

Grantee: Denver District Attorney's Office (Victim Adv)
 Project: The Denver District Attorney's Office Victim Advocate Project
 DCJ Grant #: 2020-VA-21-450-02

GRANT AWARD LETTER
(Intergovernmental Grant Agreement)

SUMMARY OF GRANT AWARD TERMS AND CONDITIONS

State Agency Department of Public Safety, Division of Criminal Justice	DCJ Grant Number 2020-VA-21-450-02	
Grantee City & County of Denver, by and through the Denver District Attorney's Office	Grantee DUNS 627250913	
	Is this Award for Research and Development (R&D)? No	
Grant Issuance Date (Start Date) January 1, 2021	Grant Amount Federal Award # 2018-V2-GX-0050: \$280,009.00 Federal Award # 2019-V2-GX-0027: \$311,121.00 Federal Award # 2020-V2-GX-0024: \$155,561.00 Total for all Funding Sources: \$746,691.00	
Grant Expiration Date (End Date) December 31, 2022		
Grant Authority The Division of Criminal Justice is authorized to disburse these funds by Colorado Revised Statute 24-33.503 and 507.	Local Match Amount: \$0.00 Total for all State Fiscal Years: \$0.00	
Match Percentage Required: 0%		
Grant Description This project will provide victims of crime with assistance, referrals to services and resources, and promote participation in the criminal justice system by educating victims about the VRA.		
Grant Purpose This Grantee was selected by the Crime Victim Services Advisory Board. The federal Victims of Crime Act (VOCA) Program allows agencies to support activities that provide a broad range of direct services to victims of crime.		
Exhibits and Order of Precedence The following Exhibits and attachments are included with this Grant: 1. Exhibit A1, Sample Option Letter 2. Exhibit A2, Grant Funding Change Letter 3. Exhibit B, Grant Requirements 4. Exhibit C, Special Conditions 5. Exhibit D, Federal Requirements 6. Exhibit E, Statement of Work 7. Exhibit F, Budget In the event of a conflict or inconsistency between this Grant and any Exhibit or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority: 1. Exhibit C, Special Conditions 2. The provisions of the other sections of the main body of this Grant 3. Exhibit D, Federal Requirements 4. Exhibit B, Grant Requirements 5. Exhibit E, Statement of Work 6. Exhibit F, Budget		

Grantee: Denver District Attorney's Office (Victim Adv)
 Project: The Denver District Attorney's Office Victim Advocate Project
 DCJ Grant #: 2020-VA-21-450-02

FEDERAL AWARD(S) APPLICABLE TO THIS GRANT AWARD

Federal Award Office	U.S. Department of Justice (US DOJ), Office of Justice Programs (OJP)		
Grant Program	Victims of Crime Act (VOCA)		
CFDA	16.575 – Crime Victim Assistance		
Federal Award Number(s)	2018-V2-GX-0050	2019-V2-GX-0027	2020-V2-GX-0024
Federal Award Date	08/09/2018	09/13/2019	09/17/2020
Federal Award End Date *	09/30/2021	09/30/2022	09/30/2023
Federal Statutory Authority	This project is supported under FY18 (OVC – VOCA Assistance) 34 U.S.C. § 20103 (a) and (b)	This project is supported under FY19 (OVC-VOCA Assistance) 34 U.S.C. § 20103 (a) and (b)	This project is supported under FY20 (OVC-VOCA Assistance) 34 U.S.C. § 20103 (a) and (b)
Total Amount of Federal Award (this is not the amount of this grant agreement)	\$56,681,557	\$38,825,662	\$ 28,979,526

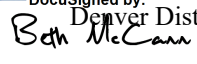
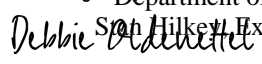
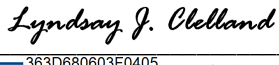
* The Federal Award End Date is current at the time of this award. All federal funds are subject to availability as described in **§2** and **§5** below.

Grantee: Denver District Attorney's Office (Victim Adv)
 Project: The Denver District Attorney's Office Victim Advocate Project
 DCJ Grant #: 2020-VA-21-450-02

SIGNATURE PAGE

THE SIGNATORIES LISTED BELOW AUTHORIZE THIS GRANT

Each person signing this Agreement represents and warrants that the signer is duly authorized to execute this Agreement and to bind the Party authorizing such signature.

<p style="text-align: center;">GRANTEE</p> <p>City & County of Denver, by and through the <small>DocuSigned by:</small>  <small>6D5B5BDCF7E44F4...</small></p> <hr/> <p>By: Beth McCann, Denver District Attorney</p> <p>Date: <u>12/02/2020</u></p>	<p style="text-align: center;">STATE OF COLORADO</p> <p>Jared S. Polis, Governor <small>DocuSigned By:</small>  <small>14DB46E240044C2...</small></p> <hr/> <p>By: Division of Criminal Justice <input type="checkbox"/> Joe Thome, Director, or <input checked="" type="checkbox"/> Debbie Oldenettel, Deputy Director</p> <p style="text-align: right;">12/03/2020</p> <p>Date: _____</p>
<p>In accordance with §24-30-202, C.R.S., this Agreement is not valid until signed and dated below by the State Controller or an authorized delegate.</p> <p style="text-align: center;">STATE CONTROLLER Robert Jaros, CPA, MBA, JD</p> <p style="text-align: center;"><small>DocuSigned by:</small>  <small>363D680603F0405</small></p> <hr/> <p>By: Lyndsay J. Clelland, Contract and Grant Coordinator, Division of Criminal Justice</p> <p style="text-align: center;">12/04/2020</p> <p style="text-align: center;">Effective Date: _____</p>	

Grantee: Denver District Attorney's Office (Victim Adv)
 Project: The Denver District Attorney's Office Victim Advocate Project
 DCJ Grant #: 2020-VA-21-450-02

TABLE OF CONTENTS

SUMMARY OF GRANT AWARD TERMS AND CONDITIONS	1
FEDERAL AWARD(S) APPLICABLE TO THIS GRANT AWARD	2
SIGNATURE PAGE	3
1. GRANT	4
2. TERM	4
3. DEFINITIONS	5
4. STATEMENT OF WORK	8
5. PAYMENTS TO GRANTEE	8
6. REPORTING - NOTIFICATION	9
7. GRANTEE RECORDS	9
8. CONFIDENTIAL INFORMATION-STATE RECORDS	10
9. CONFLICTS OF INTEREST	11
10. INSURANCE	12
11. REMEDIES	12
12. DISPUTE RESOLUTION	12
13. NOTICES AND REPRESENTATIVES	12
14. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION	12
15. GOVERNMENTAL IMMUNITY	12
16. GENERAL PROVISIONS	13
EXHIBIT A1, SAMPLE OPTION LETTER	1
EXHIBIT A2, GRANT FUNDING CHANGE LETTER	1
EXHIBIT B, GRANT REQUIREMENTS	1
EXHIBIT C, SPECIAL CONDITIONS	1
EXHIBIT D, FEDERAL REQUIREMENTS	1

1. GRANT

As of the Grant Issuance Date, the State Agency shown on the first page of this Grant Award Letter (the "State") hereby obligates and awards to Grantee shown on the first page of this Grant Award Letter (the "Grantee") an award of Grant Funds in the amounts shown on the first page of this Grant Award Letter. By accepting the Grant Funds provided under this Grant Award Letter, Grantee agrees to comply with the terms and conditions of this Grant Award Letter and requirements and provisions of all Exhibits to this Grant Award Letter.

2. TERM

A. Initial Grant Term and Extension

The Parties' respective performances under this Grant Award Letter shall commence on the Grant Issuance Date and shall terminate on the Grant Expiration Date unless sooner terminated or further extended in accordance with the terms of this Grant Award Letter. Upon request of Grantee, the State may, in its sole discretion, extend the term of this Grant Award Letter in accordance with **§16.D**.

B. Early Termination in the Public Interest

The State is entering into this Grant Award Letter to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Grant Award Letter ceases to further the public interest of the State or if State, Federal or other funds used for this Grant Award Letter are not appropriated, or otherwise become unavailable to fund

Grantee: Denver District Attorney's Office (Victim Adv)
 Project: The Denver District Attorney's Office Victim Advocate Project
 DCJ Grant #: 2020-VA-21-450-02

this Grant Award Letter, the State, in its discretion, may terminate this Grant Award Letter in whole or in part by providing written notice to Grantee that includes, to the extent practicable, the public interest justification for the termination. If the State terminates this Grant Award Letter in the public interest, the State shall pay Grantee an amount equal to the total reimbursement payable under this Grant Award Letter that corresponds to the Work satisfactorily completed, as determined by the State, less payments previously made. This subsection shall not apply to a termination of this Grant Award Letter by the State for breach by Grantee.

C. Grantee's Termination Under Federal Requirements

Grantee may request termination of this Grant by sending notice to the State, which includes the reasons for the termination and the effective date of the termination. If this Grant is terminated in this manner, then Grantee shall return any advanced payments made for work that will not be performed prior to the effective date of the termination.

3. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. "**Budget**" means the budget for the Work described in **Exhibit F**.
- B. "**Business Day**" means any day in which the State is open and conducting business, but shall not include Saturday, Sunday or any day on which the State observes one of the holidays listed in §24-11-101(1) C.R.S.
- C. "**CJI**" means criminal justice information collected by criminal justice agencies needed for the performance of their authorized functions, including, without limitation, all information defined as criminal justice information by the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy, as amended and all Criminal Justice Records as defined under §24-72-302 C.R.S.
- D. "**CORA**" means the Colorado Open Records Act, §§24-72-200.1 *et. seq.*, C.R.S.
- E. "**Grant Award Letter**" means this letter which offers Grant Funds to Grantee, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future updates thereto.
- F. "**Grant Funds**" means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Grant Award Letter.
- G. "**Grant Expiration Date**" means the Grant Expiration Date shown on the first page of this Grant Award Letter.
- H. "**Grant Issuance Date**" means the Grant Issuance Date shown on the first page of this Grant Award Letter.
- I. "**Exhibits**" exhibits and attachments included with this Grant as shown on the first page of this Grant
- J. "**Extension Term**" means the period of time by which the Grant Expiration Date is extended by the State through delivery of an updated Grant Award Letter
- K. "**Federal Award**" means an award of Federal financial assistance or a cost-reimbursement contract under the Federal Acquisition Regulations by a Federal Awarding Agency to the Recipient. "Federal Award" also means an agreement setting forth the terms and conditions

Grantee: Denver District Attorney's Office (Victim Adv)
 Project: The Denver District Attorney's Office Victim Advocate Project
 DCJ Grant #: 2020-VA-21-450-02

of the Federal Award. The term does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.

- L. **"Federal Awarding Agency"** means a Federal agency providing a Federal Award to a Recipient and may be found in the grid Federal Award(s) Applicable to this Federal Award located immediately after the Cover Page.
- M. **"Goods"** means any movable material acquired, produced, or delivered by Grantee as set forth in this Grant Award Letter and shall include any movable material acquired, produced, or delivered by Grantee in connection with the Services.
- N. **"Incident"** means any accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access or disclosure of State Confidential Information or of the unauthorized modification, disruption, or destruction of any State Records.
- O. **"Initial Term"** means the time period between the Grant Issuance Date and the Grant Expiration Date.
- P. **"Matching Funds"** means the funds provided Grantee as a match required to receive the Grant Funds.
- Q. **"Party"** means the State or Grantee, and **"Parties"** means both the State and Grantee.
- R. **"PCI"** means payment card information including any data related to credit card holders' names, credit card numbers, or the other credit card information as may be protected by state or federal law.
- S. **"PII"** means personally identifiable information including, without limitation, any information maintained by the State about an individual that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information. PII includes, but is not limited to, all information defined as personally identifiable information in §§24-72-501 and 24-73-101 C.R.S.
- T. **"PHI"** means any protected health information, including, without limitation any information whether oral or recorded in any form or medium: (i) that relates to the past, present or future physical or mental condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and (ii) that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual. PHI includes, but is not limited to, any information defined as Individually Identifiable Health Information by the federal Health Insurance Portability and Accountability Act.
- U. **"Recipient"** means the State Agency shown on the first page of this Grant Award Letter, for the purposes of the Federal Award.
- V. **"Services"** means the services to be performed by Grantee as set forth in this Grant Award Letter, and shall include any services to be rendered by Grantee in connection with the Goods.
- W. **"State Confidential Information"** means any and all State Records not subject to disclosure under CORA. State Confidential Information shall include, but is not limited to, PII, PHI, PCI, Tax Information, CJI, and State personnel records not subject to disclosure under CORA. State Confidential Information shall not include information or data concerning individuals that is not deemed confidential but nevertheless belongs to the State, which has

Grantee: Denver District Attorney's Office (Victim Adv)
 Project: The Denver District Attorney's Office Victim Advocate Project
 DCJ Grant #: 2020-VA-21-450-02

been communicated, furnished, or disclosed by the State to Contractor which (i) is subject to disclosure pursuant to CORA; (ii) is already known to Contractor without restrictions at the time of its disclosure to Contractor; (iii) is or subsequently becomes publicly available without breach of any obligation owed by Contractor to the State; (iv) is disclosed to Contractor, without confidentiality obligations, by a third party who has the right to disclose such information; or (v) was independently developed without reliance on any State Confidential Information.

- X. **"State Fiscal Rules"** means the fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a) C.R.S.
- Y. **"State Fiscal Year"** means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. If a single calendar year follows the term, then it means the State Fiscal Year ending in that calendar year.
- Z. **"State Records"** means any and all State data, information, and records, regardless of physical form, including, but not limited to, information subject to disclosure under CORA.
- AA. **"Sub-Award"** means this grant by the State (a Recipient) to Grantee (a Subrecipient) funded in whole or in part by a Federal Award. The terms and conditions of the Federal Award flow down to this Sub-Award unless the terms and conditions of the Federal Award specifically indicate otherwise.
- BB. **"Subcontractor"** means third-parties, if any, engaged by Grantee to aid in performance of the Work. This establishes a **procurement** relationship. The subcontractor provides goods or services for the benefit of the purchaser.
- CC. **"Subgrantee"** means third-parties, if any, engaged by Grantee or Subgrantee to aid in performance of the Work. This establishes a **grant** relationship. The beneficiary, not the purchaser, receives benefit from the work. There may be multiple tiers of subgrantees/subrecipients that do not include procurement transactions.
- DD. **"Subrecipient"** means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization entity that receives a Sub-Award from a Recipient to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program. A Subrecipient may also be a recipient of other Federal Awards directly from a Federal Awarding Agency. For the purposes of this Grant, Grantee is a Subrecipient.
- EE. **"Tax Information"** means Federal and State of Colorado tax information including, without limitation, Federal and State tax returns, return information, and such other tax-related information as may be protected by Federal and State law and regulation. Tax Information includes, but is not limited to all information defined as Federal tax information in Internal Revenue Service Publication 1075.
- FF. **"Uniform Guidance"** means the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, commonly known as the "Super Circular, which supersedes requirements from OMB Circulars A-21, A-87, A-110, A-122, A-89, A-102, and A-133, and the guidance in Circular A-50 on Single Audit Act follow-up.
- GG. **"Work"** means the delivery of the Goods and performance of the Services described in this Grant Award Letter.

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

HH. **“Work Product”** means the tangible and intangible results of the Work, whether finished or unfinished, including drafts. Work Product includes, but is not limited to, documents, text, software (including source code), research, reports, proposals, specifications, plans, notes, studies, data, images, photographs, negatives, pictures, drawings, designs, models, surveys, maps, materials, ideas, concepts, know-how, and any other results of the Work. “Work Product” does not include any material that was developed prior to the Grant Issuance Date that is used, without modification, in the performance of the Work.

Any other term used in this Grant Award Letter that is defined in an Exhibit shall be construed and interpreted as defined in that Exhibit.

4. STATEMENT OF WORK

Grantee shall complete the Work as described in this Grant Award Letter and in accordance with the provisions of **Exhibit E** and **Exhibit F**. The State shall have no liability to compensate or reimburse Grantee for the delivery of any goods or the performance of any services that are not specifically set forth in this Grant Award Letter.

5. PAYMENTS TO GRANTEE

A. Maximum Amount

Payments to Grantee are limited to the unpaid, obligated balance of the Grant Funds. The State shall not pay Grantee any amount under this Grant that exceeds the Grant Amount shown on the first page of this Grant Award Letter. Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. The State shall not be liable to pay or reimburse Grantee for any Work performed or expense incurred before the Grant Issuance Date or after the Grant Expiration Date; provided, however, that Work performed and expenses incurred by Grantee before the Grant Issuance Date that are chargeable to an active Federal Award may be submitted for reimbursement as permitted by the terms of the Federal Award.

