Cooperative Agreement which had not been previously identified or included in the approved application, budget or plan; and 1 or
- c.** Changes in deadlines identified in these Terms and Conditions. Deadlines may be reasonably extended or revised upon mutual agreement of the parties.

Programmatic changes also require final approval of CNCS's Office of Grants Management after written recommendation for approval is received from the Social Innovation Fund Program Office. The Grants Officers will execute written amendments, and Awardees should not assume approvals have been granted unless documentation

from the Grants Office has been received. Changes in deadlines require prior approval, but are not considered programmatic changes requiring a grant amendment.

2. Budgetary Changes

The Awardee must obtain the prior written approval of CNCS's Office of Grants Management before amending the approved budget in any of the following ways:

- a.** 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.
- b.** Purchases of Equipment over \$5,000 using Cooperative Agreement funds, unless specified in the approved Application and budget.
- c.** Changes to cumulative and/or aggregate budget line items that amount to 10 per cent or more of the total budget must be approved in writing in advance by CNCS. The total budget includes both CNCS and Awardee shares. Awardees may transfer funds among approved direct cost categories when the cumulative amount of such transfers does not exceed 10 percent of the total budget.

E. NOTIFICATION OF STAFFING AND MANAGEMENT CHANGES

Within 5 business days, the Awardee must notify CNCS of any change in the staffing of any key position included (in whole or in part) as a cost in the award budget. This requirement applies regardless of whether the position is included in the federal or matching cost portions of the budget. The Awardee must also notify CNCS of any changes in any positions which are not included in the approved budget, but which involve leadership oversight of the activity under this award. The Awardee must also notify CNCS of any change in the senior leadership of the Awardee.

F. MATCHING FUND REQUIREMENTS

As stated in the Notice of Funding Availability, provided in section 198K(i) of the NCSA (42 U.S.C. 12653k(i)), the Awardee must provide at least fifty percent (50%) of the overall cost of carrying out the activities supported under its Cooperative Agreement with cash or in-kind contributions. Up to 50% of the match can be provided by in-kind contributions. Otherwise, the match must be provided by nonfederal dollars.

G. REPORTING REQUIREMENTS

For both Programmatic and Financial reports, an Awardee must set its own submission deadlines for its respective subgrantees sufficient to enable the Awardee to report on-time.

1. Awardee Progress Reports

Each Awardee must submit quarterly reports in year 1 only, in the appropriate electronic system summarizing progress on the specific measurable outcomes identified in the Awardee’s Application during the quarter. Each Awardee shall also report on other measures established by CNCS in consultation with the Awardee. At the discretion of CNCS deadlines are as follows:

<u>Due Date</u>	<u>Reporting Period Covered</u>
<i>Year 1 of Cooperative Agreement</i>	
January 31	October 1 through December 31
April 30	January 1 through March 31
July 31	April 1 through June 30
October 31	July 1 through September 30
 <i>Years 2-3 of Cooperative Agreement</i>	
April 30	October 1 through March 31
October 31	April 1 through September 30

2. Financial Reports

The Awardee must submit semi-annual cumulative Federal Financial Reports (FFR), summarizing expenditures during the reporting period. These reports will be submitted timely through the appropriate electronic system. At the discretion of CNCS, the FFR deadlines are as follows:

<u>Due Date</u>	<u>Reporting Period Covered</u>
<i>Year 1 of Cooperative Agreement</i>	
April 30	Start of Award through March 31
October 31	April 1 through September 30
 <i>Years 2-3 of Cooperative Agreement</i>	
April 30	October 1 through March 31
October 31	April 1 through September 30

All Awardees must also submit an FFR - Cash Transactions Report on a quarterly basis to the Department of Health and Human Services Payment Management System per the Electronic Funds Transfer Agreement.

3. Requests for Extensions

Requests for extensions of reporting deadlines will be granted when 1) the report cannot be furnished in a timely manner for reasons legitimately beyond the control of the Awardee; and 2) CNCS receives a written 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 extensions of deadlines for Progress Reports may only be granted by the Social Innovation Fund Program Office.

4. Final Financial Report

An Awardee completing the final year of its Cooperative Agreement must submit, in lieu of the last semi-annual financial report, a final financial report, this report is due no later than 90 days after the end of the Cooperative Agreement.

H.COOPERATIVE AGREEMENT PERIOD AND INCREMENTAL FUNDING

For the purpose of Social Innovation Fund Cooperative Agreements, a project period is the complete length of time an Awardee is proposed to be funded to complete approved activities under the agreement. A project period may contain one or more budget periods. A budget period is a specific interval of time for which Federal funds are being provided to fund an Awardee's approved activities and budget.

