

**Terms and Conditions for
The Social Innovation Fund Competition
Effective October 1, 2018**

**These Corporation for National & Community Service (CNCS) Grant Program Specific
Terms and Conditions and the General Terms and Conditions are binding on the
recipient.**

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I. CHANGES FROM THE 2016 SOCIAL INNOVATION FUND (SIF CLASSIC) TERMS AND CONDITIONS

A. Section III.A.6 Added “Pursuant to the National Defense Authorization Acts for both Fiscal Years 2017 and 2018, effective June 20, 2018 and thereafter, all CNCS grant recipients are authorized to use a micro-purchase threshold of \$10,000 and a simplified acquisition threshold of \$250,000. “

B. Section III.B.2 Added “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.”

C. Section III.E.3 Added “Congress has not appropriated funding for SIF since Fiscal Year 2016, and the last SIF awards were made in 2016. CNCS will allow SIF Classic and SIF Pay for Success grant and subgrant activities to continue, however, not past the approved performance periods established in the most recent Notice of Grant Award. Pursuant to 2 C.F.R. 200.308(d)(2)(i), CNCS specifically prohibits SIF Classic and SIF Pay for Success grantees from initiating a one-time extension of the performance periods of their grant awards and will not approve any requests for an extension of the performance period of the SIF Classic and SIF Pay for Success grants.

II. STATUTORY AUTHORITY

This award is authorized by and subject to Subtitle H – Investment for Quality and Innovation, Part III – Social Innovation Funds Pilot Program, Section 198K (Funds) of the National and Community Service Act of 1990, as amended by the Serve America Act (the “NCSA”), (42 U.S.C. §12653k) and by the Federal Grant and Cooperative Agreement Act (FGCAA), 31 USC §§6301-6308. Other authorities are outlined in the General Terms and Conditions.

III. SOCIAL INNOVATION FUND (SIF CLASSIC) SPECIFIC TERMS AND CONDITIONS

A. DEFINITIONS. For this award 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 recipient in CNCS's eGrants system in response to the Notice of Federal Funds Availability, 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. **Recipient** means the direct recipient of this award (intermediary) under section 198K of the NCSA (42 U.S.C. 12653k).
3. **Competitive subaward selection process** means an open and merit-based process to select subrecipients carried out by a recipient in compliance with section 198K(g) and (j) of the NCSA (42 U.S.C. 12653k(g) and (j)), and in a manner which:
 - Is open to all eligible nonprofit organizations (including nonprofit organizations previously funded or affiliated with the recipient);
 - Provides sufficient public notice of the availability of SIF subawards to eligible nonprofit community organizations within the specific local geographic area(s) or issue area(s) covered under this award;
 - Advises potential applicants of:
 - What organizations are eligible for funding;
 - How to obtain and submit an application;
 - The criteria (including appropriate subcriteria) that will be considered in reviewing applications; and
 - Any relative percentages, weights, or other means used to distinguish among the criteria
 - Ensures that subaward 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 population of individuals or households being served by a subrecipient on the basis of having a household income that is 200 percent or less of the applicable Federal poverty guideline, or
 - 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(g)(1) of the NCSA, SIF recipients must make subawards and otherwise support programs that serve “low-income” communities.

5. **Subrecipient** means a community organization receiving funds awarded by a recipient under section 198K(j) of the NCSA (42 U.S.C. 12653k(j)).
6. Pursuant to the National Defense Authorization Acts for both Fiscal Years 2017 and 2018, effective June 20, 2018 and thereafter, all CNCS grant recipients are authorized to use a **micro-purchase threshold** of \$10,000 and a **simplified acquisition threshold** of \$250,000. “

B. ROLES AND RESPONSIBILITIES OF THE RECIPIENT

Performance under this award is subject to the general oversight and monitoring of CNCS. Substantial involvement of CNCS will include:

1. General

The recipient must perform the activities supported by this award 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 award. The recipient is legally accountable to CNCS for the use of award funds and is bound by these Terms and Conditions. The recipient is responsible for ensuring that subrecipients or contractors carrying out activities under this award comply with these Terms and Conditions, including all law and regulations incorporated by reference.