B. Federal Recovery

The close-out of a Federal Award does not affect the right of the Federal Awarding Agency or the State to disallow costs and recover funds on the basis of a later audit or other review. Any cost disallowance recovery is to be made within the Record Retention Period, as defined below.

D. Reimbursement of Grantee Costs

The State shall reimburse Grantee's allowable costs, not exceeding the maximum total amount described in this Grant Award Letter for all allowable costs described in this Grant Award Letter and shown in the Budget, except that Grantee may adjust the amounts between each line item of the Budget without formal modification to this Agreement as long as the Grantee provides notice to and receives written approval from the State of the change, the change does not modify the total maximum amount of this Grant Award Letter, and the change does not modify any requirements of the Work. The State shall reimburse Grantee for the Federal share of properly documented allowable costs related to the Work after the State's review and approval thereof, subject to the provisions of this Grant. The State shall only reimburse allowable costs if those costs are: (i) reasonable and necessary to accomplish the Work and for the Goods and Services provided; and (ii) equal to the actual net cost to Grantee

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

(i.e. the price paid minus any items of value received by Grantee that reduce the cost actually incurred).

C. Close-Out.

Grantee shall close out this Grant within **45** days after the Grant Expiration Date. To complete close out, Grantee shall submit to the State all deliverables (including documentation) as defined in this Grant Award Letter and Grantee's final reimbursement request or invoice. The State will withhold funds until all final documentation has been submitted and accepted by the State as substantially complete. If the Federal Awarding Agency has not closed this Federal Award within 1 year and 90 days after the Grant Expiration Date due to Grantee's failure to submit required documentation, then Grantee may be prohibited from applying for new Federal Awards through the State until such documentation is submitted and accepted.

6. REPORTING - NOTIFICATION

A. Quarterly Reports.

In addition to any reports required pursuant to any other Exhibit Grantee shall submit, on a quarterly basis, a written report specifying progress made for each specified performance measure and standard in this Grant Award Letter. Such progress report shall be in accordance with the procedures developed and prescribed by the State. Progress reports shall be submitted to the State not later than five Business Days following the end of each calendar quarter or at such time as otherwise specified by the State.

B. Performance and Final Status

Grantee shall submit all financial, performance and other reports to the State no later than the end of the close out described in **§5.E**, containing an evaluation and review of Grantee's performance and the final status of Grantee's obligations hereunder.

C. Violations Reporting

Grantee shall disclose, in a timely manner, in writing to the State, all violations of federal or State criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal Award. The State or the Federal Awarding Agency may impose any penalties for noncompliance allowed under 2 CFR Part 180 and 31 U.S.C. 3321, which may include, without limitation, suspension or debarment.

7. GRANTEE RECORDS

A. Maintenance and Inspection

Grantee shall make, keep, and maintain, all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to this Grant for a period of three years following date of submission to the State of the final expenditure report. Grantee shall permit the State and any duly authorized federal agency to audit, inspect, examine, excerpt, copy and transcribe all such records during normal business hours at Grantee's office or place of business, unless the State determines that an audit or inspection is required without notice at a different time to protect the interests of the State. If any litigation, claim, or audit related to this Grant Award Letter starts before expiration of the Record Retention Period, the Record Retention Period shall extend for a period of three years following the resolution and final action of all litigation, claims, or audit findings. The State, may notify Grantee in writing that the Record Retention Period shall be extended. For

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

records for real property and equipment, the Record Retention Period shall extend three years following final disposition of such property.

B. Monitoring

The State will monitor Grantee's performance of its obligations under this Grant Award Letter using procedures as determined by the State. Grantee shall allow the State to perform all monitoring required based on the State's risk analysis of Grantee. The State and any duly authorized federal agency shall have the right, in its sole discretion, to change its monitoring procedures and requirements at any time during the term of this Agreement. The State shall monitor Grantee's performance in a manner that does not unduly interfere with Grantee's performance of the Work. If Grantee enters into a subcontract or subgrant with an entity, then the subcontract or subgrant entered into by Grantee shall contain provisions permitting both Grantee and the State to perform all monitoring of that Subcontractor Subgrantee.

C. Final Audit Report

Grantee shall promptly submit to the State a copy of any final audit report of an audit performed on Grantee's records that relates to or affects this Grant or the Work, whether the audit is conducted by Grantee or a third party. Additionally, if Grantee is required to perform a single audit under 2 CFR 200.501, *et. seq.*, then Grantee shall submit a copy of the results of that audit to the State within the same timelines as the submission to the federal government.

8. CONFIDENTIAL INFORMATION-STATE RECORDS

A. Confidentiality

Grantee shall hold and maintain, and cause all Subgrantees and Subcontractors to hold and maintain, any and all State Records that the State provides or makes available to Grantee for the sole and exclusive benefit of the State, unless those State Records are otherwise publically available at the time of disclosure or are subject to disclosure by Grantee under CORA. Grantee shall not, without prior written approval of the State, use for Grantee's own benefit, publish, copy, or otherwise disclose to any third party, or permit the use by any third party for its benefit or to the detriment of the State, any State Records, except as otherwise stated in this Grant Award Letter. Grantee shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security and all applicable laws, rules, policies, publications, and guidelines. If Grantee or any of its Subgrantees or Subcontractors will or may receive the following types of data, Grantee or its Subgrantees and Subcontractors shall provide for the security of such data according to the following: **(i)** the most recently promulgated IRS Publication 1075 for all Tax Information and in accordance with the Safeguarding Requirements for Federal Tax Information attached to this Grant as an Exhibit, if applicable, **(ii)** the most recently updated PCI Data Security Standard from the PCI Security Standards Council for all PCI, **(iii)** the most recently issued version of the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy for all CJI, and **(iv)** the federal Health Insurance Portability and Accountability Act for all PHI and the HIPAA Business Associate Agreement attached to this Grant, if applicable. Grantee shall immediately forward any request or demand for State Records to the State's principal representative.

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

B. Other Entity Access and Nondisclosure Agreements

Grantee may provide State Records to its agents, employees, assigns, Subgrantees and Subcontractors as necessary to perform the Work, but shall restrict access to State Confidential Information to those agents, employees, assigns, Subgrantees and Subcontractors who require access to perform their obligations under this Grant Award Letter. Grantee shall ensure all such agents, employees, assigns, Subgrantees and Subcontractors sign nondisclosure agreements with provisions at least as protective as those in this Grant, and that the nondisclosure agreements are in force at all times the agent, employee, assign, Subgrantees or Subcontractor has access to any State Confidential Information. Grantee shall provide copies of those signed nondisclosure restrictions to the State upon request.

C. Use, Security, and Retention

Grantee shall use, hold and maintain State Confidential Information in compliance with any and all applicable laws and regulations in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information wherever located. Grantee shall provide the State with access, subject to Grantee's reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of this Grant, Grantee shall return State Records provided to Grantee or destroy such State Records and certify to the State that it has done so, as directed by the State. If Grantee is prevented by law or regulation from returning or destroying State Confidential Information, Grantee warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

D. Incident Notice and Remediation

If Grantee becomes aware of any Incident, it shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. After an Incident, Grantee shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State, which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State at no additional cost to the State.

E. Safeguarding PII

If Grantee or any of its Subgrantees and Subcontractors will or may receive PII under this Agreement, Grantee shall provide for the security of such PII, in a manner and form acceptable to the State, including, without limitation, State non-disclosure requirements, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections, and audits. Grantee shall be a "Third-Party Service Provider" as defined in §24-73-103(1)(i), C.R.S. and shall maintain security procedures and practices consistent with §§24-73-101 *et seq.*, C.R.S.

9. CONFLICTS OF INTEREST

Grantee shall not engage in any business or activities, or maintain any relationships that conflict in any way with the full performance of the obligations of Grantee under this Grant. Grantee acknowledges that, with respect to this Grant, even the appearance of a conflict of interest shall be harmful to the State's interests and absent the State's prior written approval, Grantee shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

performance of Grantee's obligations under this Grant. If a conflict or the appearance of a conflict arises, or if Grantee is uncertain whether a conflict or the appearance of a conflict has arisen, Grantee shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration.

10. INSURANCE

Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the "GIA"). Grantee shall ensure that any Subgrantees and Subcontractors maintain all insurance customary for the completion of the Work done by that Subgrantees and Subcontractor and as required by the State or the GIA.

11. REMEDIES

In addition to any remedies available under any exhibit to this Grant Award Letter, if Grantee fails to comply with any term or condition of this Grant or any terms of the Federal Award, the State may terminate some or all of this Grant and require Grantee to repay any or all Grant funds to the State in the State's sole discretion. The State may also terminate this Grant Award Letter at any time if the State has determined, in its sole discretion, that Grantee has ceased performing the Work without intent to resume performance, prior to the completion of the Work.

12. DISPUTE RESOLUTION

Except as herein specifically provided otherwise or as required or permitted by federal regulations related to any Federal Award that provided any of the Grant Funds, disputes concerning the performance of this Grant that cannot be resolved by the designated Party representatives shall be referred in writing to a senior departmental management staff member designated by the State and a senior manager or official designated by Grantee for resolution.

13. NOTICES AND REPRESENTATIVES

Each Party shall identify an individual to be the principal representative of the designating Party and shall provide this information to the other Party. All notices required or permitted to be given under this Grant Award Letter shall be in writing, and shall be delivered either in hard copy or by email to the representative of the other Party. Either Party may change its principal representative or principal representative contact information by notice submitted in accordance with this §13.

14. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION

Grantee hereby grants to the State and federal funding agency a perpetual, irrevocable, non-exclusive, royalty free license, with the right to sublicense, to make, use, reproduce, distribute, perform, display, create derivatives of and otherwise exploit all intellectual property created by Grantee or any Subcontractors or Subgrantees and paid for with Grant Funds provided by the State pursuant to this Grant.

15. GOVERNMENTAL IMMUNITY

Liability for claims for injuries to persons or property arising from the negligence of the Parties, their departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, *et seq.* C.R.S. No term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

16. GENERAL PROVISIONS

A. Assignment

Grantee's rights and obligations under this Grant are personal and may not be transferred or assigned without the prior, written consent of the State. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Grantee's rights and obligations approved by the State shall be subject to the provisions of this Grant Award Letter.

B. Subgrants and Subcontracts

Grantee shall not enter into any subgrant or subcontract in connection with its obligations under this Grant Award Letter without the prior, written approval of the State. All subgrants and subcontracts entered into by Grantee in connection with this Grant Award Letter shall comply with all applicable federal and state laws and regulations, shall provide that they are governed by the laws of the State of Colorado, and shall be subject to all provisions of this Grant Award Letter. If the entity with whom Grantee enters into a subgrant the subgrant entered into by Grantee shall also contain provisions permitting both Grantee and the State to perform all monitoring of that Subgrantee.

C. Captions and References

The captions and headings in this Grant Award Letter are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this Grant Award Letter to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

D. Entire Understanding

This Grant Award Letter represents the complete integration of all understandings between the Parties related to the Work, and all prior representations and understandings related to the Work, oral or written, are merged into this Grant Award Letter.

E. Modification

The State may modify the terms and conditions of this Grant by issuance of an Option Letter similar to **Exhibit A1, Sample Option Letter**, or a Grant Funding Change Letter similar to **Exhibit A2, Sample Grant Funding Change Letter**. The Parties may also agree to modification of the terms and conditions of the Grant in a formal amendment to this Grant, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules.

F. Statutes, Regulations, Fiscal Rules, and Other Authority.

Any reference in this Grant Award Letter to a statute, regulation, State Fiscal Rule, fiscal policy or other authority shall be interpreted to refer to such authority then current, as may have been changed or amended since the Grant Issuance Date. Grantee shall strictly comply with all applicable Federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

G. Digital Signatures

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

If any signatory signs this agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Contract by reference.

H. Severability

The invalidity or unenforceability of any provision of this Grant Award Letter shall not affect the validity or enforceability of any other provision of this Grant Award Letter, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under the Grant in accordance with the intent of the Grant.

I. Survival of Certain Grant Award Letter Terms

Any provision of this Grant Award Letter that imposes an obligation on a Party after termination or expiration of the Grant shall survive the termination or expiration of the Grant and shall be enforceable by the other Party.

J. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described above, this Grant Award Letter does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Any services or benefits which third parties receive as a result of this Grant are incidental to the Grant, and do not create any rights for such third parties.

K. Waiver

A Party's failure or delay in exercising any right, power, or privilege under this Grant Award Letter, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

L. Federal Provisions

Grantee shall comply with all applicable requirements of Exhibit C at all times during the term of this Grant.

Grantee: Denver District Attorney's Office (Victim Adv)
 Project: The Denver District Attorney's Office Victim Advocate Project
 DCJ Grant #: 2020-VA-21-450-02

EXHIBIT A1, SAMPLE OPTION LETTER

State Agency Insert Department's or IHE's Full Legal Name	Option Letter Number Insert the Option Number (e.g. "1" for the first option)
Grantee Insert Grantee's Full Legal Name, including "Inc.", "LLC", etc...	Original Agreement Number Insert CMS number or Other Agreement Number of the Original Contract
Current Agreement Maximum Amount Initial Term State Fiscal Year 20xx \$0.00 Extension Terms State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 Total for All State Fiscal Years \$0.00	Option Agreement Number Insert CMS number or Other Agreement Number of this Option Agreement Performance Beginning Date Month Day, Year Current Agreement Expiration Date Month Day, Year

1. **OPTIONS:**

- A. Option to extend for an Extension Term
- B. Option to change the quantity of Goods under the Agreement
- C. Option to change the quantity of Services under the Agreement
- D. Option to modify Agreement rates
- E. Option to initiate next phase of the Agreement

2. **REQUIRED PROVISIONS:**

- F. **For use with Option 1(A):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option for an additional term, beginning Insert start date and ending on the current Agreement expiration date shown above, at the rates stated in the Original Agreement, as amended.
- G. **For use with Options 1(B and C):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to Increase/Decrease the quantity of the Goods/Services or both at the rates stated in the Original Agreement, as amended.
- H. **For use with Option 1(D):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to modify the Agreement rates specified in Exhibit/Section Number/Letter. The Agreement rates attached to this Option Letter replace the rates in the Original Agreement as of the Option Effective Date of this Option Letter.
- I. **For use with Option 1(E):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to initiate Phase indicate which Phase: 2, 3, 4, etc, which shall begin on Insert start date and end on Insert ending date at the cost/price specified in Section Number.
- J. **For use with all Options that modify the Agreement Maximum Amount:** The Agreement Maximum Amount table on the Agreement's Signature and Cover Page is hereby deleted and replaced with the Current Agreement Maximum Amount table shown above.

3. **OPTION EFFECTIVE DATE:**

- K. The effective date of this Option Letter is upon approval of the State Controller or _____, whichever is later.

<p style="text-align: center;">STATE OF COLORADO Jared S. Polis, Governor INSERT-Name of Agency or IHE INSERT-Name & Title of Head of Agency or IHE</p> <hr/> <p>By: Name & Title of Person Signing for Agency or IHE</p> <p>Date: _____</p>	<p>In accordance with §24-30-202, C.R.S., this Option is not valid until signed and dated below by the State Controller or an authorized delegate.</p> <p style="text-align: center;">STATE CONTROLLER Robert Jaros, CPA, MBA, JD</p> <p>By: _____ Name of Agency or IHE Delegate-Please delete if agreement will be routed to OSC for approval</p> <p>Option Effective Date: _____</p>
--	---

Grantee: Denver District Attorney's Office (Victim Adv)
 Project: The Denver District Attorney's Office Victim Advocate Project
 DCJ Grant #: 2020-VA-21-450-02

EXHIBIT A2, GRANT FUNDING CHANGE LETTER

State Agency Insert Department's or IHE's Full Legal Name	Grant Funding Change Letter Number Insert the Option Number (e.g. "1" for the first option)
Contractor Insert Contractor's Full Legal Name, including "Inc.", "LLC", etc...	Original Grant Number Insert CMS number or Other Contract Number of the Original Contract
Current Contract Maximum Amount Initial Term State Fiscal Year 20xx \$0.00 Extension Terms State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 Total for All State Fiscal Years \$0.00	Grant Funding Change Letter Contract Number Insert CMS number or Other Contract Number of this Option Contract Performance Beginning Date Month Day, Year Current Contract Expiration Date Month Day, Year

1. GRANT FUNDING CHANGE

In accordance with **§Insert Section Number** of the Original Grant referenced above, the State Agency listed above commits the following funds to the grant:

- M. The funding available for State Fiscal Year 20xx is Increased/Decreased by \$Amount of Change, because Insert Reason For Change.
- N. The total funding avail for all State Fiscal Years as of the effective date of this Grant Funding Change Letter is shown as the current contract maximum above.