Unless otherwise specified, the Awardee's Cooperative Agreement covers a three-year project period. Additional funding is contingent upon satisfactory performance as determined by CNCS and the availability of funds. The project period and the budget period are noted on the Notice of Grant Award.

I. SITE VISITS

CNCS reserves the right to make site visits to review and evaluate the Awardee, sub-recipient and sub-awardee records, activities, organizational procedures and financial control systems; to conduct interviews; to request additional information; and to provide technical assistance as necessary.

III. GENERAL PROVISIONS

A.RESPONSIBILITIES FOR COOPERATIVE AGREEMENT ADMINISTRATION

1. Accountability of the Grantee

The Awardee has full fiscal and programmatic responsibility for managing all aspects of the Cooperative Agreement and agreement-supported activities, subject to the oversight

of CNCS. The Awardee is accountable to CNCS for its operation of the Social Innovation Fund program and the use of CNCS funds. The Awardee must expend Cooperative Agreement funds in a judicious and reasonable manner, and it must record accurately the activities performed and outcomes achieved under the grant. Although Awardees are encouraged to seek the advice and opinion of CNCS on special problems that may arise, such advice does not diminish the Awardee's responsibility for making sound judgments and does not mean that the responsibility for operational decisions has shifted to CNCS.

2. Subawards

If authorized by CNCS, a grantee may make subawards in accordance with the requirements set forth in 45 CFR Part 2541 or 2 CFR Part 215 and 45 CFR Part 2543. The grantee must have and implement a plan for oversight and monitoring to ensure that each subgrantee and service site has agreed to comply, and is complying, with grant requirements.

3. Notice to CNCS

The Awardee 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 award, or any suspected misconduct or malfeasance related to the award or Awardee. The Awardee will inform a CNCS official about the corrective action taken or contemplated by the Awardee and any assistance needed to resolve the situation.

4. Notice to the CNCS's Office of Inspector General

The grantee must notify the Office of Inspector General immediately of losses of federal funds or goods/services supported with federal funds, or when information discovered by someone at a program indicates that there has been waste, fraud or abuse, or any violation of criminal law in connection with the grant.

B. FINANCIAL MANAGEMENT STANDARDS

1. General

The Awardee must maintain financial management systems that include standard accounting practices, sufficient internal controls, a clear audit trail, and written cost allocation procedures, as necessary. The Awardee's financial management systems must be capable of distinguishing expenditures attributable to this award from expenditures not attributable to this award. The systems must be able to identify costs by programmatic year and by budget category and to differentiate between direct and indirect costs or administrative costs. For further details about the Awardee's financial

management responsibilities, refer to OMB Circular A-102 and its implementing regulations (45 CFR Part 2541) or A-110 (2 CFR Part 215) and its implementing regulations (45 CFR Part 2543), as other applicable OMB regulations.

2. 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 Awardee. 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 funds.

3. Audits

Organizations that expend \$500,000 or more in a year in total Federal awards (grants or cooperative agreements) 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 Awardee 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 subgrantees, and records must be available for review and audit. The 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 sub-recipients of all requirements imposed on them; (3) monitor subrecipient activities and compliance; (4) ensure that subrecipients have A-133 audits when required; (5) issue decisions and ensure that follow-up on audit findings occur in a timely manner; (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.

4. Indirect Cost Rates

Reimbursement for indirect costs, general and administrative costs, overhead, or any similar cost rate type agreement, will be at the rate(s) and on the base(s) specified in the approved award budget. These amounts are subject to finalization by the cognizant federal agency or CNCS. Any provisional rate(s) is subject to downward adjustment only under this award. Accordingly, final approved rate(s) charged to this award may not exceed the maximum provisional rate(s). If the cognizant federal agency or CNCS

does not approve a final rate, then the maximum provisional rate will be considered the final rate.

5. **Payments Under The Cooperative Agreement**

a. Advance Payments. The Awardee may receive advance payments of Agreement funds provided the Awardee meets the financial management standards specified in OMB Circular A-102 and its implementing regulations (45 CFR Part 2541) or A-110 and its implementing regulations (45 CFR Part 2543), as applicable.

b. Immediate Cash Flow Needs. The amount of advance payments requested by the Awardee must be based on actual and immediate cash needs in order to minimize federal cash on hand, in accordance with policies established by the U.S. Department of the Treasury in 31 CFR Part 205.

c. Discontinuing Advance Payments. If an Awardee does not establish procedures to minimize the time elapsing between the receipt of the cash advance and its disbursement, CNCS may, after providing due notice to the Awardee, discontinue the advance payment method and allow payments by reimbursement, or in advance only by individual request and approval.