2. Affiliation with the Social Innovation Fund

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

3. Subawards

The recipient shall provide to CNCS a detailed plan for carrying out its competitive subaward selection process within the timeline prescribed by the SIF Director. The recipient shall:

- a. Fully comply with the requirements specified in section 198K(g) and (j) of the NCSA (42 U.S.C. 12653k(g) and (j)), which includes making subawards in amounts not less than \$100,000 per year for a period of 3 to 4 years;
- b. Ensure that subrecipients are single eligible nonprofit community organizations as defined in 198K(c)(1) of the NCSA (42 U.S.C. 12653k(c)(1)). Partnerships may not receive subawards for SIF Classic grants;
- c. Result in awards to subrecipients to serve low-income communities either:
 - i. In the case of a recipient that applied as a geographic-based SIF, within the specific local geographic area and addressing the specific measurable outcomes in the specific issue area(s) identified in the recipient's application; or
 - ii. In the case of an recipient that applied as an issue-based SIF—
 - (1) Addresses the specific measurable outcomes in the specific issue area identified in the recipient's application; and
 - (2) Are within the specific geographic areas of need related to that issue area, as identified in the recipient's application or as approved by CNCS.

- d. For the SIF competition, SIF recipients should award larger subawards to programs that show higher levels of evidence:
 - i. CNCS expects that there will be a direct, positive relationship between the levels of growth that recipients propose for given subrecipients and the level of evidence the subrecipients possess at the time of their selection for funding.
 - ii. Adequately propose a means of allocating awards so that larger sums are given to those subrecipients with higher levels of evidence of effectiveness to support the growth of their program impact.
- e. Be consistent with the recipient's application and approved budget; and
- f. Ensure that a majority of the funds provided by CNCS under its Cooperative Agreement are awarded to subrecipients.

CNCS will review and approve the Recipient's final detailed plan for carrying out its competitive subrecipient selection process within approximately 15 business days of receipt of the plan. CNCS will also review the Recipient's execution of its approved competitive subrecipient selection process for compliance with the applicable requirements under grant awards.

4. Evaluation, Replication and Expansion

- a. With input from the recipient, CNCS will reasonably set the date by which the recipient shall provide to CNCS the recipient's detailed plans for evaluation of its subrecipients. CNCS will review and reach mutual agreement with the Recipient on the Recipient's final, detailed plans for evaluation of major subrecipients. CNCS will work with the recipient to ensure that the detailed plans shall include:
 - i. the specific questions the evaluation(s) intend to answer;
 - ii. the type of research design, timeline, and estimated budget for the evaluation;
 - iii. the selection of who will conduct the evaluations and the process to be employed to maintain independence, objectivity, and high-quality reports; and
 - iv. any additional elements specified by CNCS.
- b. With input from the recipient, CNCS will establish required elements of a detailed plan for an Awardee's replication or expansion of subrecipients and set a reasonable deadline for submission by the

recipient.

5. SIF Learning Community

The recipient 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. CNCS will facilitate the coordination of such activities among stakeholders. Such activities may include the development of best practice deliverables.

6. Prohibited Program Activities

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:

- Attempting to influence legislation.
 - Organizing or engaging in protests, petitions, boycotts, or strikes. Assisting, promoting or deterring union organizing.
- Impairing existing contracts for services or collective bargaining agreements.
- Engaging in partisan political activities or other activities designed to influence the outcome of an election to any public office.
- Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive.
- 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.
- 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.
- Providing a direct benefit to:
 - A for-profit entity;
 - A labor union;
 - A partisan political organization;
 - 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

- A nonprofit entity that fails to comply with the restrictions contained in section(c)(3) of U.S.C. Title 26.
- Providing abortion services or referrals for receipt of such services.
- Grant funds may not be used for international travel or projects where the primary beneficiaries of an activity are outside the United States.
- Grant funds may not be used for lobbying prohibited by 2 CFR § 200.450.
- 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.