1. TERMINOLOGY

All terminology used in this Grant Funding Change Letter shall be interpreted in accordance with the Original Grant referenced above.

2. NO ORDER FOR WORK

This Grant Funding Change Letter modifies the available funding only and does not constitute an order or authorization for any specific services or goods under the Grant.

3. GRANT FUNDING CHANGE LETTER EFFECTIVE DATE:

The effective date of this Grant Funding Change Letter is upon approval of the State Controller or _____, whichever is later.

STATE OF COLORADO Jared S. Polis, Governor INSERT-Name of Agency or IHE INSERT-Name & Title of Head of Agency or IHE _____ By: Name & Title of Person Signing for Agency or IHE Date: _____
In accordance with §24-30-202 C.R.S., this Option is not valid until signed and dated below by the State Controller or an authorized delegate. STATE CONTROLLER Robert Jaros, CPA, MBA, JD By: _____ Name of Agency or IHE Delegate-Please delete if contract will be routed to OSC for approval Grant Funding Change Letter Effective Date: _____

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

EXHIBIT B, GRANT REQUIREMENTS

The following terms as used herein shall be construed and interpreted as follows:

1. AUDIT REQUIREMENTS

A. Due Date:

i. Project Start:

The Grantee must submit the most recent audit or financial review, including the corresponding management letter, to DCJ within thirty (30) days of request; and, if the most recent audit/financial review has not already been submitted to DCJ, it must be submitted within thirty (30) days of the start of this project.

ii. Project End:

The Grantee assures that it will procure an audit or financial review, incorporating this grant award, by an independent Certified Public Accountant (CPA), licensed to practice in Colorado. The audit or financial review incorporating this grant award must be completed and received by DCJ within nine (9) months of the end of the fiscal years that includes the end date of the grant, or within thirty (30) days of the completion of such audit or review, whichever is earlier.

B. Report/Audit Type:

- i.** If your entity expended \$750,000 or more in Federal funds (from all sources including pass-through subawards) in your organization's fiscal year (12-month turnaround reporting period), your organization is required to arrange for a single organization-wide audit conducted in accordance with the provisions of Title 2 C.F.R. Subpart F (§ 200.500 et seq.)
- ii.** If your entity expends less than \$750,000 in Federal funds (from all sources including pass-through subawards) in your organization's fiscal year (12-month turnaround reporting period), your organization is required to arrange for either an audit or financial review as follows:
 - a)** Grantees that have revenue greater than \$300,000 from all sources during the entity's fiscal year are required by DCJ to obtain a financial audit
 - b)** Grantees that have revenue less than \$300,000 from all sources during the entity's fiscal year are required by DCJ to obtain a financial audit or financial review. A compilation is not sufficient to satisfy this requirement.

C. Report/Audit Costs:

The Grantee accepts responsibility for the costs of a financial program audit to be performed by the Department of Public Safety in the event that the audit report or financial review:

- i.** does not meet the applicable federal audit or DCJ standards;
- ii.** is not submitted in a timely manner; or,
- iii.** does not provide an audit response plan with corresponding corrections made sufficient to satisfy any audit findings.

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

D. Failure to Comply:

The grantee understands and agrees that DCJ or the federal awarding agency may withhold award funds, or may impose other related requirements, if the grantee does not satisfactorily and promptly address outstanding issues from audits required by Part 200 Uniform Requirements, by the terms of this award, by the current addition of the DOJ Grants Financial Guide, or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

2. ADDITIONAL REPORTING REQUIREMENTS

In addition to quarterly report requirements these grant funds may have additional report requirements. The additional reports may include, but is not limited to, reporting progress and statistics directly into a federal Performance Management Tool (PMT).

3. FINANCIAL AND ADMINISTRATIVE MANAGEMENT

- E.** The Grantee assures that fund accounting, auditing, monitoring, evaluation procedures and such records as necessary will be maintained to assure adequate internal fiscal controls, proper financial management, efficient disbursement of funds received, and maintenance of required source documentation for all costs incurred. These principles must be applied for all costs incurred whether charged on a direct or indirect basis.
- F.** All expenditures must be supported by appropriate source documentation. Only actual, approved, allowable expenditures will be permitted.
- G.** The Grantee assures that it will comply with the applicable Administrative Guide of the Division of Criminal Justice (Guide), located at the Division of Criminal Justice Grants website. However, such a guide cannot cover every foreseeable contingency, and the Grantee is ultimately responsible for compliance with applicable state and federal laws, rules and regulations. In the event of conflicts or inconsistencies between the Guide and any applicable state and federal laws, rules and regulations, such conflicts or inconsistencies shall be resolved by applicable state and federal laws, rules and regulations.

4. PROCUREMENT AND CONTRACTS

- H.** Grantee assures that open, competitive procurement procedures will be followed for all purchases under the grant. All contracts for professional services, of any amount, and equipment purchases over five thousand dollars (per item, with a useful life of at least one year) must receive prior approval by the DCJ. Grantee shall submit Form 16 – Professional Services/Consultant Certification and/or Form 13 – Equipment Procurement Certification Form.
- I.** Grantee may not assign its rights or duties under this grant without the prior written consent of the DCJ.

5. AWARD CHANGE REQUESTS

Grantee may request budget modifications by submitting a request to DCJ. DCJ reserves the right to make and authorize modifications, adjustments, and/or revisions to the Contract for the purpose of making changes in budget categories, extensions of grant award dates, changes in goals and objectives, and other modifications as described in the body of the Contract.

Grantee: Denver District Attorney's Office (Victim Adv)
 Project: The Denver District Attorney's Office Victim Advocate Project
 DCJ Grant #: 2020-VA-21-450-02

EXHIBIT C, SPECIAL CONDITIONS

The following program specific requirements are imposed by the State and/or Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to this Agreement and must be passed on to subgrant award recipients.

The following Special Conditions documents, if checked, are incorporated herein. These documents are located on the DCJ Grants website and may also be obtained from DCJ upon request.

- ☒ 2018 Victims of Crime Act (VOCA) Special Conditions
- ☒ 2019 Victims of Crime Act (VOCA) Special Conditions
- ☒ 2020 Victims of Crime Act (VOCA) Special Conditions

Additional Program Specific Conditions applicable to this Agreement.

1. Payment to vendors exceeding \$25,000 during the grant period: Grantee is required to track payments to each professional services/consultant contract to ensure that if the cumulative payment to the specific vendor exceeds the \$25,000 threshold during the two-year grant period, this excess and any remaining payments to this vendor are not included in the Modified Total Direct Cost (MTDC) calculation for purposes of requesting reimbursement of the de minimus rate for indirect funds as described in 2 C.F.R. 200.414(f).

2. Financial Assistance for Victims: Payments of financial assistance for victims cannot be made directly to victims, including the use of gift cards, and can only be used for eligible purposes as described in your approved budget or as authorized by your Grant Program Manager on a case by case basis.

3. Subawards: Grantee shall not enter into any subgrant without the prior, written approval of the State. Grantee is responsible for compliance monitoring for all subgrants entered into by Grantee in connection with this Agreement. This includes, but it not limited to, collecting documentation, certifications, and/or other monitoring techniques to ensure that the following are met by the subgrantee:

- Federal Debarment standards
- Civil Rights Compliance
- Exhibit C of this Agreement must be passed through to subgrantee, and monitored by Grantee.
- Exhibit D of this Agreement must be passed through to subgrantee, and monitored by Grantee.
- 2 CR 200 Subrecipient Monitoring and Management: §200.331 - §200.332

All subgrants entered into by Grantee in connection with this Agreement shall comply with all applicable federal and state laws and regulations, shall provide that they are governed by the laws of the State of Colorado, and shall be subject to all provisions of this Agreement. The subgrant entered into by Grantee shall also contain provisions permitting both Grantee and the State to perform all monitoring of that subgrantee in accordance with the Uniform Guidance.

4. Colorado Victim Rights Act: Grantee ensures that all staff and volunteers assigned to this funded project, have received training on the rights afforded to crime victims pursuant to 24-4.1-302.5 CRS,

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

and the services delineated pursuant to statute 24-4.1-303 and 24-4.1-304 CRS, commonly known as the Victim Rights Act (VRA), and enabling legislation. Training must be completed by the end of the first quarter of the grant period or have been completed within the last 4 months of the preceding calendar year. New hires must complete VRA training within the first two months of employment. Proof of training should be kept in the grantee's grant file.

5. Post-Award Programmatic Training: All Project Directors and Primary Contacts (if applicable) must attend CVS post-award programmatic training by March 31, 2021. Subsequent Project Directors and Primary Contacts (if applicable) must also complete these trainings within 60 days of assuming their role as a project official.

6. Post-Award Financial Training: All Project Directors, Financial Officers, and Primary Contacts (if applicable) must attend CVS post-award financial training by March 31, 2021. Subsequent Project Directors and Primary Contacts (if applicable) must also complete these trainings within 60 days of assuming their role as a project official.

Grantee: Denver District Attorney's Office (Victim Adv)
Project: The Denver District Attorney's Office Victim Advocate Project
DCJ Grant #: 2020-VA-21-450-02

EXHIBIT D, FEDERAL REQUIREMENTS

The following federal requirements are imposed by the Federal sponsoring agency concerning special requirements of law. These requirements apply to this Agreement and must be passed on to subgrants and subcontractors.

The following federal requirements documents, if checked, are incorporated herein. These documents are located on the DCJ Grants website and may also be obtained from DCJ upon request.

- ☒ 2020 Federal Requirements
- ☒ 2019 Federal Requirements
- ☒ 2018 Federal Requirements

EXHIBIT E, STATEMENT OF WORK

Applicant Information

Agency Name: Denver District Attorney's Office

Project Title: The Denver District Attorney's Office Victim Advocate Project

Source of Funding (for OVP use only)

☐ S.T.O.P. VAWA
 ☒ VOCA
 ☐ SASP
 ☐ State VALE

Project Description:

Describe the project, staff and services you plan to provide with these grant funds.

The DDAO requests funding to sustain and enhance the DDAO Victim Advocate Project. This funding will allow for continued funding for two Family Violence Unit VA's and one Human Trafficking VA. It will also provide funding to expand the existing Collaborative Domestic Violence Response Team VA to include duties that are dedicated to firearm relinquishment, and will allow for the addition of a Restitution Technician to work with DDAO Specialty Units. These positions are critical to meeting the complex needs of victims of crime, with each advocate playing an essential role in helping victims not only with specialized service needs, but in navigating the multifaceted criminal justice system. The project will work in close collaboration with the Rose Andom Center, Colorado's family justice center that provides centralized, collaborative and comprehensive domestic violence services. Additional funding is requested to send two project staff to the Annual COVA Conference each year of the project period.

The proposed service area is comprised of a large number of underserved populations. According to the GIS Mapbook, poverty levels in some areas of Denver are up to 100%. There is significant minority overrepresentation, with Limited English Speakers comprising up to 39% of the Denver population. Additionally, between 39 - 66% of individuals are without a high school diploma or GED, placing the Denver in the highest bracket for the State.

Family Violence Unit Victim Advocates (FVU VA): 2 .95 FTE Positions, total request - \$348,667.00. The DDAO is requesting funding to sustain two full-time VA positions. These positions are critical for the provision of direct services to crime victims for cases within the Family Violence Unit (FVU). This Unit prosecutes cases involving all aspects of domestic violence (DV), including physical and sexual abuse, child abuse, and child sexual assault. The members of this Unit work closely with Domestic Violence and Missing and Exploited Persons (MEP) detectives in the Denver Police Department (DPD), and with a designated deputy district attorney in this office who specializes in family violence cases. In 2019, there were 1,262 cases filed in the FVU, and 1,125 VRA victims received services from FVU VA's. These services include supporting, educating and guiding victims through the prosecutorial phase of the criminal justice system. FVU VA's assess the needs of victims and make referrals through their comprehensive knowledge of resources available to crime victims, including victims' compensation, community services, mental health assistance, legal resources, health services, and financial services. All services are in complete compliance with VRA. The FVU VA's act as liaisons between prosecutors and victims, and other law enforcement entities. These positions also ensure the proper documentation of all contact with victims, and make certain that all notifications related to cases are sent to victims in a timely manner. **Human Trafficking Victim Advocate (HT VA): 1 .95 FTE Position, total request: \$205,483.00** Sustaining the position of the existing HT VA is essential for the DDAO Human Trafficking Unit. This Unit investigates and prosecutes cases involving commercial sexual exploitation and labor trafficking. Working closely with law enforcement and community partners to prosecute exploiters and traffickers, the HT Unit also assists victims with accessing services. In 2019 there were 13 human trafficking cases filed by this office, with a total of 20 victims. These cases are unique in the time required for advocacy services as well as the large number of victims typically associated with each case. While traditional advocacy skills remain relevant when working with trafficking victims, this position requires an advocate with specialized training on human trafficking to assist in understanding the issues unique to this form of victimization and organizations that work with this population. There is a critical and ongoing need for an HT VA

EXHIBIT E, STATEMENT OF WORK

to manage the growing number of victim contacts and cases generated by community partners, DPD, and the DDAO. The HT VA often goes on-site with the HT Unit during the investigation and arrest process for HT cases. This is beneficial because at that point, the HT VA assumes responsibility for coordinating victim services both pre and post arrest with the DPD Victim Advocate Unit and community partners. Due to this collaborative effort with DPD, this position will have the unique ability to provide direct victim services to human trafficking victims in which prosecutions cases are unable to be filed. This advocate works closely with the Denver Anti-Trafficking Alliance (housed within DDAO) to identify trends of victim needs, gaps in HT services, and proposed solutions to address these gaps. Additional duties include identifying promising practices in HT victim advocacy by engaging with colleagues locally through trainings, resource sharing, and conferences. ***Firearm Relinquishment Victim Advocate (FR VA): .5 FTE Position, total request: \$68,683.00.*** The creation of a part-time position that supports the newly established Firearm Relinquishment Program is critical to the DDAO. Established in October 2019 with the addition of a Firearm Relinquishment Investigator, the project conducts follow-up investigations to ensure DV offenders have relinquished their firearms and ammunition pursuant to the court's protection order. This Investigator typically secures firearms in the immediate aftermath of a DV incident, which necessitates at-home visits with victims to determine firearm ownership, as well as the number and types of firearms and ammunition that may be subject to the defendant's control. Since program inception, 37 firearms have been surrendered during 13 home visits. A significant need has emerged for a VA to accompany the investigator during this process while meeting a victim off-site, as this is a critical time to address the needs and safety of the victim. In addition to providing much needed VA services, this VA position would close the existing gap in services provided to DV victims between first and second advisement, which is currently averaging to be a two -week period where victims are not contacted. The FR VA will call DV victims between first and second advisement in order to make contact, assist the victim with referrals and resources, and conduct a high-risk assessment in collaboration with a data analyst. This will enable the FR VA to report on the number of high-risk assessment calls made weekly, and identify trends in high-risk victims. The FR VA would also be the first point of contact for victims when a case is up-filed from the City Attorney's Office from a misdemeanor to a felony. Closing an additional gap, this advocate would assist victims with understanding the process of up-filing, the transfer of the case from the City Attorney's Office to the DDAO, and inform the system-based VA that the case will be transferring. Finally, the FR VA will participate in the weekly Triage and monthly High Risk meetings at the Rose Andom Center (RAC). This includes reviewing system based victim advocate notes from JustWare, the case database utilized by the DDAO, in order to bring the DA VA input to these monthly high-risk meetings, which is currently not happening. Housed at RAC, this position would also assist the DV Special Prosecutor (also housed at RAC) with victims who appear in court and/or at RAC. ***Specialty Unit Restitution Technician (SU RT), .84 FTE, total request \$120,978.00.*** Additional funding is sought to create an RT position for the DDAO Specialty Units, which include Economic Crimes, Family Violence, Crime Strategies, Behavioral Health and Juvenile Units. These units do not currently work with restitution technicians, as the focus of their role was initially with non-VRA cases. The role of this position is to provide direct services to all crime victims, enabling the office VA's more time dedicated to VRA cases. RT's can dedicate more time to working with the victims in order to obtain critical documentation and assemble financial figures and documents that support restitution requests for victims, ensuring less questioning of restitution by the courts, and ultimately fewer restitution hearings. Currently there are two RT's in this office, who each have over 400 cases. In 2019, these technicians contacted 2,835, victims. The proposed SU RT position will handle the Specialty Units described above, as well as Felony DUI cases. An additional RT will fill a current gap that exists in services related to follow-up with victims regarding when restitution was actually ordered, as well as connecting victims to the court collections investigator as needed.