d. Interest-Bearing Accounts. The Awardee must deposit advance funds received from CNCS in federally-insured, interest bearing accounts. The exceptions to this requirement are:

i. Institutions of Higher Education and Other Non-Profit Organizations. If an Awardee is covered by 45 CFR Part 2543 it must maintain advance funds in interest-bearing accounts unless:

(a) It receives less than \$120,000 in federal funds per year;

(b) The best reasonably available account would not be expected to earn interest in excess of \$250 per year on federal cash balances; or

(c) The required minimum balance is so high that it would not be feasible within expected federal and non-federal cash resources. Earned interest must be remitted annually to HHS-PMS, Rockville, MD 20852. Awardees may keep up to \$250 of interest per year to offset administrative expenses.

ii. State and Local Governments. All Awardees and sub-awardees covered by 45 CFR Part 2541, with the exception of State Governments and Indian Tribes, must remit earned interest quarterly to CNCS. Awardees may keep up to \$100 of the earned interest per year to offset administrative expenses.

6. **Program Income**

a. General. Income, including any fees for service earned as a direct result of the

Cooperative Agreement-funded program activities during the award period, must be retained by the Awardee and used to finance the Cooperative Agreement's non- CNCS share.

b. Excess Program Income. Program income earned in excess of the amount needed to finance the Awardee share must be added to funds committed to the project by CNCS and the Awardee and used to further expand eligible program activities and objectives.

C.AWARDEE PRODUCTS

1. Sharing Cooperative Agreement Products

To the extent practicable, the Awardee agrees to make products produced under the award available to others in the field at the cost of reproduction.

2. Acknowledgment of Support

Publications created or developed by staff funded under the award must be consistent with the purposes of the grant. CNCS's logo may be included on such documents. The Awardee 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 award.

“This material is based upon work supported by the Corporation for National and Community Service (CNCS) under Social Innovation Fund 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.”

D.PROHIBITED PROGRAM ACTIVITIES

The Awardee must comply with, and require all subgrantees to comply with, the prohibitions on use of CNCS funds in section 174 of the NCSA (42 U.S.C.§12634).

While charging time to this Award, the Awardee, and anyone acting under the supervision or authority of the Awardee, may not engage in the following activities:

1. Attempting to influence legislation.
2. Organizing or engaging in protests, petitions, boycotts, or strikes.
3. Assisting, promoting or deterring union organizing.
4. Impairing existing contracts for services or collective bargaining agreements.
5. Engaging in partisan political activities or other activities designed to influence the outcome of an election to any public office.
6. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive.
7. Participating, in or endorsing, events or activities that is likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected Officers.
8. 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.
9. Providing a direct benefit to:
 - a. A for-profit entity;
 - b. A labor union;
 - c. A partisan political organization;
 - d. An organization engaged in the religious activities described in the preceding sub-clause, unless Agreement funds are not used to support the religious activities; or
 - e. A nonprofit entity that fails to comply with the restrictions contained in section(c)(3) of U.S.C. Title 26.
10. Providing abortion services or referrals for receipt of such services.
11. Grant funds may not be used for international travel or projects where the primary beneficiaries of an activity are outside the United States.
12. Such other activities as CNCS may prohibit.

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.

E. CRIMINAL HISTORY CHECKS

The specific requirements of the National Service Criminal History Check, including the timing and recordkeeping requirements, are specified at [45 CFR §§ 2540.200 - .207](#). You must retain a record of the NSOPW search and associated results either by printing the screen(s) or by some other method that retains paper or digital images of the NSOPW checks that shows the date the search was performed. Inability to demonstrate that you conducted an NSOPW or the required criminal history check, as specified in the regulations, may result in sanctions, including disallowance of costs.

F. SUSPENSION OR TERMINATION OF GRANT

Regulations related to CNCS's authority to suspend or terminate this award are contained in 45 CFR § 2540.400. In addition, an Awardee 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.

G. 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 CNCS 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 CNCS grantees that become aware of suspected criminal activity in connection with CNCS's programs. Awardees 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@cncsoig.gov or by telephone at (800) 452-8210.

H. REPORTING OF FRAUD, WASTE, AND ABUSE

Grantees must immediately contact the OIG and their program officer when they first suspect that:

1. A criminal violation has occurred (see 18 U.S.C. Part I for more information on criminal conduct - <http://www.gpo.gov/fdsys/pkg/USCODE-2012-title18/html/USCODE-2012-title18-partI.htm>), such as:

- a. criminal fraud,
- b. theft or embezzlement,
- c. forgery, and
- d. corruption, bribery, kickbacks, or acceptance of illegal gratuities or extortion.