7. **Annual CNCS National Service Criminal History Check (NSCHC) Training**

All grant recipients and subrecipients must complete CNCS NSCHC training every year. The CNCS designated e-course provides a thorough overview of the requirements and can be found at: <http://cncstraining.articulate-online.com/4240214797>. Each grant recipient and subrecipient must identify at minimum one staff person who has some responsibility for NSCHC compliance to fulfill this requirement on behalf of the grant recipient or subrecipient. The grant recipient and subrecipient must retain the certificate of completion and assign staff to retake the course annually prior to the expiration of the certificate. Grant recipients and subrecipients should save certificates of completion from each year as grant records. For 2016, grant recipients and subrecipients should complete this requirement by December 31, 2016.

C. NOTICE TO CNCS OF DEVELOPMENTS OR DELAYS

The Recipient 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 recipient. The recipient will inform the CNCS official about the corrective action taken or contemplated by the recipient and any assistance needed to resolve the situation.

D. MATCHING FUND REQUIREMENTS

As provided in section 198K(i) of the NCSA (42 U.S.C. 12653k(i)), the recipient must match at least 100% of funds provided under the grant in cash from non-Federal sources. In addition, under section 198K(k) of the NCSA (42 U.S.C. 12653k(k)), all subrecipients must match at least 100% of funds provided under the subaward in cash from non-Federal sources. In both cases, the matching funds must be provided in cash. References in 2 CFR §200.306 to providing matching funds in-kind do NOT apply to SIF awards or subawards.

Subawards are required to meet a dollar for dollar match expenditure every 12 months beginning at the start of their first award period. Failure to meet the match at any of the 12 month increments will result in termination. The subaward may complete the current cycle but may not receive subsequent funding.

E. REPORTING REQUIREMENTS

For both programmatic and financial reports, a recipient must set its own submission deadlines for its respective subrecipients sufficient to enable the recipient to report on-time.

1. Recipient Progress Reports

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

<u>Due Date</u>	<u>Reporting Period Covered</u>
<i>Year 1 of Award</i>	
January 31	Start of Award 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 2-5 of Award</i>	
April 30	October 1 through March 31
October 31	April 1 through September 30

2. Financial Reports

The recipient must submit semiannual 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 Award</i>	
April 30	Start of Award through March 31
October 31	April 1 through September 30
<i>Years 2-5 of Award</i>	
April 30	October 1 through March 31
October 31	April 1 through September 30

All recipients 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 executed at the of establishing an account to receive CNCS funding.

A recipient completing the final year of its award must submit, in lieu of the last semiannual financial report, a final financial report. This report is due no later than 90 days after the end of the award.

3. Requests for Extensions

Congress has not appropriated funding for SIF since Fiscal Year 2016, and the last SIF awards were made in 2016. CNCS will allow SIF Classic and SIF Pay for Success grant and subgrant activities to continue, however, not past the approved performance periods established in the most recent Notice of Grant Award. Pursuant to 2 C.F.R. 200.308(d)(2)(i), CNCS specifically prohibits SIF Classic and SIF Pay for Success grantees from initiating a one-time extension of the performance periods of their grant awards and will not approve any requests for an extension of the performance period of the SIF Classic and SIF Pay for Success grants.

4. Program Income

a. General. Income, including any fees for service earned as a direct result of the grant or cooperative agreement-funded program activities during the award period, must be retained by the recipient and used to finance the grant or cooperative agreement's non-CNCS share in accordance with 2 CFR §200.307(e)(3).

b. Excess Program Income. Program income earned in excess of the

amount needed to finance the recipient share must be added to funds committed to the project by CNCS and the recipient and used to further expand eligible program activities and objectives in accordance with 2 CFR §200.307(e)(2). This program income must be used for the purposes and under the conditions of this Federal award.

F. AWARD PERIOD AND INCREMENTAL FUNDING

For the purpose of SIF awards, a project period is the complete length of time a recipient is funded to complete approved activities under the award. 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 fund a recipient's approved activities and budget.

Unless otherwise specified, the recipient's award covers a five-year project period. Continuation 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.

II. Appendices

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.