COVA Annual Conference: Total Request: \$2,878.00. Funding is requested to send 2 staff in each project year to Colorado Organization for Victims of Crime (COVA) annual conference. Participation at the annual conference will provide an opportunity for staff to gain advocacy skills, remain knowledgeable about emerging victim issues, and expand their knowledge about resources.

Funding for the DDAO Victim Advocate project will enhance existing victim advocate infrastructure to focus on human trafficking and victims of family violence, create a specific focus on firearm relinquishment, and enable a new restitution technician to assist with the incredibly high workload currently in place. It will provide victims of crime with assistance, services, and connections to resources; promote participation in the criminal justice system

EXHIBIT E, STATEMENT OF WORK

by educating victims about their rights; advocate for the enforcement of those rights; and coordinate with other community agencies to ensure continuity of support for victims in the City and County of Denver.

EXHIBIT E, STATEMENT OF WORK

Victim Services Project Data

Provide the number of victims (primary and secondary) to be served and the types of services to be provided by Crime Victim Services (CVS) grant-funded personnel during the 24-month project.

Crime Types ^①

Est. # Victims	% of Victims	Type of Crime	Est. # Victims	% of Victims	Type of Crime
Child Abuse12%			Underserved - Other Violent Crimes Cont'd		
440	12%	Child Physical Abuse or Neglect	0	0%	Bullying (Verbal, Cyber or Physical)
0	0%	Child Sexual Abuse	15	0%	Burglary
Domestic and Family Violence73%			0	0%	Child Pornography
2,654	73%	Domestic and/or Family Violence	0	0%	Hate Crime: Racial/Religious/Gender/Sexual Orientation/Other
Sexual Assault5%			0	0%	Human Trafficking: Labor
185	5%	Child Sexual Assault	0	0%	Human Trafficking: Sex
0	0%	Adult Sexual Assault	0	0%	Kidnapping (noncustodial)
Underserved10%			0	0%	Kidnapping (custodial)
Underserved - Violent Crimes3%			0	0%	Mass Violence (domestic/international)
5	0%	Adult Physical Assault (includes Aggravated and Simple Assault)	30	1%	Other Vehicular Victimization ⓘ
0	0%	Adults Sexually Abused/Assaulted as Children	4	0%	Stalking/Harassment/Menacing
100	3%	DUI/DWI Incidents	0	0%	Teen Dating Victimization
0	0%	Elder Abuse or Neglect	0	0%	Terrorism (domestic/international)
10	0%	Robbery	2	0%	Other (Explain)Bias Motivated Crime
5	0%	Survivors of Homicide Victims	Other, Nonviolent crimes5%		
Underserved - Other Violent Crimes1%			200	5%	Identity Theft/Fraud/Financial Crime
0	0%	Arson	0	0%	Other (Explain)

TOTAL UNDUPLICATED VICTIMS ESTIMATED TO BE SERVED DURING THE GRANT PERIOD =

3650

EXHIBIT E, STATEMENT OF WORK

Types of Services	
Type of Service	Type of Service (Continued)
Information & Referral	
<input checked="" type="checkbox"/>	Information about the criminal justice process
<input checked="" type="checkbox"/>	Information about victim rights, how to obtain notifications, etc.
<input checked="" type="checkbox"/>	Referral to other victim service programs
<input checked="" type="checkbox"/>	Referral to other services, supports & resources ^①
Personal Advocacy/Accompaniment	
<input type="checkbox"/>	Victim advocacy/accompaniment to emergency medical care
<input type="checkbox"/>	Victim advocacy/accompaniment to medical forensic exam
<input type="checkbox"/>	Law enforcement interview advocacy/accompaniment
<input type="checkbox"/>	Individual advocacy ^①
<input type="checkbox"/>	Performance of medical or nonmedical forensic exam or interview, or medical evidence collection
<input type="checkbox"/>	Immigration assistance ^①
<input type="checkbox"/>	Intervention with employer, creditor, landlord, or academic institution
<input type="checkbox"/>	Child or dependent care assistance ^①
<input type="checkbox"/>	Transportation assistance ^①
<input type="checkbox"/>	Interpreter services
Emotional Support or Safety Services	
<input checked="" type="checkbox"/>	Crisis intervention (in-person, includes safety planning)
<input type="checkbox"/>	Hotline/crisis line counseling
<input type="checkbox"/>	On-scene crisis response
Type of Service (Continued)	
<input type="checkbox"/>	Other therapy ^①
<input type="checkbox"/>	Individual counseling
<input type="checkbox"/>	Support groups (facilitated or peer)
<input type="checkbox"/>	Emergency financial assistance
Shelter/Housing Services	
<input type="checkbox"/>	Emergency shelter or safe house
<input type="checkbox"/>	Transitional housing
<input type="checkbox"/>	Relocation assistance ^①
Criminal/Civil Justice System Assistance	
<input checked="" type="checkbox"/>	Notification of criminal justice events
<input checked="" type="checkbox"/>	Victim impact statement assistance
<input checked="" type="checkbox"/>	Assistance with restitution ^①
<input type="checkbox"/>	Civil legal assistance in obtaining protection or restraining order
<input type="checkbox"/>	Civil legal assistance with family law issues ^①
<input type="checkbox"/>	Other emergency justice-related assistance
<input type="checkbox"/>	Immigration assistance ^①
<input checked="" type="checkbox"/>	Prosecution interview advocacy/accompaniment ^①
<input checked="" type="checkbox"/>	Law enforcement interview advocacy/accompaniment
<input checked="" type="checkbox"/>	Criminal justice advocacy/accompaniment
<input type="checkbox"/>	Other legal advice and/or counsel

EXHIBIT E, STATEMENT OF WORK

Goals and Objectives

Number of Goals Needed (choose one): ☒ NA ☐ 1 ☐ 2 ☐ 3

Overall Project Evaluation

Please describe how you will measure the effectiveness of your project's services and activities and how you will evaluate the effectiveness of the services supported by CVS Grants funds. Include information on how the evaluative data you have collected has influenced your agency's current service delivery and how it has informed the services you are requesting support for in this application.

Based on the crime statistics in Denver as described above, coupled with the incredibly high number of VRA cases handled by this office in 2018 (3,366) and 2019 (3,415), the DDAO is requesting funding for the positions and training described in this proposal.

The proposed project utilizes 2 databases to enter, track and analyze data used for project evaluation. Justware Adaptive Case Management software system (Justware) handles all records for cases that have been accepted for filing in the DDAO. By utilizing this system, program staff are able to accurately track numbers and types of victims served for reporting requirements, as well as enter detailed information related to victim interactions. The second system, CiviCore Client and Case Management System (CiviCore) is utilized for DV case tracking and management by project staff both at the DDAO and RAC. As with JustWare, this system allows for accurate tracking of victim services and contacts. Both JustWare and CiviCore have reporting capabilities that enhance program evaluation through the creation of reports tailored to project specific needs. A dedicated spreadsheet will be developed for each component of the project that will collect all required data and information for reporting purposes. This will include information on referrals to services, victim impact statements, and all demographic information.

The DDAO grant management team will review data collection on a quarterly basis for all positions described within this application and required for project reports. The team will incorporate this data as part of ongoing quality assurance for the project. By utilizing two databases the DDAO Victim Advocate Program has the capability to create analytic reports that accurately describe these trends and gap, and allow programmatic changes to be made, guided by data.

EXHIBIT F, BUDGET

Applicant Information

Agency Name: Denver District Attorney's Office

Project Title: The Denver District Attorney's Office Victim Advocate Project

Match Required? (for OVP use only)

☐ Yes ☒ No

Total 2-Year Budget January 1, 2021 to December 31, 2022

Personnel Request ^① (Limit of: 15 positions, 400 characters for additional funding narrative and 1,000 characters for position narratives):

Position 1

Title: Family Violence Unit Victim Advocate

Name: Cindy Torres

Total # hours per week position works
for the agency (max= 40hrs):

40

	Annual Budget Year 1 (CY21)	% Paid by Grant (CY21)	Total to be Paid by the Grant (CY21)	Annual Budget Year 2 (CY22)	% Paid by the Grant (CY22)	Total to be Paid by the Grant (CY22)	Total to be Paid by the Grant for 2 Years
Salary:	\$69,867.00	95.00%	\$66,374.00	\$69,867.00	95.00%	\$66,374.00	\$132,748.00
Fringe/ Benefits:	\$29,771.00	95.00%	\$28,282.00	\$29,771.00	95.00%	\$28,282.00	\$56,564.00
Additional funding for position ^① :	95% of this position is funded by VOCA, 5% funded by the offices general operating budget.					Total:	\$189,312.00

Narrative ^①: The Family Violence Unit (FVU) Victim Advocate will be responsible for providing direct victim services to victims of domestic violence and child physical and sexual abuse within the Denver District Court System. Fringe is comprised of retirement contribution, social security and Medicaid, health, dental, life insurance, long and short term disability. There is no cost of living increase between year 1 and year 2 due to this employee being at the top of the salary range for a victim advocate.

Position 2

Title: Family Violence Unit Victim Advocate

Name: Amanda Noonan

Total # hours per week position works
for the agency (max= 40hrs):

40

	Annual Budget Year 1 (CY21)	% Paid by Grant (CY21)	Total to be Paid by the Grant (CY21)	Annual Budget Year 2 (CY22)	% Paid by the Grant (CY22)	Total to be Paid by the Grant (CY22)	Total to be Paid by the Grant for 2 Years
Salary:	\$54,296.00	95.00%	\$51,581.00	\$55,382.00	95.00%	\$52,613.00	\$104,194.00

EXHIBIT F, BUDGET

Fringe/ Benefits:	\$28,457.00	95.00%	\$27,034.00	\$29,026.00	95.00%	\$27,575.00	\$54,609.00
Additional funding for position ⓘ :	95% of this position is funded by VOCA, 5% funded by the offices general operating budget.					Total:	\$158,803.00
Narrative ⓘ :	The Family Violence Unit (FVU) Victim Advocate will be responsible for providing direct victim services to victims of domestic violence and child physical and sexual abuse within the Denver District Court System. Fringe is comprised of retirement contribution, social security and Medicaid, health, dental, life insurance, long and short term disability. There is a 2% cost of living increase from year 1 to year 2 included in the salary calculations.						

Position 3							
Title:	Domestic Violence/Firearm Relinquishment Victim Advocate						
Name:	Genevieve Ungar						
Total # hours per week position works for the agency (max= 40hrs):			39				
	Annual Budget Year 1 (CY21)	% Paid by Grant (CY21)	Total to be Paid by the Grant (CY21)	Annual Budget Year 2 (CY22)	% Paid by the Grant (CY22)	Total to be Paid by the Grant (CY22)	Total to be Paid by the Grant for 2 Years
Salary:	\$49,858.00	50.00%	\$24,929.00	\$50,855.00	50.00%	\$25,428.00	\$50,357.00
Fringe/ Benefits:	\$18,144.00	50.00%	\$9,072.00	\$18,507.00	50.00%	\$9,254.00	\$18,326.00
Additional funding for position ⓘ :	Personnel expenses were 50% VOCA and 50% OVW. 50% of the personnel expenses for this position will continue to be paid by OVW for CDVRT duties related to that grants goals and objectives for CDVRT.					Total:	\$68,683.00
Narrative ⓘ :	The Domestic Violence/Firearm Relinquishment Victim Advocate will provide direct victim services to domestic violence victims when criminal charges are filed by the Denver District Attorney's Office. This position will also assist with providing resources, system information and support to victims who are cooperating with the firearm relinquishment process. Fringe is comprised of retirement contribution, social security and Medicaid, health, dental, life insurance, long and short term disability. There is a 2% cost of living increase from year 1 to year 2 included in the salary calculations.						

Position 4							
Title:	Human Trafficking Unit Victim Advocate						
Name:	Kiersten Sherman						
Total # hours per week position works for the agency (max= 40hrs):			40				
	Annual Budget Year 1 (CY21)	% Paid by Grant (CY21)	Total to be Paid by the Grant (CY21)	Annual Budget Year 2 (CY22)	% Paid by the Grant (CY22)	Total to be Paid by the Grant (CY22)	Total to be Paid by the Grant for 2 Years
Salary:	\$68,040.00	95.00%	\$64,638.00	\$69,401.00	95.00%	\$65,931.00	\$130,569.00
Fringe/ Benefits:	\$38,807.00	95.00%	\$36,867.00	\$39,583.00	95.00%	\$37,604.00	\$74,471.00
Additional funding for position ⓘ :	95% of this position is funded by VOCA, 5% funded by the offices general operating budget.					Total:	\$205,040.00

EXHIBIT F, BUDGET

Narrative ⓘ:	The Human Trafficking victim advocate will provide direct services to crime victims of sex and labor human trafficking cases. The advocate will also participate in collaborative efforts with the human trafficking community to identify gaps in services and participate in discussions to enhance services for human trafficking victims. Fringe is comprised of retirement contribution, social security and Medicaid, health, dental, life insurance, long and short term disability. There is a 2% cost of living increase from year 1 to year 2 included in the salary calculations.
---------------------	--

Position 5							
Title:	Specialty Unit Restitution Technician						
Name:	TBD						
Total # hours per week position works for the agency (max= 40hrs):			40				
	Annual Budget Year 1 (CY21)	% Paid by Grant (CY21)	Total to be Paid by the Grant (CY21)	Annual Budget Year 2 (CY22)	% Paid by the Grant (CY22)	Total to be Paid by the Grant (CY22)	Total to be Paid by the Grant for 2 Years
Salary:	\$52,000.00	84.76%	\$44,075.00	\$53,040.00	84.76%	\$44,957.00	\$89,032.00
Fringe/ Benefits:	\$19,240.00	84.76%	\$16,308.00	\$19,624.00	84.76%	\$16,633.00	\$32,941.00
Additional funding for position ⓘ:	This is a newly created position and we are requesting 84.07% VOCA funds and remaining 15.93% will be funded from a Federal Justice Assistance Grant					Total:	\$121,973.00
Narrative ⓘ:	Specialty Unit Restitution Technician will provide direct services to all crime victims as it relates to restitution requests within several specialty units of the Denver District Attorney's Office. Fringe is based on a 37% rate and comprised of retirement contribution, social security and Medicaid, health, dental, life insurance, long and short term disability. There is a 2% cost of living increase from year 1 to year 2 included in the salary calculations.						