2. Actual or suspected fraud, waste, or abuse has occurred.

- a. Fraud involves obtaining something of value through willful misrepresentation.
- b. Waste involves the taxpayers not receiving reasonable value for money in connection with any government funded activities due to an inappropriate act or omission by players with control over or access to government resources.
- c. Abuse involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse also includes misuse of authority or position for personal financial interests or those of an immediate or close family member or business associate.

I. FEDERAL GRANT POLICIES

1. Non-Discrimination Public Notice and Records Compliance

a. **Public Notice of Non-discrimination.** The grantee must notify service recipients, community beneficiaries, 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:

This program is available to all, without regard for race, color, national origin, disability, age, sex, political affiliation, or, in most instances, 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, DC 20525
(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 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 non-discrimination requirements. Sample language, in bold print, is **This program is available to all, without regard to race, color, national origin, disability, sex, age, political affiliation, 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.

- a. 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. When applicable, where a grantee extends federal financial assistance to sub-recipients/subgrantees, the sub-recipients/subgrantees must make available compliance information to the grantee so it can carry out its civil rights obligations.
- b. 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.

2. **Trafficking in Persons**

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

a. Provisions applicable to a recipient that is a private entity.

- i.* You as the Awardee 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.1 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 Government-wide Debarment and Suspension (Non-procurement),” as implemented by our agency at 2 CFR Part 2200.

b. Provisions applicable to an Awardee other than a private entity.

We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

- 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.1 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 Government-wide 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 TVPA of 2000, 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 subjection 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 non-profit organization, including any non-profit 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.

“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).

3. **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 below) 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) domestic or foreign nonprofit organization;
 - (d) A domestic or foreign for-profit organization; and
 - (e) 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 Nonprofit 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, in the form of services or cash grant, from you under this award; and

(b) Is accountable to you for the use of the Federal funds provided by the subaward.

4. Transparency Act Requirements (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, below, of this award term, you must report each action that obligates \$25,000 or more in Federal funds 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 (1.) (a.) of this award term to <http://www.fsr.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.fsr.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 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 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;

(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.

J. WHISTLEBLOWER PROTECTION

a. This grant and employees working on this grant will be subject to the whistleblower rights and remedies in the pilot program on Contractor employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239).

b. Under this pilot program, an employee of a grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority (an arbitrary and capricious exercise of authority that is inconsistent with the mission of CNCS or the successful performance of a contract or grant of CNCS) relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

c. **The Grantee shall inform its employees in writing, in the predominant language of the workforce or organization, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described above and at <http://www.cncsoig.gov/contractor-whistleblower-protection-0#node-1001>.**

IV. APPENDICES

1. Grant Program Civil Rights and Non-Harassment Policy
2. Assurances
3. Certifications

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.

5/1/2014

Date


Wendy Spencer, Chief Executive Officer

ASSURANCES

As the duly authorized representative of the applicant, I assure, to the best of my knowledge and belief, that the applicant:

- Has the legal authority to apply for federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
- Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will establish safeguards to prohibit employees from using their position for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
- Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of disability (d) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the National and Community Service Act of 1990, as amended; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
- Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C 276a and 276a-77), the Copeland Act (40 U.S.C 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for Federally assisted construction sub-agreements.
- Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires the recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of

project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

- Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16U.S.C. 469a-1 et seq.).
- Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
- Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984, as amended, and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.
- Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, application guidelines, and policies governing this program.

For Social Innovation Fund Applicants ONLY

- Will use the funds received through the award in order to make subgrants to community organizations that will use the funds to replicate or expand proven initiatives, or support new initiatives, in low-income communities.
- Will consult with a diverse cross section of community representatives in making decisions about subgrants for communities (including individuals from the public, nonprofit private, and for-profit private sectors).
- Will make subgrants of a sufficient size and scope to enable the community organizations to build their capacity to manage initiatives, and sustain replication or expansion of the initiatives;
- Will not make any subgrants to--
 - the parent organizations of the applicant,
 - a subsidiary organization of the parent organization of the applicant, or,
 - if the applicant applied for a SIF award as a partnership, any member of the partnership.
- Commits to meeting the matching cash fund requirements of section 198k(i) of the National and Community Service Act of 1990 (42 U.S.C. §12653k(i)).
- Commits to use data and evaluations to improve the applicant's own model and to improve the initiatives funded by the applicant.
- Commits to cooperate with any evaluation activities undertaken by CNCS.