42 U.S.C.

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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§12653k. Funds

• (A) FINDINGS

Congress finds the following:

- (1) Social entrepreneurs and other nonprofit community organizations are developing innovative and effective solutions to national and local challenges.
- (2) Increased public and private investment in replicating and expanding proven effective solutions, and supporting new solutions, developed by social entrepreneurs and other nonprofit community organizations could allow those entrepreneurs and organizations to replicate and expand proven initiatives, and support new initiatives, in communities.
- (3) A network of Social Innovation Funds could leverage Federal investments to increase State, local, business, and philanthropic resources to replicate and expand proven solutions and invest in supporting new innovations to tackle specific identified community challenges.

• (B) PURPOSES

The purposes of this section are—

- (1) to recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in tackling national and local challenges;
- (2) to stimulate the development of a network of Social Innovation Funds that will increase private and public investment in nonprofit community organizations that are effectively addressing national and local challenges to allow such organizations to replicate and expand proven initiatives or support new initiatives;
- (3) to assess the effectiveness of such Funds in—
 - (A) leveraging Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;
 - (B) providing resources to replicate and expand effective initiatives; and
 - (C) seeding experimental initiatives focused on improving outcomes in the areas described in subsection (f)(3); and
- (4) to strengthen the infrastructure to identify, invest in, replicate, and expand initiatives with effective solutions to national and local challenges.

• (C) DEFINITIONS

In this section:

• (1) COMMUNITY ORGANIZATION

The term “community organization” means a nonprofit organization that carries out

innovative, effective initiatives to address community challenges.

- **(2) COVERED ENTITY**

The term “covered entity” means—

(A) an existing grantmaking institution (existing as of the date on which the institution applies for a grant under this section); or

(B) a partnership between—

(i) such an existing grantmaking institution; and

(ii) an additional grantmaking institution, a State Commission, or a chief executive officer of a unit of general local government.

- **(3) ISSUE AREA**

The term “issue area” means an area described in subsection (f)(3).

- **(D) PROGRAM**

From the amounts appropriated to carry out this section that are not reserved under subsections (l) and (m), the Corporation shall establish a Social Innovation Funds grant program to make grants on a competitive basis to eligible entities for Social Innovation Funds.

- **(E) PERIODS; AMOUNTS**

The Corporation shall make such grants for periods of 5 years, and may renew the grants for additional periods of 5 years, in amounts of not less than \$1,000,000 and not more than \$10,000,000 per year.

- **(F) ELIGIBILITY**

To be eligible to receive a grant under subsection (d), an entity shall—

(1) be a covered entity;

(2) propose to focus on—

(A) serving a specific local geographical area; or

(B) addressing a specific issue area;

(3) propose to focus on improving measurable outcomes relating to—

(A) education for economically disadvantaged elementary or secondary school students;

(B) child and youth development;

(C) reductions in poverty or increases in economic opportunity for economically disadvantaged individuals;

(D) health, including access to health services and health education;

(E) resource conservation and local environmental quality;

(F) individual or community energy efficiency;

(G) civic engagement; or

(H) reductions in crime;

(4) have an evidence-based decision making strategy, including—

(A) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; and

(B) a well-articulated plan to—

(i) replicate and expand research-proven initiatives that have been shown to produce sizeable, sustained benefits to participants or society; or

(ii) support new initiatives with a substantial likelihood of significant impact; or

(ii) partner with a research organization to carry out rigorous evaluations to assess the effectiveness of such initiatives; and

(5) have appropriate policies, as determined by the Corporation, that protect against conflict of interest, self-dealing, and other improper practices.

• **(G) APPLICATION**

To be eligible to receive a grant under subsection (d) for national leveraging capital, an eligible entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may specify, including, at a minimum—

(1) an assurance that the eligible entity will—

(A) use the funds received through that capital 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;

(B) in making decisions about subgrants for communities, consult with a diverse cross section of community representatives in the decisions, including individuals from the public, nonprofit private, and for-profit private sectors; and

(C) 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;

(2) an assurance that the eligible entity will not make any subgrants to the parent organizations of the eligible entity, a subsidiary organization of the parent organization, or, if the eligible entity applied for funds under this section as a partnership, any member of the partnership;

(3) an identification of, as appropriate—

(A) the specific local geographical area referred to in subsection (f)(2)(A) that the eligible entity is proposing to serve; or