Total Personnel Requested:	\$743,811.00
-----------------------------------	---------------------

Supplies & Operating Request ⓘ (Limit of 20 line items and limit of 1,000 characters for narratives):

List Requested Supplies & Operating Expense		Total to be Paid by the Grant for 2 Years
COVA Conference Registration		\$1,520.00
Narrative ⓘ:	The Denver District Attorney's Office is requesting funds to send 2 victim advocates to the COVA conference in 2021 and 2022. The Advocates will be able to stay informed about emerging issues, gain skills and knowledge specific to victim services, and network with other victim service professionals. Registration is based on the previous 2 conference registration cost. Registration is \$380 X 4 (2 advocates each year) will be \$1,520.00.	
<input type="button" value="Add Line"/>	<input type="button" value="Delete Line"/>	
Total Supplies & Operating Requested:		\$1,520.00

EXHIBIT F, BUDGET

Travel Request ⁽ⁱ⁾ *(Limit of 15 line items and limit of 1,000 characters for narratives):*

List Itemized Travel Request (Transportation, Per Diem, etc.)		Total to be Paid by the Grant for 2 Years
COVA Conference Lodging		\$864.00
Narrative ⁽ⁱ⁾ :	The Denver District Attorney's Office is requesting funds to pay for lodging for 3 nights for 2 victim advocates to attend the COVA conference in 2021 and 2022. The Advocates will be able to stay informed about emerging issues, gain skills and knowledge specific to victim services, and network with other victim service professionals. The estimated lodging expense is based on the past 2 COVA Conference discounted rates. 1 bedroom condo \$144/night x3 nights= \$432; \$864 for both years	
List Itemized Travel Request (Transportation, Per Diem, etc.)		Total to be Paid by the Grant for 2 Years
COVA Conference Per-Diem		\$496.00
Narrative ⁽ⁱ⁾ :	Per-diem rate is based on GSA.GOV calculations and include meals that have historically been provided by the conference. 1 Breakfast at \$18.00 x 2=\$36.00, 2 Lunches at \$19.00x 2 days x 2 Advocates= \$76.00, 2 Dinners at \$34.00 x 2 days x 2 advocates =\$136.00, total per diem \$248 x 2 years = \$496.00.	
Add Line	Delete Line	
Total Travel Requested:		\$1,360.00

Equipment Request ⁽ⁱ⁾ *(Limit of 5 line items and limit of 1,000 characters for narratives):*

List Itemized Equipment Request (durable, single item \$5,000 and over)		Total to be Paid by the Grant for 2 Years
Narrative ⁽ⁱ⁾ :		
Add Line	Delete Line	
Total Equipment Requested:		

Consultants/Contracts Request ⁽ⁱ⁾ *(Limit of 10 line items and limit of 1,000 characters for narratives):*

List Consultants/Contracts Request	Hourly Rate of Pay	Total to be Paid by the Grant for 2 Years
Narrative ⁽ⁱ⁾ :		
Add Line	Delete Line	
Total Consultants/Contracts Requested:		

Indirect Request ⁽ⁱ⁾ *(if you do not have a federally negotiated indirect rate, click [here](#) to download the Indirect Cost Calculator Tool):*

EXHIBIT F, BUDGET

Indirect Cost Rate %	Show Indirect Cost Rate Calculation Below ⓘ	Total Indirect
Total Indirect Requested:		

EXHIBIT F, BUDGET

Grant Budget Summary

Budget Categories	Funding Request	Cash Match	In-Kind Match	Totals
Personnel	\$743,811.00			\$743,811.00
Supplies and Operating	\$1,520.00			\$1,520.00
Travel	\$1,360.00			\$1,360.00
Equipment				
Consultants/Contracts				
Indirect Costs				
Totals	\$746,691.00			\$746,691.00
Total CVS Funds Requested:				\$746,691.00

2018 – Victims of Crime Act (VOCA) Crime Victim Assistance Special Conditions

The following program specific requirements are imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to this Agreement and must be passed on to subgrant award recipients.

A. Grantee Organizational Eligibility Requirements:

Victims of Crime Act (VOCA) establishes eligibility criteria that must be met by all organizations that receive VOCA funds. These funds are to be awarded to grantees only for providing services to victims of crime through their staff. Each grantee organization shall meet the following requirements:

1. **Public or Non-profit Organization:** To be eligible to receive VOCA funds, organizations must be operated by a public or nonprofit organization, or a combination of such organizations, and provide services to crime victims.
2. **Record of Effective Services to Victims of Crime and Financial Support from Sources other than VOCA:** Demonstrate a record of providing effective services to crime victims and financial support from sources other than the VOCA fund. This includes having the support and approval of its direct services by the community, having a history of providing direct services in a cost-effective manner and the breadth or depth of its financial support comes from sources other than the VOCA fund.
3. **Substantial Financial Support from Sources Other than the Crime Victims Fund (New Programs):** Those programs that have not yet demonstrated a record of providing effective services to crime victims may be eligible to receive VOCA funding if it has substantial financial support from sources other than the Crime Victims Fund (VOCA). Substantial financial support is when at least 25% of the program's funding in the year of, or the year preceding the award comes from other sources, which may include other federal funding programs. If the funding is non-federal (or meets the DOJ Grants Financial Guide exceptions for using federal funds for match), then a program may count the used funding toward its match requirement.
4. **Project Match Requirements:** The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Matching contributions of 20% (cash or in-kind) of the total cost of each VOCA project (VOCA project = VOCA grant plus match), are required for each VOCA-funded project and must be derived from non-federal sources, except as provided in the DOJ Grants Financial Guide, effective edition (Part III. Post Award Requirements, Chapter 3. Matching or Cost Sharing). All funds designated as match are restricted to the same uses as the VOCA victim assistance funds and must be expended within the grant period. Match must be provided on a project-by-project basis. Any deviation from this policy must be approved by the federal Office for Victim of Crime.
5. **Volunteers:** Programs are required to use volunteers in order to be eligible to receive VOCA funds. The state may waive this requirement, provided the programs submits written

documentation of its efforts to recruit and maintain volunteers, or otherwise demonstrate why circumstances prohibit the use of volunteers to the satisfaction of the state.

6. **Promote Community Efforts to Aid Crime Victims.** Coordinated public and private efforts to aid crime victims may include, but are not limited to, serving on federal, state, local or tribal work groups to oversee and recommend improvements to community responses to crime victims, and developing written agreements and protocols for such responses.
7. **Help Victims Apply for Compensation Benefits.** Such assistance may include, but is not limited to, referring potential recipients to an organization that can assist, identifying crime victims and advising them of the availability of compensation benefits, assisting potential recipients with application forms and procedures, obtaining necessary documentation, monitoring claim status, and intervening on behalf of potential recipients with the crime victims' compensation program.

B. VOCA Requirements for Grantees:

1. The Grantee authorizes DCJ, Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant.
2. The grantee agrees to submit a Subgrant Award Report (SAR) part 2 to the Division of Criminal Justice within 30 days of receiving an award.
3. VOCA Requirements

The grantee assures that the grantee and its subgrantees will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 34 U.S.C. 20103(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the grantee certifies that funds under this award will:

- a. be awarded only to eligible victim assistance organizations, 34 U.S.C. 20103(a)(2);
 - b. not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 34 U.S.C. 20103(a)(2); and
 - c. be allocated in accordance with program guidelines or regulations implementing 34 U.S.C. 20103(a)(2)(A) and 34U.S.C. 20103(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.
4. Demographic Data

The grantee assures that its subgrantees will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.
 5. Discrimination Findings

The grantee assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a grantee of victim

assistance formula funds under this award, the grantee will forward a copy of the findings to DCJ and the Office for Civil Rights of OJP.

6. The grantee understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The grantee agrees to assist DCJ and/or OJP in carrying out its responsibilities under NEPA and related laws, if the grantee plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The grantee also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.
7. The grantee agrees to submit (and, as necessary, require sub-recipients to submit) quarterly performance reports on the performance metrics identified by DCJ and OVC. These quarterly reports are completed and submitted in the federal Performance Measures Tool (PMT) system. This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction.
8. Grantee integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS.

The grantee must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, grantees of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of grantee obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Grantee Integrity and Performance Matters, including Grantee Reporting to FAPIIS), and are incorporated by reference here.

9. Categorical Exclusion for Colorado Division of Criminal Justice

The subject grant provides funds from the Victims of Crime Act of 1984 (VOCA) to enhance crime victim services in the State. These funds are awarded by the State to local community-based organizations that provide direct services to crime victims. None of the following activities will be conducted either under the OJP federal action or a related third party action:

1. New construction.
 2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historical Places or (b) located within a 100-year floodplain.
 3. A renovation which will change the basic prior use of a facility or significantly change its size.
 4. Research and technology whose anticipated and future application could be expected to have an effect on the environment.
 5. Implementation of a program involving the use of chemicals.
- Consequently, the subject federal action meets OJP's

criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase or a segment of a project which when viewed in its entirety would not meet the criteria for a categorical exclusion.

C. Crime Victims Services (CVS) Requirements:

1. **Future funding:** The capacity for CVS grant funds to provide future dollars for projects is undetermined at this time.
2. Grantee Agency shall notify the Division of Criminal Justice (DCJ) if the agency has obtained funding for a specific (CVS) funded position that totals more than 100% of the cost for that position. The agency must resolve the allocation of funds to the satisfaction of DCJ.
3. Grantee agency must notify DCJ immediately in writing, in the method determined by DCJ of:
 - any CVS grant funded personnel changes;
 - any CVS grant funded position that is vacant more than 45 days;
 - any change of an Official and/or employee who is listed as a responsible party on this CVS grant funded project.
4. **State Confidentiality of Victims Information:** The Grantee certifies that the signing authorities, all staff and volunteers assigned to the project have read and understand, state laws and applicable rules of professional conduct related to issues of confidentiality and privilege, particularly with respect to releasing identifying information about victims of crime, including, but not limited to, those found in C.R.S. 13-90-107.
5. **Colorado Victim Rights Act (Applies to Government Agencies only):** The Grantee Agency assures that Grant signatories, all staff and volunteers assigned to the funded project have read and understand the rights afforded to crime victims pursuant to 24-4.1-302.5 C.R.S., and the services delineated pursuant to 24-4.1-303 and 24-4.1-304 C.R.S. commonly known as the Victim Rights Act, and enabling legislation.

2019 – Victims of Crime Act (VOCA) Crime Victim Assistance Special Conditions

The following program specific requirements are imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to this Agreement and must be passed on to subgrant award recipients.

A. Grantee Organizational Eligibility Requirements:

Victims of Crime Act (VOCA) establishes eligibility criteria that must be met by all organizations that receive VOCA funds. These funds are to be awarded to grantees only for providing services to victims of crime through their staff. Each grantee organization shall meet the following requirements:

1. **Public or Non-profit Organization:** To be eligible to receive VOCA funds, organizations must be operated by a public or nonprofit organization, or a combination of such organizations, and provide services to crime victims.
2. **Record of Effective Services to Victims of Crime and Financial Support from Sources other than VOCA:** Demonstrate a record of providing effective services to crime victims and financial support from sources other than the VOCA fund. This includes having the support and approval of its direct services by the community, having a history of providing direct services in a cost-effective manner and the breadth or depth of its financial support comes from sources other than the VOCA fund.
3. **Substantial Financial Support from Sources Other than the Crime Victims Fund (New Programs):** Those programs that have not yet demonstrated a record of providing effective services to crime victims may be eligible to receive VOCA funding if it has substantial financial support from sources other than the Crime Victims Fund (VOCA). Substantial financial support is when at least 25% of the program's funding in the year of, or the year preceding the award comes from other sources, which may include other federal funding programs. If the funding is non-federal (or meets the DOJ Grants Financial Guide exceptions for using federal funds for match), then a program may count the used funding toward its match requirement.
4. **Project Match Requirements:** The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Matching contributions of 20% (cash or in-kind) of the total cost of each VOCA project (VOCA project = VOCA grant plus match), are required for each VOCA-funded project and must be derived from non-federal sources, except as provided in the DOJ Grants Financial Guide, effective edition (Part III. Post Award Requirements, Chapter 3. Matching or Cost Sharing). All funds designated as match are restricted to the same uses as the VOCA victim assistance funds and must be expended within the grant period. Match must be provided on a project-by-project basis. Any deviation from this policy must be approved by the federal Office for Victim of Crime.
5. **Volunteers:** Programs are required to use volunteers in order to be eligible to receive VOCA funds. The state may waive this requirement, provided the programs submits written

documentation of its efforts to recruit and maintain volunteers, or otherwise demonstrate why circumstances prohibit the use of volunteers to the satisfaction of the state.

6. **Promote Community Efforts to Aid Crime Victims.** Coordinated public and private efforts to aid crime victims may include, but are not limited to, serving on federal, state, local or tribal work groups to oversee and recommend improvements to community responses to crime victims, and developing written agreements and protocols for such responses.
7. **Help Victims Apply for Compensation Benefits.** Such assistance may include, but is not limited to, referring potential recipients to an organization that can assist, identifying crime victims and advising them of the availability of compensation benefits, assisting potential recipients with application forms and procedures, obtaining necessary documentation, monitoring claim status, and intervening on behalf of potential recipients with the crime victims' compensation program.
8. Does not discriminate against victims because they disagree with the way the state is prosecuting the criminal case.

B. Crime Victims Services (CVS) Requirements:

1. **Future funding:** The capacity for CVS grant funds to provide future dollars for projects is undetermined at this time.
2. Grantee Agency shall notify the Division of Criminal Justice (DCJ) if the agency has obtained funding for a specific (CVS) funded position that totals more than 100% of the cost for that position. The agency must resolve the allocation of funds to the satisfaction of DCJ.
3. Grantee agency must notify DCJ immediately in writing, in the method determined by DCJ of:
 - any CVS grant funded personnel changes;
 - any CVS grant funded position that is vacant more than 45 days;
 - any change of an Official and/or employee who is listed as a responsible party on this CVS grant funded project.
4. **State Confidentiality of Victims Information:** The Grantee certifies that the signing authorities, all staff and volunteers assigned to the project have read and understand, state laws and applicable rules of professional conduct related to issues of confidentiality and privilege, particularly with respect to releasing identifying information about victims of crime, including, but not limited to, those found in C.R.S. 13-90-107.
5. **Colorado Victim Rights Act (Applies to Government Agencies only):** The Grantee Agency assures that Grant signatories, all staff and volunteers assigned to the funded project have read and understand the rights afforded to crime victims pursuant to 24-4.1-302.5 C.R.S., and the services delineated pursuant to 24-4.1-303 and 24-4.1-304 C.R.S. commonly known as the Victim Rights Act, and enabling legislation.

C. Victims of Crime Act (VOCA) Requirements for Grantees:

1. Discrimination Findings

The grantee assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a recipient of victim assistance formula funds under this award, the recipient will forward a copy of the findings to the Division of Criminal Justice (DCJ).

2. VOCA Requirements

The grantee assures that the grantee and its subgrantees will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 34 U.S.C. 20103(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the grantee certifies that funds under this award will:

- a. be awarded only to eligible victim assistance organizations, 34 U.S.C. 20103(a)(2);
 - b. not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 34 U.S.C. 20103(a)(2); and
 - c. be allocated in accordance with program guidelines or regulations implementing 34 U.S.C. 20103(a)(2)(A) and 34U.S.C. 20103(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.
3. The grantee agrees to submit (and, as necessary, require sub-recipients to submit) quarterly performance reports on the performance metrics identified by DCJ and OVC. This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction.
4. Categorical Exclusion for Colorado Division of Criminal Justice

The subject grant provides funds from the Victims of Crime Act of 1984 (VOCA) to enhance crime victim services in the State. These funds are awarded by the State to local community-based organizations that provide direct services to crime victims. None of the following activities will be conducted either under the OJP federal action or a related third party action: 1. New construction. 2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historical Places or (b) located within a 100-year floodplain. 3. A renovation which will change the basic prior use of a facility or significantly change its size. 4. Research and technology whose anticipated and future application could be expected to have an effect on the environment. 5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets OJP's criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase or a segment of a project which when viewed in its entirety would not meet the criteria for a categorical exclusion.

5. The grantee agrees to submit a Subgrant Award Report (SAR) part 2 to the Division of Criminal Justice within 30 days of receiving an award.

6. Demographic Data

The grantee assures that its subgrantees will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.

2020 – Victims of Crime Act (VOCA) Crime Victim Assistance Special Conditions

The following program specific requirements are imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to this Agreement and must be passed on to subgrant award recipients.

A. Grantee Organizational Eligibility Requirements:

Victims of Crime Act (VOCA) establishes eligibility criteria that must be met by all organizations that receive VOCA funds. These funds are to be awarded to grantees only for providing services to victims of crime through their staff. Each grantee organization shall meet the following requirements:

1. **Public or Non-profit Organization:** To be eligible to receive VOCA funds, organizations must be operated by a public or nonprofit organization, or a combination of such organizations, and provide services to crime victims.
2. **Record of Effective Services to Victims of Crime and Financial Support from Sources other than VOCA:** Demonstrate a record of providing effective services to crime victims and financial support from sources other than the VOCA fund. This includes having the support and approval of its direct services by the community, having a history of providing direct services in a cost-effective manner and the breadth or depth of its financial support comes from sources other than the VOCA fund.
3. **Substantial Financial Support from Sources Other than the Crime Victims Fund (New Programs):** Those programs that have not yet demonstrated a record of providing effective services to crime victims may be eligible to receive VOCA funding if it has substantial financial support from sources other than the Crime Victims Fund (VOCA). Substantial financial support is when at least 25% of the program's funding in the year of, or the year preceding the award comes from other sources, which may include other federal funding programs. If the funding is non-federal (or meets the DOJ Grants Financial Guide exceptions for using federal funds for match), then a program may count the used funding toward its match requirement.
4. **Project Match Requirements:** The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Matching contributions of 20% (cash or in-kind) of the total cost of each VOCA project (VOCA project = VOCA grant plus match), are required for each VOCA-funded project and must be derived from non-federal sources, except as provided in the DOJ Grants Financial Guide, effective edition (Part III. Post Award Requirements, Chapter 3. Matching or Cost Sharing). All funds designated as match are restricted to the same uses as the VOCA victim assistance funds and must be expended within the grant period. Match must be provided on a project-by-project basis. Any deviation from this policy must be approved by the federal Office for Victim of Crime.
5. **Volunteers:** Programs are required to use volunteers in order to be eligible to receive VOCA funds. The state may waive this requirement, provided the programs submits written

documentation of its efforts to recruit and maintain volunteers, or otherwise demonstrate why circumstances prohibit the use of volunteers to the satisfaction of the state.