CERTIFICATIONS

Certification – Debarment, Suspension, and Other Responsibility Matters

This certification is required by the government-wide regulations implementing Executive Order 12549, Debarment and Suspension, 2 CFR Part 180, Section 180.335, *What information must I provide before entering into a covered transaction with a Federal agency?*

As the duly authorized representative of the applicant, I certify, to the best of my knowledge and belief, that neither the applicant nor its principals:

- Is presently excluded or disqualified;
- Has been convicted within the preceding three years of any of the offenses listed in § 180.800(a) or had a civil judgment rendered against it for one of those offenses within that time period;
- Is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission or any of the offenses listed in § 180.800(a); or
- Has had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.

Definitions

The terms “debarment”, “suspension”, “excluded”, “disqualified”, “ineligible”, “participant”, “person”, “principal”, and “voluntarily excluded” as used in this document have the meanings set out in 2 CFR Part 180, subpart I, “Definitions.” A transaction shall be considered a “covered transaction” if it meets the definition in 2 CFR part 180 subpart B, “Covered Transactions.”

- Assurance requirement for subgrant agreements**
You agree by submitting this proposal that if we approve your application you shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by us.
- Assurance inclusion in subgrant agreements**
You agree by submitting this proposal that you will obtain an assurance from prospective participants in all lower tier covered transactions and in all solicitations for lower tier covered transactions that the participants are not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction.
- Assurance of subgrant principals**
You may rely upon an assurance of a prospective participant in a lower-tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless you know that the assurance is erroneous. You may decide the method and frequency by which you determine the eligibility of your principals. You may, but are not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
- Non-assurance in subgrant agreements**
If you knowingly enter into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, we may terminate this transaction for cause or default.

Certification – Drug Free Workplace

This certification is required by CNCS’s regulations implementing sections 5150-5160 of the Drug-Free Workplace Act of 1988 (P.L. 100-690), 2 CFR Parts 182 and 2245. The regulations require certification by grantees, prior to award, that they will make a good faith effort, on a continuing basis, to maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification may be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension or debarment (see 2 CFR Part 180, Subparts G and H).

As the duly authorized representative of the grantee, I certify, to the best of my knowledge and belief, that the grantee will provide a drug-free workplace by:

- A. Publishing a drug-free workplace statement that:
 - a. Notifies employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace;
 - b. Specifies the actions that the grantee will take against employees for violating that prohibition; and
 - c. Informs employees that, as a condition of employment under any award, each employee will abide by the terms of the statement and notify the grantee in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace within five days of the conviction;
- B. Requiring that a copy of the statement described in paragraph (A) be given to each employee who will be engaged in the performance of any Federal award;
- C. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that the grantee may impose upon them for drug abuse violations occurring in the workplace;
- D. Providing us, as well as any other Federal agency on whose award the convicted employee was working, with written notification within 10 calendar days of learning that an employee has been convicted of a drug violation in the workplace;
- E. Taking one of the following actions within 30 calendar days of learning that an employee has been convicted of a drug violation in the workplace:
 - a. Taking appropriate personnel action against the employee, up to and including termination; or
 - b. Requiring that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- F. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A) through (E).

Certification - Lobbying Activities

As required by Section 1352, Title 31 of the U.S. Code, as the duly authorized representative of the applicant, I certify, to the best of my knowledge and belief, that:

- No funds received from CNCS have been or will be paid, by or on behalf of the applicant, to any person or agent acting for the applicant, related to activity designed to influence the enactment of legislation, appropriations, administrative action, proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body.
- If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the applicant will submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- The applicant will require that the language of this certification be included in the award documents for all subcontracts at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients will certify and disclose accordingly.

Erroneous certification or assurance

The assurances and certifications are material representations of fact upon which we rely in determining whether to enter into this transaction. If we later determine that you knowingly submitted an erroneous certification or assurance, in addition to other remedies available to the federal government, we may terminate this transaction for cause or default.

Notice of error in certification or assurance

You must provide immediate written notice to us if at any time you learn that a certification or assurance was erroneous when submitted or has become erroneous because of changed circumstances.

Prudent person standard

Nothing contained in the aforementioned may be construed to require establishment of a system of records in order to render in good faith the assurances and certifications required. Your knowledge and information is not required to exceed that which is normally possessed by

a prudent person in the ordinary course of business dealings.

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United States Code, 2011 Edition

Title 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 129 - NATIONAL AND COMMUNITY SERVICE

SUBCHAPTER I - NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Division H - Investment for Quality and Innovation

Part III - Social Innovation Funds Pilot Program

Sec. 12653k - Funds

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