(B) the issue area referred to in subsection (f)(2)(B) that the eligible entity will address, and the geographical areas that the eligible entity is likely to serve in addressing such issue area;

(4)(A) information identifying the issue areas in which the eligible entity will work to improve measurable outcomes;

(B) statistics on the needs related to those issue areas in, as appropriate—

(i) the specific local geographical area described in paragraph (3)(A); or

(ii) the geographical areas described in paragraph (3)(B), including statistics demonstrating that those geographical areas have high need in the specific issue area that the eligible entity is proposing to address; and

(C) information on the specific measurable outcomes related to the issue areas involved that the eligible entity will seek to improve;

(5) information describing the process by which the eligible entity selected, or will select, community organizations to receive the subgrants, to ensure that the community organizations—

(A) are institutions—

(i) with proven initiatives and a demonstrated track record of achieving specific outcomes related to the measurable outcomes for the eligible entity; or

(ii) that articulate a new solution with a significant likelihood for substantial impact;

(B) articulate measurable outcomes for the use of the subgrant funds that are connected to the measurable outcomes for the eligible entity;

(C) will use the funds to replicate, expand, or support their initiatives;

(D) provide a well-defined plan for replicating, expanding, or supporting the initiatives funded;

(E) can sustain the initiatives after the subgrant period concludes through reliable public revenues, earned income, or private sector funding;

(F) have strong leadership and financial and management systems;

(G) are committed to the use of data collection and evaluation for improvement of the initiatives;

(H) will implement and evaluate innovative initiatives, to be important contributors to knowledge in their fields; and

(I) will meet the requirements for providing matching funds specified in subsection (k);

(6) information about the eligible entity, including its experience managing collaborative initiatives, or assessing applicants for grants and evaluating the performance of grant recipients for outcome-focused initiatives, and any other relevant information;

(7) a commitment to meet the requirements of subsection (i) and a plan for meeting the requirements, including information on any funding that the eligible entity has secured to provide the matching funds required under that subsection;

(8) a description of the eligible entity's plan for providing technical assistance and support, other than financial support, to the community organizations that will increase the ability of the community organizations to achieve their measurable outcomes;

(9) information on the commitment, institutional capacity, and expertise of the eligible entity concerning—

(A) collecting and analyzing data required for evaluations, compliance efforts, and other purposes;

(B) supporting relevant research; and

(C) submitting regular reports to the Corporation, including information on the initiatives of the community organizations, and the replication or expansion of such initiatives;

(10) a commitment to use data and evaluations to improve the eligible entity's own model and to improve the initiatives funded by the eligible entity; and

(11) a commitment to cooperate with any evaluation activities undertaken by the Corporation.

• **(H) SELECTION CRITERIA**

In selecting eligible entities to receive grants under subsection (d), the Corporation shall—

(1) select eligible entities on a competitive basis;

(2) select eligible entities on the basis of the quality of their selection process, as described in subsection (g)(5), the capacity of the eligible entities to manage Social Innovation Funds, and the potential of the eligible entities to sustain the Funds after the conclusion of the grant period;

(3) include among the grant recipients eligible entities that propose to provide subgrants to serve communities (such as rural low-income communities) that the eligible entities can

demonstrate are significantly philanthropically underserved;
(4) select a geographically diverse set of eligible entities; and
(5) take into account broad community perspectives and support.

- **(I) MATCHING FUNDS FOR GRANTS**

- **(1) IN GENERAL**

The Corporation may not make a grant to an eligible entity under subsection (d) for a Social Innovation Fund unless the entity agrees that, with respect to the cost described in subsection (d) for that Fund, the entity will make available matching funds in an amount equal to not less than \$1 for every \$1 of funds provided under the grant.

- **(2) ADDITIONAL REQUIREMENTS**

- **(A) TYPE AND SOURCES**

The eligible entity shall provide the matching funds in cash. The eligible entity shall provide the matching funds from State, local, or private sources, which may include State or local agencies, businesses, private philanthropic organizations, or individuals.