6. **Promote Community Efforts to Aid Crime Victims.** Coordinated public and private efforts to aid crime victims may include, but are not limited to, serving on federal, state, local or tribal work groups to oversee and recommend improvements to community responses to crime victims, and developing written agreements and protocols for such responses.
7. **Help Victims Apply for Compensation Benefits.** Such assistance may include, but is not limited to, referring potential recipients to an organization that can assist, identifying crime victims and advising them of the availability of compensation benefits, assisting potential recipients with application forms and procedures, obtaining necessary documentation, monitoring claim status, and intervening on behalf of potential recipients with the crime victims' compensation program.
8. Does not discriminate against victims because they disagree with the way the state is prosecuting the criminal case.

B. Crime Victims Services (CVS) Requirements:

1. **Future funding:** The capacity for CVS grant funds to provide future dollars for projects is undetermined at this time.
2. Grantee Agency shall notify the Division of Criminal Justice (DCJ) if the agency has obtained funding for a specific (CVS) funded position that totals more than 100% of the cost for that position. The agency must resolve the allocation of funds to the satisfaction of DCJ.
3. Grantee agency must notify DCJ immediately in writing, in the method determined by DCJ of:
 - any CVS grant funded personnel changes;
 - any CVS grant funded position that is vacant more than 45 days;
 - any change of an Official and/or employee who is listed as a responsible party on this CVS grant funded project.
4. **State Confidentiality of Victims Information:** The Grantee certifies that the signing authorities, all staff and volunteers assigned to the project have read and understand, state laws and applicable rules of professional conduct related to issues of confidentiality and privilege, particularly with respect to releasing identifying information about victims of crime, including, but not limited to, those found in C.R.S. 13-90-107.
5. **Colorado Victim Rights Act (Applies to Government Agencies only):** The Grantee Agency assures that Grant signatories, all staff and volunteers assigned to the funded project have read and understand the rights afforded to crime victims pursuant to 24-4.1-302.5 C.R.S., and the services delineated pursuant to 24-4.1-303 and 24-4.1-304 C.R.S. commonly known as the Victim Rights Act, and enabling legislation.

C. Victims of Crime Act (VOCA) Requirements for Grantees:

1. Discrimination Findings

The grantee assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a recipient of victim assistance formula funds under this award, the recipient will forward a copy of the findings to the Division of Criminal Justice (DCJ).

2. VOCA Requirements

The grantee assures that the grantee and its subgrantees will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 34 U.S.C. 20103(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the grantee certifies that funds under this award will:

- a. be awarded only to eligible victim assistance organizations, 34 U.S.C. 20103(a)(2);
- b. not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 34 U.S.C. 20103(a)(2); and
- c. be allocated in accordance with program guidelines or regulations implementing 34 U.S.C. 20103(a)(2)(A) and 34U.S.C. 20103(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.

3. Categorical Exclusion for Colorado Division of Criminal Justice

The subject grant provides funds from the Victims of Crime Act of 1984 (VOCA) to enhance crime victim assistance payment to eligible victims. None of the following activities will be conducted either under the OJP federal action or a related third party action: 1. New construction. 2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historical Places or (b) located within a 100-year floodplain. 3. A renovation which will change the basic prior use of a facility or significantly change its size. 4. Research and technology whose anticipated and future application could be expected to have an effect on the environment. 5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets OJP's criteria for a categorical exclusion as contained in 28 C.F.R. Part 61, Appendix D, paragraph 4(b). Additionally, the proposed action is neither a phase or a segment of a project which when viewed in its entirety would not meet the criteria for a categorical exclusion.

4. The grantee agrees to submit a Subgrant Award Report (SAR) part 2 (or other required grant management system forms) to the Division of Criminal Justice within 30 days of receiving an award, or when requested by DCJ.
5. Demographic Data

The grantee assures that its subgrantees will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.

Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements

2018 FEDERAL REQUIREMENTS

2018 FEDERAL REQUIREMENTS.....	1
1. ENSURING COMPLIANCE OF SUBGRANTEES (SUBRECIPIENTS).....	2
2. GENERAL CONDITIONS	2
A. Requirements of the award; remedies for non-compliance or for materially false statements	2
B. Applicability of Part 200 Uniform Requirements.....	3
C. Compliance with DOJ Grants Financial Guide	3
D. Reclassification of various statutory provisions to a new Title 34 of the United States Code – NEW Federal Requirement 2018.....	3
E. Requirements related to "de minimis" indirect cost rate.....	4
F. Requirement to report potentially duplicative funding	4
G. Requirements related to System for Award Management and Universal Identifier Requirements	4
H. Requirement to report actual or imminent breach of personally identifiable information (PII) – NEW Federal Requirement 2018.....	5
I. All subawards ("subgrants") must have DCJ authorization	5
J. Specific post-award approval required to use a noncompetitive approach in any procurement contract	5
K. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP or OVW authority to terminate award).....	5
L. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events	6
M. Requirement for data on performance and effectiveness under the award	6
N. Training Guiding Principles	6
O. Effect of failure to address audit issues	6
P. Potential imposition of additional requirements	7
Q. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42.....	7
R. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54.....	7
S. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38.....	7
T. Restrictions on "lobbying"	7
U. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018).....	8
V. Reporting potential fraud, waste, and abuse, and similar misconduct	10
W. Restrictions and certifications regarding non-disclosure agreements and related matters.....	10
X. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees).....	11
Y. Encouragement of policies to ban text messaging while driving.....	12
Z. Right to examine documents	12
AA. Maintaining contact information	12
3. FINANCIAL REQUIREMENTS.....	12
A. Non-supplanting of State and local funds.....	12
B. Awards in excess of \$5,000,000 - Certification related to federal taxes.....	13

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

C. Misuse of award funds.....13

D. Limitation on use of funds to approved activities.....13

4. CIVIL RIGHTS REQUIREMENTS ASSOCIATED WITH OJP AWARDS.....13

A. Civil rights laws and nondiscrimination provisions.....13

B. Providing Services to Limited English Proficiency (LEP) Individuals14

C. Ensuring Equal Treatment for Faith-Based Organizations and Safeguarding Constitutional Protections
Related to Religion14

D. Ensuring Access to Federally Assisted Programs.....15

E. Enforcing Civil Rights Laws15

F. Using Arrest and Conviction Records in Making Employment Decisions.....15

G. Complying with the Safe Streets Act.....16

H. Meeting the EEOP Requirement16

I. Meeting the Requirement to Submit Findings of Discrimination.....16

J. Ensuring the Compliance of Subrecipients/Subgrantees16

K. Certification.....16

5. OVW GRANTS ONLY.....17

A. Compliance with statutory and regulatory requirements17

B. VAWA 2013 nondiscrimination condition.....17

C. Confidentiality and information sharing.....17

D. Activities that compromise victim safety and recovery and undermine offender accountability17

E. Termination or suspension for cause18

1. ENSURING COMPLIANCE OF SUBGRANTEES (SUBRECIPIENTS)

Grantee is responsible for notifying any subgrantee (subrecipient), issued under this grant, of all provisions herein. Grantee is responsible for monitoring any subgrantee (subrecipient) for compliance all the provisions herein.

2. GENERAL CONDITIONS

A. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the grantee that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP"), the Office on Violence Against Women (OVW), or the Division of Criminal Justice (DCJ) taking appropriate action with respect to the grantee and the award. Among other things, the OJP, OVW and/or DCJ may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP and OVW, and DCJ, also may take other legal action as appropriate.

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

B. Applicability of Part 200 Uniform Requirements

Grantee agrees to comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2018 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP and OVW awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>, or the OVW website at <https://www.justice.gov/ovw/grantees>.

Record retention and access: Records pertinent to the award that the grantee (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final Financial Report (DCJ Form 1-A), unless a different retention period applies (see equipment retention requirements)-- and to which the grantee (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP or OVW that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the grantee is to contact DCJ promptly for clarification.

C. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the [Office of Justice Programs](https://ojp.gov/financialguide/DOJ/index.htm) OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The grantee agrees to comply with the DOJ Grants Financial Guide.

D. Reclassification of various statutory provisions to a new Title 34 of the United States Code – NEW Federal Requirement 2018

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent

Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements

to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

E. Requirements related to "de minimis" indirect cost rate

A grantee that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

F. Requirement to report potentially duplicative funding

If the grantee currently has other active awards of federal funds, or if the grantee receives any other award of federal funds during the period of performance for this award, the grantee promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the grantee must promptly notify DCJ in writing of the potential duplication, and, if so requested by DCJ, must seek a budget-modification and/or change in Statement of Work and/or change in Statement of Work to eliminate any inappropriate duplication of funding.

G. Requirements related to System for Award Management and Universal Identifier Requirements

The grantee must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The grantee also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the grantee) the unique entity identifier required for SAM registration.

The details of the grantee's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> and OVW's website <https://www.justice.gov/ovw/grantees> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements

H. Requirement to report actual or imminent breach of personally identifiable information (PII) – NEW Federal Requirement 2018

The grantee (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (as defined in OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (as defined in 2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (as defined in OMB Circular A-130). The grantee's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

I. All subawards ("subgrants") must have DCJ authorization

The grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> or OVW web site at <https://www.justice.gov/ovw/award-conditions> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

J. Specific post-award approval required to use a noncompetitive approach in any procurement contract

The grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP or OVW considers a procurement "contract" (and therefore does not consider a subaward).

K. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP or OVW authority to terminate award)

The grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of grantees, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the grantee or of any subrecipient.

The details of the grantee's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> or OVW web site at <https://www.justice.gov/ovw/grantees> (Award condition: Prohibited conduct by grantees and subrecipients related to trafficking in persons (including reporting requirements and OJP or OVW authority to terminate award)), and are incorporated by reference here.

Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements

L. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide"). Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears on the OVW website at <https://www.justice.gov/ovw/conference-planning>.

M. Requirement for data on performance and effectiveness under the award

The grantee and subrecipients ("subgrantees") must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to DCJ and/or OVW and/or OJP in the manner (including within the timeframes) specified by DCJ in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

Recipients of OVW grant dollars Under the Government Performance and Results Act (GPRA), VAWA 2000 and subsequent legislation grantees and subgrantees are required to collect the information that is included on the Measuring Effectiveness Progress Reports for the OVW Program under which this award is funded.

N. Training Guiding Principles

Any training or training materials that the grantee -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP or OVW award funds must adhere to the federal awarding agency (OJP or OVW, as appropriate) Training Guiding Principles for Grantees and Subgrantees, available at

<https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>, and the OVW Training Guiding Principles for Grantees and Subgrantees, are available at <https://www.justice.gov/ovw/resources-and-faqs-grantees>.

O. Effect of failure to address audit issues

The grantee understands and agrees that DCJ or the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DCJ or the DOJ awarding agency) the grantee does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

P. Potential imposition of additional requirements

The grantee agrees to comply with any additional requirements that may be imposed by DCJ during the period of performance for this award, if the grantee is designated as "high-risk".

Q. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

R. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

S. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to grantee and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to grantees and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgibin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

T. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP or OVW may not be used by the grantee, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

OVW funded grants only: The grantee, or any subrecipient ("subgrantee") may, however, use federal funds to collaborate with and provide information to federal, state, local, tribal and territorial public officials and agencies to develop and implement

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 34 U.S.C. 12291(a)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program.

Another federal law generally prohibits federal funds awarded by OJP or OVW from being used by the grantee, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a grantee (or subrecipient) would or might fall within the scope of these prohibitions, the grantee is to contact DCJ for guidance, and may not proceed without the express prior written approval of DCJ and the DOJ awarding agency (OJP or OVW, as appropriate).

U. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018)

The grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out below, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a grantee (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the grantee is to contact DCJ for guidance, and may not proceed without the express prior written approval of DCJ and the DOJ awarding agency (OJP or OVW, as appropriate).

Background. The federal appropriations statutes that provide (among many other things) the funds that OJP awards in its grants and cooperative agreements include various restrictions on how the federal appropriated funds may be used. These restrictions, which often appear in sets of "General Provisions," typically do not relate to a particular program, or even to a particular agency such as OJP or OVW. Rather, they are wide-ranging, "cross-cutting" restrictions.

OVW funded grants only: Pertinent restrictions, for each fiscal year, are set out at <https://www.justice.gov/ovw/award-conditions> (Award Condition: General appropriations-law restrictions on use of federal award funds), and are incorporated by reference here. These do not supersede any specific conditions in this award document.

Award Condition: Each recipient of an OJP or OVW award made in FY 2018, and any subrecipient ("subgrantee") at any tier under an OJP or OVW award made in FY 2018, must comply with all applicable restrictions, as set out below.

Restrictions applicable to all federal funds awarded in FY 2018

Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements

1. Publicity or propaganda. Federal funds are not legally available, and may not be used (whether directly or indirectly, including by private contractors), for publicity or propaganda purposes not authorized by the Congress.
2. Certain employee trainings. Federal funds are not legally available, and may not be used, for any employee training that--
 - a. does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;
 - b. contains elements likely to induce high levels of emotional response or psychological stress in some participants;
 - c. does not require prior employee notification of the content and methods to be used in the training and written end-of-course evaluation;
 - d. contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or
 - e. is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

Nothing in this provision prohibits, restricts, or otherwise precludes an agency from conducting training bearing directly upon the performance of official duties.

3. Nondisclosure policies, forms, and agreements.
 - a. General rule - Federal funds are not legally available, and may not be used, to implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following provisions:

"These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing [federal] statute or Executive order relating to: (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and [federal] statutory provisions are incorporated into this agreement and are controlling."

Notwithstanding the above provision, a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

the United States Department of Justice, that are essential to reporting a substantial violation of law.

- b. Certain exceptions. Under certain circumstances, a nondisclosure agreement that does not contain the provisions set out in subsection (a) above nevertheless may continue to be implemented and enforced. Should a question arise as to whether an exception to the general rule set out in subsection (a) may be available for a particular nondisclosure agreement, the recipient is to contact OJP for guidance, and the recipient may not use federal funds to implement, continue to implement, or enforce the nondisclosure agreement without the express prior written approval of OJP.
4. ACORN and related organizations. Absent express prior written approval from OJP, federal funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

V. Reporting potential fraud, waste, and abuse, and similar misconduct

The grantee and any subrecipients ("subgrantees") at any tier must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division,

1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

W. Restrictions and certifications regarding non-disclosure agreements and related matters

No grantee or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the grantee—
 - a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
2. If the grantee does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--
 - a. it represents that--
 - (1) it has determined that no other entity that the grantee's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - (2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
 - b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

X. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The grantee (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial

Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements

and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The grantee also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the grantee is to contact the DCJ or DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

Y. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages grantees and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

Z. Right to examine documents

The grantee, and any subrecipient ("subgrantee") at any tier, must authorize the DCJ or DOJ awarding agency (OJP or OVW, as appropriate) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper, or documents related to this grant.

AA. Maintaining contact information

The grantee acknowledges that it is responsible for maintaining updated contact information in the Grants Management System (GMS). To update information in GMS for either the point of contact and/or the authorized representative, the grantee must submit a Change in Project Officials (DCJ Form 4-B).

3. FINANCIAL REQUIREMENTS

A. Non-supplanting of State and local funds

Supplanting arises when a State or unit of local government reduces State or local funds for an activity specifically because federal funds are available (or are expected to be available) to fund that same activity. Federal funds must be used to supplement existing State or local funds for program activities, and may not replace (that is, may not "supplant") State or local funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace State or local funding that is required by law.

When supplanting is prohibited, potential supplanting will be the subject of DCJ and OJP monitoring and audit. Should a question of supplanting arise, the applicant or grantee will be required to substantiate that any reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements

B. Awards in excess of \$5,000,000 - Certification related to federal taxes

A prospective grantee of an OJP award in excess of \$5,000,000 may be required to submit a particular certification concerning filing of federal tax returns, criminal convictions under the Internal Revenue Code, and unpaid federal tax assessments. In such cases, no award funds may be used until OJP receives a satisfactory certification.

C. Misuse of award funds

The grantee understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

D. Limitation on use of funds to approved activities

The grantee agrees that grant funds will be used only for the purposes described in this award. The grantee must not undertake any work or activities that are not described in this award, and must not use staff, equipment, or other goods or services paid for with grant funds for such work or activities, without prior written approval from DCJ.

4. CIVIL RIGHTS REQUIREMENTS ASSOCIATED WITH OJP AWARDS

The Grantee hereby agrees that it will comply, and all of its subrecipients ("subgrantees") will comply, with the applicable provisions of:

A. Civil rights laws and nondiscrimination provisions

States and units of local government, public and nonprofit institutions of higher education, nonprofit organizations, for-profit businesses, and other recipients of OJP or OVW grants and cooperative agreements may be subject to various federal civil rights laws for reasons other than their receipt of OJP or OVW funds. Some examples include federal civil rights laws related to discrimination on the basis of race, color, national origin, sex, religion, or disability.

Because an OJP or OVW award (that is, an OJP or OVW grant or cooperative agreement) is a form of "federal financial assistance," the recipients of an OJP or OVW award (and any "subrecipient" at any tier) must comply with additional civil-rights-related requirements above and beyond those that otherwise would apply.

In general, these additional requirements fall into one of two categories:

1. Civil rights laws (sometimes referred to as "cross-cutting" federal civil rights statutes). These apply to essentially any entity that receives an award of federal financial assistance -- regardless of which federal agency awards the grant or cooperative agreement -- and encompass the "program or activity" funded in whole or in part with the federal financial assistance.
2. Nondiscrimination provisions. These are requirements or restrictions that apply to certain OJP or OVW awards -- in addition to the civil rights laws -- because they are set out in a statute that applies specifically to one or more particular OJP or OVW grant programs, or to OJP or OVW awards made under a particular legal authority. Much like the civil rights laws, these provisions apply variously to the

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

programs, activity, or undertaking funded in whole or in part by OJP or OVW, and are described herein.

- a. Such nondiscrimination provisions apply to some, but not all, OJP or OVW grant programs.
- b. The nondiscrimination provisions that apply to an OJP or OVW award (above and beyond the requirements in "cross-cutting" civil rights laws) may vary from award to award, even for awards made during the same fiscal year.
- c. Typically, no more than one of these nondiscrimination provisions will apply to any particular OJP or OVW award.

General information on the civil rights laws that apply to every OJP or OVW award, and on the nondiscrimination provisions that apply to some OJP or OVW awards, is available at <https://ojp.gov/about/ocr/statutes.htm>

NOTE: As discussed in more detail below, if a civil rights law or nondiscrimination provision prohibits discrimination in employment on the basis of religion, the prohibition is read together with the provisions of the Religious Freedom Restoration Act of 1993.

B. Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <https://www.lep.gov>.

C. Ensuring Equal Treatment for Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion

The DOJ regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38, updated in April 2016, prohibits all grantee organizations, whether they are law enforcement agencies, governmental agencies, educational institutions, houses of worship, or faith-based organizations, from using financial assistance from the DOJ to fund explicitly religious activities. Explicitly religious activities include worship, religious instruction, or proselytization. While funded organizations may engage in non-funded explicitly religious activities (e.g., prayer), they must hold them separately from the activities funded by the DOJ, and grantees cannot compel beneficiaries to participate in them. The regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. Funded faith-based organizations must also provide written notice to beneficiaries, advising them that if they should object to the religious character of the funded faith based organization, the funded faith-based organization will take reasonable steps to refer the beneficiary to an alternative service

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

provider. For more information on the regulation, please see the OCR's website at <https://ojp.gov/about/ocr/partnerships.htm>.

SAAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. § 10228(c); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 34 U.S.C. § 11182(b); and VAWA, as amended, 34 U.S.C. § 12291(b)(13), contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

D. Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <https://ojp.gov/about/ocr/vawafaqs.htm>.

E. Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

F. Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: *Consideration of Arrest and*

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at https://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOPs) (see below).

G. Complying with the Safe Streets Act

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

H. Meeting the EEOP Requirement

An EEOP is a comprehensive document that analyzes a grantee's relevant labor market data, as well as the recipient's employment practices, to identify possible barriers to the participation of women and minorities in all levels of a grantee's workforce. As a grantee of DOJ funding, you may be required to submit an EEOP Certification Report or an EEOP Utilization Report to the OCR. For more information on whether your organization is subject to the EEOP requirements, see <https://ojp.gov/about/ocr/eeop.htm>. Additionally, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 616-1771 or by e-mail at EEOPforms@usdoj.gov.

I. Meeting the Requirement to Submit Findings of Discrimination

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

J. Ensuring the Compliance of Subrecipients/Subgrantees

SAAAs (DCJ) must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws.

K. Certification

Each grantee by accepting this award, certifies that it will comply (and it will require any subrecipient at any tier to comply) with applicable civil rights laws and nondiscrimination provisions. An additional DCJ Form 30, will be required prior to the disbursement of any funds.

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

5. OVW GRANTS ONLY

A. Compliance with statutory and regulatory requirements

The grantee agrees to comply with all relevant statutory and regulatory requirements, which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, the Omnibus Crime Control and Safe Streets Act of 1968, 34 U.S.C. §§ 10101 et seq., and OVW's implementing regulations at 28 C.F.R. Part 90.

B. VAWA 2013 nondiscrimination condition

The recipient acknowledges that 34 U.S.C. § 12291(b)(13) prohibits recipients of OVW awards from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. The recipient agrees that it will comply with this provision. The recipient also agrees to ensure that any subrecipients ("subgrantees") at any tier will comply with this provision.

C. Confidentiality and information sharing

The grantee agrees to comply with the provisions of 34 U.S.C. § 12291(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies and procedures for release of victim information. The grantee also agrees to ensure that all subrecipients ("subgrantees") at any tier meet these requirements.

D. Activities that compromise victim safety and recovery and undermine offender accountability

The grantee agrees that grant funds will not support activities that compromise victim safety and recovery or undermine offender accountability, such as: procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or sex of their children; procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services; procedures or policies that impose requirements on victims in order to receive services (e.g., seek an order of protection, receive counseling, participate in couples' counseling or mediation, report to law enforcement, seek civil or criminal remedies, etc.); procedures or policies that fail to ensure service providers conduct safety planning with victims; project design and budgets that fail to account for the access needs of participants with disabilities and participants who have limited English proficiency or are Deaf or hard of hearing; or any other activities outlined in the solicitation under which the approved application was submitted.

**Federal Awards issued from 2018 Federal Awards
Applicable to Office of Justice Programs Grants and Cooperative Agreements**

E. Termination or suspension for cause

DCJ or the Director of OVW, upon a finding that there has been substantial failure by the recipient to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until DCJ or the Director is satisfied that there is no longer such failure, all or part of the award, in accordance with the provisions of 28 C.F.R. Part 18, as applicable mutatis mutandis.

Federal Awards issued from 2019 Federal Grant Funds**2019 FEDERAL REQUIREMENTS**

1. APPLICABILITY	3
2. Recipient.....	3
3. Ensuring Compliance of Subgrantees (subrecipients)	3
4. General Conditions	3
A. Requirements of the award; remedies for non-compliance or for materially false statements	3
B. Applicability of Part 200 Uniform Requirements.....	4
C. Compliance with DOJ Grants Financial Guide	4
D. Reclassification of various statutory provisions to a new Title 34 of the United States Code	4
E. Requirements related to "de minimis" indirect cost rate.....	5
F. Requirement to report potentially duplicative funding	5
G. Requirements related to System for Award Management and Unique Entity Identifiers	5
H. Employment eligibility verification for hiring under the award – NEW 2019	6
I. Requirement to report actual or imminent breach of personally identifiable information (PII)	7
J. All subawards ("subgrants") and contracts must have DCJ authorization.....	7
K. Specific post-award approval required to use a noncompetitive approach in any procurement contract	7
L. Unreasonable restrictions on competition under the award; association with federal government – NEW 2019	8
M. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP or OVW authority to terminate award).....	9
N. Determination of suitability to interact with participating minors – NEW 2019.....	9
O. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events	12
P. Requirement for data on performance and effectiveness under the award	12
Q. Training Guiding Principles	13
R. Effect of failure to address audit issues	13
S. Potential imposition of additional requirements	13
T. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42.....	13
U. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54.....	13
V. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38.....	13
W. Restrictions on "lobbying"	14
X. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2019).....	15
Y. Reporting potential fraud, waste, and abuse, and similar misconduct	16
Z. Restrictions and certifications regarding non-disclosure agreements and related matters.....	17
AA. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)	18
BB. Encouragement of policies to ban text messaging while driving	18
CC. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency – NEW 2019	18
DD. Right to examine documents	19

Federal Awards issued from 2019 Federal Grant Funds

EE.	Maintaining contact information	19
FF.	Required SAM and FAPIIS reporting	19
5.	Financial Requirements	19
A.	Non-supplanting of State and local funds	19
B.	Awards in excess of \$5,000,000 - Certification related to federal taxes	20
C.	Misuse of award funds	20
D.	Limitation on use of funds to approved activities	20
E.	Consultant compensation rates	20
F.	Employee compensation	20
6.	Civil rights requirements associated with DOJ awards	20
A.	Civil rights laws and nondiscrimination provisions	21
B.	Providing Services to Limited English Proficiency (LEP) Individuals	21
C.	Ensuring Equal Treatment for Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion	22
D.	Ensuring Access to Federally Assisted Programs	22
E.	Enforcing Civil Rights Laws	23
F.	Using Arrest and Conviction Records in Making Employment Decisions	23
G.	Complying with the Safe Streets Act	23
H.	Meeting the EEOP Requirement	23
I.	Meeting the Requirement to Submit Findings of Discrimination	24
J.	Ensuring the Compliance of Subrecipients/Subgrantees	24
K.	Certification	24
7.	Recipients of OVW grant dollars ONLY	24
A.	Availability of general terms and conditions on OVW website	24
B.	Compliance with statutory and regulatory requirements	24
C.	VAWA 2013 nondiscrimination condition	24
D.	Confidentiality and information sharing	25
E.	Activities that compromise victim safety and recovery and undermine offender accountability	25
F.	Termination or suspension for cause	25

Federal Awards issued from 2019 Federal Grant Funds**1. APPLICABILITY**

The Division of Criminal Justice (DCJ) issues federal grants from two Department of Justice (DOJ) offices: the Office of Justice Programs (OJP) and the Office on Violence Against Women (OVW). All awards conditions set out below apply to all both OJP and OVW funded grants, with the exception of the conditions labelled as: "Recipients of OVW grant dollars only" which only apply to OVW funded awards.

References to the DOJ apply to both OJP and OVW funded grants.

Individual awards will also include additional special conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the subrecipient's performance under other federal awards; to the subrecipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

2. RECIPIENT

For the purposes of this document, the term "recipient" refers to the Legal Entity Name listed on the Division of Criminal Justice (DCJ) Grant Award Document issued to a grantee receiving federal grants funds from DCJ.

3. ENSURING COMPLIANCE OF SUBGRANTEES (SUBRECIPIENTS)

Grantee is responsible for notifying any subgrantee (subrecipient), issued under this grant, of all provisions herein. Grantee is responsible for monitoring any subgrantee (subrecipient) for compliance all the provisions herein.

4. GENERAL CONDITIONS**A. Requirements of the award; remedies for non-compliance or for materially false statements**

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award. By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts all such assurances or certifications as if personally executed by the authorized recipient official.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in the Office of Justice Programs ("OJP"), the Office on Violence Against Women (OVW), or the Division of Criminal Justice (DCJ) taking appropriate action with respect to the recipient and the award. Among other things, the OJP, OVW, or DCJ may withhold award funds, disallow costs, or suspend or terminate the award. The U.S. Department of Justice ("DOJ"), including OJP and OVW, and/or DCJ also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273),

Federal Awards issued from 2019 Federal Grant Funds

and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

B. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>, or the OVW website at <https://www.justice.gov/ovw/grantees>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final financial report (DCJ Form 1-A), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by DOJ that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact DCJ promptly for clarification.

C. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

D. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a

Federal Awards issued from 2019 Federal Grant Funds

reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

E. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements

F. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify DCJ in writing of the potential duplication, and, if so requested by DCJ, must seek a budget-modification and change-of-project to eliminate any inappropriate duplication of funding.

G. Requirements related to System for Award Management and Unique Entity Identifiers

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/SAM/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> and OVW's website <https://www.justice.gov/ovw/grantees> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

Federal Awards issued from 2019 Federal Grant Funds**H. Employment eligibility verification for hiring under the award – NEW 2019**

1. The recipient (and any subrecipient at any tier) must—
 - a. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).
 - b. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both—
 - (1) this award requirement for verification of employment eligibility, and
 - (2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.
 - c. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).
 - d. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.
2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.
3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.
4. Rules of construction
 - a. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.
 - b. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.everify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative

Federal Awards issued from 2019 Federal Grant Funds

Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

- c. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.
- d. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.
- e. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to DCJ, before award acceptance.

I. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)--(1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of a DOJ grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to DCJ no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

J. All subawards ("subgrants") and contracts must have DCJ authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must receive approval from DCJ prior to issuing a subaward or a procurement contract under this award.

K. Specific post-award approval required to use a noncompetitive approach in any procurement contract

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP or OVW considers a procurement "contract" (and therefore does not consider a subaward).

Federal Awards issued from 2019 Federal Grant Funds**L. Unreasonable restrictions on competition under the award; association with federal government – NEW 2019**

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

- a. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or - subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.
- b. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

Federal Awards issued from 2019 Federal Grant Funds**M. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP or OVW authority to terminate award)**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of grantees, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the grantee or of any subrecipient.

The details of the grantee's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at

<https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> or OVW web site at <https://www.justice.gov/ovw/grantees> (Award condition: Prohibited conduct by grantees and subrecipients related to trafficking in persons (including reporting requirements and OJP or OVW authority to terminate award)), and are incorporated by reference here.

N. Determination of suitability to interact with participating minors – NEW 2019

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ) (or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

1. Advance determination regarding suitability. The recipient (and any subrecipient at any tier) may not permit any covered individual to interact with any participating minor in the course of activities under the award, unless the recipient or subrecipient first has made a written determination of the suitability of that individual to interact with participating minors, based on current and appropriate information as described in paragraph 3.e., and taking into account the factors and considerations described in paragraph 4.
2. Updates and reexaminations
 - a. The recipient (or subrecipient) must, at least every five years, update the searches described in paragraph 3.e.1. and 2., reexamine the covered individual's suitability determination in light of those search results, and, if appropriate, modify or withdraw that determination.
 - b. The recipient also must reexamine a covered individual's suitability determination upon learning of information that reasonably may suggest unsuitability and, if appropriate, modify or withdraw that determination.
3. Definitions
 - a. "Covered individual" means any individual (other than a participating minor, as defined in this condition, or a client of the recipient (or subrecipient)) who is expected, or reasonably likely, to interact with any participating minor (other than the individual's own minor children). A covered individual need not have any

Federal Awards issued from 2019 Federal Grant Funds

particular employment status or legal relationship with the recipient (or subrecipient). Such an individual might be an employee of a recipient (or subrecipient), but also might be (for example) a consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.

- b. "Participating minor." All individuals under 18 years of age within the set of individuals described in the scope section of this condition as it appears on the award document are participating minors.
- c. "Interaction" includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. But "interaction" does not include--
 - (1) brief contact that is both unexpected by the recipient (or subrecipient) and unintentional on the part of the covered individual -- such as might occur when a postal carrier delivers mail to an administrative office.
 - (2) personally-accompanied contact -- that is, infrequent or occasional contact (for example, by someone who comes to make a presentation) in the presence of an accompanying adult, pursuant to written policies and procedures of the recipient (or subrecipient) that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this condition will closely and personally accompany, and remain continuously within view and earshot of, the covered individual.
- d. "Activities under the award." Whether paid for with federal funds from the award, "matching" funds included in the approved budget for the award, or "program income" for the award as defined by the Part 200 Uniform Requirements, activities under the award include both--
 - (1) activities carried out under the award by the recipient (or subrecipient); and
 - (2) actions taken by an entity or individual pursuant to a procurement contract under the award or to a procurement contract under a subaward at any tier.
- e. "Current and appropriate information"

In addition to information resulting from checks or screening required by applicable federal, state, tribal, or local law, and/or by the recipient's (or subrecipient's) written policies and procedures, current and appropriate information includes the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability.