- **(B) ELIGIBLE ENTITIES INCLUDING STATE COMMISSIONS OR LOCAL GOVERNMENT OFFICES**

- **(I) IN GENERAL**

In a case in which a State Commission, a local government office, or both entities are a part of the eligible entity, the State involved, the local government involved, or both entities, respectively, shall contribute not less than 30 percent and not more than 50 percent of the matching funds.

- **(II) LOCAL GOVERNMENT OFFICE**

In this subparagraph, the term “local government office” means the office of the chief executive officer of a unit of general local government.

- **(3) REDUCTION**

The Corporation may reduce by 50 percent the matching funds required by paragraph (1) for an eligible entity serving a community (such as a rural low-income community) that the eligible entity can demonstrate is significantly philanthropically underserved.

- **(J) SUBGRANTS**

- **(1) SUBGRANTS AUTHORIZED**

An eligible entity receiving a grant under subsection (d) is authorized to use the funds made available through the grant to award, on a competitive basis, subgrants to expand or replicate proven initiatives, or support new initiatives with a substantial likelihood of success, to—

(A) community organizations serving low-income communities within the specific local geographical area described in the eligible entity's application in accordance with subsection (g)(3)(A); or

(B) community organizations addressing a specific issue area described in the eligible entity's application in accordance with subsection (g)(3)(B), in low-income communities in the geographical areas described in the application.

- **(2) PERIODS; AMOUNTS**

The eligible entity shall make such subgrants for periods of not less than 3 and not more than 5 years, and may renew the subgrants for such periods, in amounts of not less than \$100,000 per year.

- **(3) APPLICATIONS**

To be eligible to receive a subgrant from an eligible entity under this section, including receiving a payment for that subgrant each year, a community organization shall submit an application to an eligible entity that serves the specific local geographical area, or geographical areas, that the community organization proposes to serve, at such time, in such manner, and containing such information as the eligible entity may require, including—

(A) a description of the initiative the community organization carries out and plans to replicate or expand, or of the new initiative the community organization intends to support, using funds received from the eligible entity, and how the initiative relates to the issue areas in which the eligible entity has committed to work in the eligible entity's application, in accordance with subsection (g)(4)(A);

(B) data on the measurable outcomes the community organization has improved, and information on the measurable outcomes the community organization seeks to improve by replicating or expanding a proven initiative or supporting a new initiative, which shall be among the measurable outcomes that the eligible entity identified in the eligible entity's application, in accordance with subsection (g)(4)(C);

(C) an identification of the community in which the community organization proposes to carry out an initiative, which shall be within a local geographical area described in the eligible entity's application in accordance with subparagraph (A) or (B) of subsection (g)(3), as applicable;

(D) a description of the evidence-based decisionmaking strategies the community organization uses to improve the measurable outcomes, including—

(i) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; or

(ii) a well-articulated plan to conduct, or partner with a research organization to conduct, rigorous evaluations to assess the effectiveness of initiatives addressing national or local challenges;

(E) a description of how the community organization uses data to analyze and improve its initiatives;

(F) specific evidence of how the community organization will meet the requirements for providing matching funds specified in subsection (k);

(G) a description of how the community organization will sustain the replicated or expanded initiative after the conclusion of the subgrant period; and

(H) any other information the eligible entity may require, including information necessary for the eligible entity to fulfill the requirements of subsection (g)(5).

- **(K) MATCHING FUNDS FOR SUBGRANTS**

- **(1) IN GENERAL**

An eligible entity may not make a subgrant to a community organization under this section for an initiative described in subsection (j)(3)(A) unless the organization agrees that, with respect to the cost of carrying out that initiative, the organization will make available, on an

annual basis, matching funds in an amount equal to not less than \$1 for every \$1 of funds provided under the subgrant. If the community organization fails to make such matching funds available for a fiscal year, the eligible entity shall not make payments for the remaining fiscal years of the subgrant period, notwithstanding any other provision of this part.

- **(2) TYPES AND SOURCES**

The community organization shall provide the matching funds in cash. The community organization shall provide the matching funds from State, local, or private sources, which may include funds from State or local agencies or private sector funding.

- **(L) DIRECT SUPPORT**

- **(1) PROGRAM AUTHORIZED**

The Corporation may use not more than 10 percent of the funds appropriated for this section to award grants to community organizations serving low-income communities or addressing a specific issue area in geographical areas that have the highest need in that issue area, to enable such community organizations to replicate or expand proven initiatives or support new initiatives.

- **(2) TERMS AND CONDITIONS**

A grant awarded under this subsection shall be subject to the same terms and conditions as a subgrant awarded under subsection (j).

- **(3) APPLICATION; MATCHING FUNDS**

Paragraphs (2) and (3) of subsection (j) and subsection (k) shall apply to a community organization receiving or applying for a grant under this subsection in the same manner as such subsections apply to a community organization receiving or applying for a subgrant under subsection (j), except that references to a subgrant shall mean a grant and references to an eligible entity shall mean the Corporation.

- **(M) RESEARCH AND EVALUATION**

- **(1) IN GENERAL**

The Corporation may reserve not more than 5 percent of the funds appropriated for this section for a fiscal year to support, directly or through contract with an independent entity, research and evaluation activities to evaluate the eligible entities and community organizations receiving grants under subsections (d) and (l) and the initiatives supported by the grants.

- **(2) RESEARCH AND EVALUATION ACTIVITIES**

- **(A) RESEARCH AND REPORTS**

- **(I) IN GENERAL**

The entity carrying out this subsection shall collect data and conduct or support research with respect to the eligible entities and community organizations receiving grants under subsections (d) and (l), and the initiatives supported by such eligible entities and community organizations, to determine the success of the program carried out under this section in replicating, expanding, and supporting initiatives, including—

- (I) the success of the initiatives in improving measurable outcomes; and
- (II) success of the program in increasing philanthropic investments in

philanthropically underserved communities.

- **(II) REPORTS**

The Corporation shall submit periodic reports to the authorizing committees including—

- (I) the data collected and the results of the research under this subsection;
- (II) information on lessons learned about best practices from the activities carried out under this section, to improve those activities; and
- (III) a list of all eligible entities and community organizations receiving funds under this section.

- **(III) PUBLIC INFORMATION**

The Corporation shall annually post the list described in clause (ii)(III) on the Corporation's website.

- **(B) TECHNICAL ASSISTANCE**

The Corporation shall, directly or through contract, provide technical assistance to the eligible entities and community organizations that receive grants under subsections (d) and (l).

- **(C) KNOWLEDGE MANAGEMENT**

The Corporation shall, directly or through contract, maintain a clearinghouse for information on best practices resulting from initiatives supported by the eligible entities and community organizations.

- **(D) RESERVATION**

Of the funds appropriated under section 12681(a)(4)(E) of this title for a fiscal year, not more than 5 percent may be used to carry out this subsection.

(Pub. L. 101–610, title I, §198K, as added Pub. L. 111–13, title I, §1807, Apr. 21, 2009, 123 Stat. 1564.)

- **PRIOR PROVISIONS**

A prior section 12653k, Pub. L. 101–610, title I, §195K, as added Pub. L. 102–484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2531, which set out other departments' responsibilities to the Corps, was renumbered section 162 of Pub. L. 101–610 and transferred to section 12622 of this title.

Prior sections 12653l to 12653n were renumbered by section 104(b) of Pub. L. 103–82 and transferred as follows:

Section 12653l, Pub. L. 101–610, title I, §195L, as added Pub. L. 102–484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2532, which related to Advisory Board for the Corps, was renumbered section 163 of Pub. L. 101–610 and transferred to section 12623 of this title.

Section 12653m, Pub. L. 101–610, title I, §195M, as added Pub. L. 102–484, div. A, title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2532, which provided for annual evaluations of Corps programs, was renumbered section 164 of Pub. L. 101–610 and transferred to section 12624 of this title.

Section 12653n, Pub. L. 101–610, title I, §195N, as added Pub. L. 102–484, div. A,

title X, §1092(a)(1), Oct. 23, 1992, 106 Stat. 2532, which limited funding for Corps programs, was renumbered section 165 of Pub. L. 101–610 and transferred to section 12625 of this title, prior to repeal by Pub. L. 111–13, title I, §1515, Apr. 21, 2009, 123 Stat. 1528.

- **EFFECTIVE DATE**

Part effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.