(1) Public sex offender and child abuse websites/registries

A search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably- accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, including--

- (a) the Dru Sjodin National Sex Offender Public Website (www.nsopw.gov);

Federal Awards issued from 2019 Federal Grant Funds

- (b) the website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and
- (c) the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

(2) Criminal history registries and similar repositories of criminal history records

For each individual at least 18 years of age who is a covered individual under this FY 2019 award, a fingerprint search (or, if the recipient or subrecipient documents that a fingerprint search is not legally available, a name-based search, using current and, if applicable, previous names and aliases) -- encompassing at least the time period beginning five calendar years preceding the date of the search request -- of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories, including--

- (a) the criminal history registry for each state in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and
- (b) the criminal history registry for each state in which he or she is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

4. Factors and considerations in determinations regarding suitability

In addition to the factors and considerations that must or may be considered under applicable federal, state, tribal, or local law, and under the recipient's (or subrecipient's) written policies and procedures, in making a determination regarding suitability, the recipient (or subrecipient) must consider the current and appropriate information described in paragraph 3.e.

In particular (unless applicable law precludes it), with respect to either an initial determination of suitability or a subsequent reexamination, the recipient (or subrecipient) may not determine that a covered individual is suitable to interact with participating minors in the course of activities under the award if the covered individual--

- a. Withholds consent to a criminal history search required by this condition;
- b. Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;
- c. Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
- d. To the knowledge of the recipient (or subrecipient), has been convicted -- whether as a felony or misdemeanor -- under federal, state, tribal, or local law of any of the following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):

Federal Awards issued from 2019 Federal Grant Funds

- (1) sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
 - (2) rape/sexual assault, including conspiracy to commit rape/sexual assault;
 - (3) sexual exploitation, such as through child pornography or sex trafficking;
 - (4) kidnapping;
 - (5) voyeurism; or
 - e. Is determined by a federal, state, tribal, or local government agency not to be suitable.
5. Administration; rule of construction
- a. The requirements of this condition are among those that must be included in any subaward (at any tier), and must be monitored. They apply as of the date of acceptance of this award, and throughout the remainder of the period of performance.
 - b. The recipient is to contact the DOJ awarding agency with any questions regarding the requirements of this condition and must not allow a covered individual to interact with a participating minor until such questions are answered.
 - c. Award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition, provided that such funds would not supplant non-federal funds that would otherwise be available for such costs.
 - d. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal, state, tribal, or local law, including any applicable civil rights or nondiscrimination law.

O. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

Recipients of OVW grant dollars only: Additional information on the pertinent to this award appears on the OVW website at <https://www.justice.gov/ovw/conference-planning>.

P. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to DCJ and/or DOJ in

Federal Awards issued from 2019 Federal Grant Funds

the manner (including within the timeframes) specified by DCJ in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

Recipients of OVW grant dollars only: Under the Government Performance and Results Act (GPRA), VAWA 2000 and subsequent legislation grantees and subgrantees are required to collect the information that is included on the Measuring Effectiveness Progress Reports for the OVW Program under which this award is funded.

Q. Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with DOJ award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm> , or the OVW Training Guiding Principles for Grantees and Subgrantees, available at <https://www.justice.gov/ovw/grantees#Resources>.

R. Effect of failure to address audit issues

The recipient understands and agrees that the DCJ or the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DCJ or DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

S. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DCJ during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DCJ high-risk grantee list.

T. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

U. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

V. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time),

Federal Awards issued from 2019 Federal Grant Funds

specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

W.Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by DOJ may not be used by the grantee, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Recipients of OVW grant dollars only:

The recipient, or any subrecipient ("subgrantee") may, however, use federal funds to collaborate with and provide information to federal, state, local, tribal and territorial public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 34 U.S.C. § 12291(a)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program.

Another federal law generally prohibits federal funds awarded by DOJ from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact DCJ for guidance, and may not proceed without the express prior written approval of DCJ and the DOJ awarding agency (OJP or OVW, as appropriate).

Federal Awards issued from 2019 Federal Grant Funds**X. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2019)**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2019, are set out below, and are incorporated by reference here.

Background. The federal appropriations statutes that provide (among many other things) the funds that OJP awards in its grants and cooperative agreements include various restrictions on how the federal appropriated funds may be used. These restrictions, which often appear in sets of "General Provisions," typically do not relate to a particular program, or even to a particular agency such as OJP or OVW. Rather, they are wide-ranging, "cross-cutting" restrictions.

OVW funded grants only: Pertinent restrictions, for each fiscal year, are set out at <https://www.justice.gov/ovw/award-conditions> (Award Condition: General appropriations-law restrictions on use of federal award funds), and are incorporated by reference here. These do not supersede any specific conditions in this award document.

Award Condition: Each recipient of a DOJ award made with FY 2019 funds, and any subrecipient ("subgrantee") at any tier under a DOJ award made with FY 2019 funds, must comply with all applicable restrictions, as set out below.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact DCJ for guidance, and may not proceed without the express prior written approval of DCJ and the DOJ awarding agency (OJP or OVW, as appropriate).

1. Restrictions applicable to all federal funds awarded with FY 2019 funds
 - a. Publicity or propaganda. Federal funds are not legally available, and may not be used (whether directly or indirectly, including by private contractors), for publicity or propaganda purposes not authorized by the Congress.
 - b. Certain employee trainings. Federal funds are not legally available, and may not be used, for any employee training that--
 - (1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;
 - (2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;
 - (3) does not require prior employee notification of the content and methods to be used in the training and written end-of-course evaluation;
 - (4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or
 - (5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

Federal Awards issued from 2019 Federal Grant Funds

Nothing in this provision prohibits, restricts, or otherwise precludes an agency from conducting training bearing directly upon the performance of official duties.

c. Nondisclosure policies, forms, and agreements.

(1) General rule - Federal funds are not legally available, and may not be used, to implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following provisions:

" These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing [federal] statute or Executive order relating to: (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and [federal] statutory provisions are incorporated into this agreement and are controlling."

Notwithstanding the above provision, a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the United States Department of Justice, that are essential to reporting a substantial violation of law.

(2) Certain exceptions. Under certain circumstances, a nondisclosure agreement that does not contain the provisions set out in subsection (a) above nevertheless may continue to be implemented and enforced. Should a question arise as to whether an exception to the general rule set out in subsection (a) may be available for a particular nondisclosure agreement, the recipient is to contact OJP for guidance, and the recipient may not use federal funds to implement, continue to implement, or enforce the nondisclosure agreement without the express prior written approval of OJP.

d. ACORN and related organizations. Absent express prior written approval from OJP, federal funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

Y. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection

Federal Awards issued from 2019 Federal Grant Funds

with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

Z. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient —
 - a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both --
 - a. it represents that--
 - (1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"),

Federal Awards issued from 2019 Federal Grant Funds

procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

- b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

AA. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the grantee is to contact the DCJ or DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

BB. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

CC. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency – NEW 2019

If the recipient is designated "high risk" by a federal grant-making agency, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to DCJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides

Federal Awards issued from 2019 Federal Grant Funds

additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency

DD. Right to examine documents

The grantee, and any subrecipient ("subgrantee") at any tier, must authorize the DCJ or DOJ awarding agency (OJP or OVW, as appropriate) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper, or documents related to this grant.

EE. Maintaining contact information

The grantee acknowledges that it is responsible for maintaining updated contact information in the Grants Management System (GMS). To update information in GMS for either the point of contact and/or the authorized representative, the grantee must submit a Change in Project Officials (DCJ Form 4-B).

FF. Required SAM and FAPIIS reporting

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this DOJ award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of DOJ awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to FAPIIS within SAM are posted on the OVW web site at: <https://www.justice.gov/ovw/grantees#award-conditions> (Award Condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

5. FINANCIAL REQUIREMENTS

A. Non-supplanting of State and local funds

Supplanting arises when a State or unit of local government reduces State or local funds for an activity specifically because federal funds are available (or are expected to be available) to fund that same activity. Federal funds must be used to supplement existing State or local funds for program activities, and may not replace (that is, may not "supplant") State or local funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace State or local funding that is required by law.

When supplanting is prohibited, potential supplanting will be the subject of DCJ monitoring and audit. Should a question of supplanting arise, the grantee will be required

Federal Awards issued from 2019 Federal Grant Funds

to substantiate that any reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

B. Awards in excess of \$5,000,000 - Certification related to federal taxes

A recipient of an award in excess of \$5,000,000 may be required to submit a particular certification concerning filing of federal tax returns, criminal convictions under the Internal Revenue Code, and unpaid federal tax assessments. In such cases, no award funds may be used until DCJ receives a satisfactory certification.

C. Misuse of award funds

The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

D. Limitation on use of funds to approved activities

The recipient agrees that grant funds will be used only for the purposes described in this award. The grantee must not undertake any work or activities that are not described in this award, and must not use staff, equipment, or other goods or services paid for with grant funds for such work or activities, without prior written approval from DCJ.

E. Consultant compensation rates

The recipient acknowledges that consultants paid with award funds generally may not be paid at a rate in excess of \$81.25 per hour, not to exceed \$650 per day. To exceed this specified maximum rate, recipients must submit to DCJ a detailed justification and have such justification approved by DCJ, prior to obligation or expenditure of such funds. Issuance of this award or approval of the award budget alone does not indicate approval of any consultant rate in excess of \$81.25 per hour, not to exceed \$650 per day. Although prior approval is not required for consultant rates below this specified maximum rate, recipients are required to maintain documentation to support all daily or hourly consultant rates.

F. Employee compensation

With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

6. CIVIL RIGHTS REQUIREMENTS ASSOCIATED WITH DOJ AWARDS

The Grantee hereby agrees that it will comply, and all of its subrecipients ("subgrantees") will comply, with the applicable provisions of:

Federal Awards issued from 2019 Federal Grant Funds

A. Civil rights laws and nondiscrimination provisions

States and units of local government, public and nonprofit institutions of higher education, nonprofit organizations, for-profit businesses, and other recipients of DOJ grants may be subject to various federal civil rights laws for reasons *other than* their receipt of DOJ funds. Some examples include federal civil rights laws related to discrimination on the basis of race, color, national origin, sex, religion, or disability.

Because a DOJ award is a form of "federal financial assistance," the recipients of a DOJ award (and any "subrecipient" at any tier) must comply with additional civil-rights-related requirements above and beyond those that otherwise would apply.

In general, these additional requirements fall into one of two categories:

1. Civil rights laws (sometimes referred to as "cross-cutting" federal civil rights statutes). These apply to essentially any entity that receives an award of federal financial assistance -- regardless of which federal agency awards the grant or cooperative agreement -- and encompass the "program or activity" funded in whole or in part with the federal financial assistance.
2. Nondiscrimination provisions. These are requirements or restrictions that apply to certain OJP or OVW awards -- in addition to the civil rights laws -- because they are set out in a statute that applies specifically to one or more particular OJP or OVW grant programs, or to OJP or OVW awards made under a particular legal authority. Much like the civil rights laws, these provisions apply variously to the programs, activity, or undertaking funded in whole or in part by OJP or OVW, and are described herein.
 - a. Such nondiscrimination provisions apply to some, but not all, OJP or OVW grant programs.
 - b. The nondiscrimination provisions that apply to an OJP or OVW award (above and beyond the requirements in "cross-cutting" civil rights laws) may vary from award to award, even for awards made during the same fiscal year.
 - c. Typically, no more than one of these nondiscrimination provisions will apply to any particular OJP or OVW award.

General information on the civil rights laws that apply to every OJP or OVW award, and on the nondiscrimination provisions that apply to some OJP or OVW awards, is available at <https://ojp.gov/about/ocr/statutes.htm>

NOTE: As discussed in more detail below, if a civil rights law or nondiscrimination provision prohibits discrimination in employment on the basis of religion, the prohibition is read together with the provisions of the Religious Freedom Restoration Act of 1993.

B. Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial

Federal Awards issued from 2019 Federal Grant Funds

Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <https://www.lep.gov>.

C. Ensuring Equal Treatment for Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion

The DOJ regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38, updated in April 2016, prohibits all grantee organizations, whether they are law enforcement agencies, governmental agencies, educational institutions, houses of worship, or faith-based organizations, from using financial assistance from the DOJ to fund explicitly religious activities. Explicitly religious activities include worship, religious instruction, or proselytization. While funded organizations may engage in non-funded explicitly religious activities (e.g., prayer), they must hold them separately from the activities funded by the DOJ, and grantees cannot compel beneficiaries to participate in them. The regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. Funded faith-based organizations must also provide written notice to beneficiaries, advising them that if they should object to the religious character of the funded faith based organization, the funded faith-based organization will take reasonable steps to refer the beneficiary to an alternative service provider. For more information on the regulation, please see the OCR's website at <https://ojp.gov/about/ocr/partnerships.htm>.

SAAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. § 10228(c); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 34 U.S.C. § 11182(b); and VAWA, as amended, 34 U.S.C. § 12291(b)(13), contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

D. Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual

Federal Awards issued from 2019 Federal Grant Funds

or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <https://ojp.gov/about/ocr/vawafaqs.htm>.

E. Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

F. Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: *Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013)*, available at https://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOPs) (see below).

G. Complying with the Safe Streets Act

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

H. Meeting the EEOP Requirement

An EEOP is a comprehensive document that analyzes a grantee's relevant labor market data, as well as the recipient's employment practices, to identify possible barriers to the participation of women and minorities in all levels of a grantee's workforce. As a grantee of DOJ funding, you may be required to submit an EEOP Certification Report or an EEOP Utilization Report to the OCR. For more information on whether your organization is subject to the EEOP requirements, see <https://ojp.gov/about/ocr/eeop.htm>. Additionally,

Federal Awards issued from 2019 Federal Grant Funds

you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 616-1771 or by e-mail at EEOPforms@usdoj.gov.

I. Meeting the Requirement to Submit Findings of Discrimination

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

J. Ensuring the Compliance of Subrecipients/Subgrantees

SAs (DCJ) must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws.

K. Certification

Each grantee by accepting this award, certifies that it will comply (and it will require any subrecipient at any tier to comply) with applicable civil rights laws and nondiscrimination provisions. An additional DCJ Form 30, will be required prior to the disbursement of any funds.

7. RECIPIENTS OF OVW GRANT DOLLARS ONLY**A. Availability of general terms and conditions on OVW website**

The recipient agrees to follow the applicable set of general terms and conditions that are available at <https://www.justice.gov/ovw/grantees#award-conditions>. These do not supersede any specific conditions in this award document.

B. Compliance with statutory and regulatory requirements

The grantee agrees to comply with all relevant statutory and regulatory requirements, which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, the Omnibus Crime Control and Safe Streets Act of 1968, 34 U.S.C. §§ 10101 et seq., and OVW's implementing regulations at 28 C.F.R. Part 90.

C. VAWA 2013 nondiscrimination condition

The recipient acknowledges that 34 U.S.C. § 12291(b)(13) prohibits recipients of OVW awards from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. The recipient agrees that it will comply with this provision. The recipient also agrees to ensure that any subrecipients ("subgrantees") at any tier will comply with this provision.

Federal Awards issued from 2019 Federal Grant Funds**D. Confidentiality and information sharing**

The grantee agrees to comply with the provisions of 34 U.S.C. § 12291(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies and procedures for release of victim information. The grantee also agrees to ensure that all subrecipients ("subgrantees") at any tier meet these requirements.

E. Activities that compromise victim safety and recovery and undermine offender accountability

The recipient agrees that grant funds will not support activities that compromise victim safety and recovery or undermine offender accountability, such as: procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or sex of their children; procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services; procedures or policies that impose requirements on victims in order to receive services (e.g., seek an order of protection, receive counseling, participate in couples' counseling or mediation, report to law enforcement, seek civil or criminal remedies, etc.); procedures or policies that fail to ensure service providers conduct safety planning with victims; project design and budgets that fail to account for the access needs of participants with disabilities and participants who have limited English proficiency or are Deaf or hard of hearing; or any other activities outlined in the solicitation under which the approved application was submitted..

F. Termination or suspension for cause

DCJ or the Director of OVW, upon a finding that there has been substantial failure by the recipient to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until DCJ or the Director is satisfied that there is no longer such failure, all or part of the award, in accordance with the provisions of 28 C.F.R. Part 18, as applicable mutatis mutandis.

Federal Awards issued from 2020 Federal Grant Funds**2020 FEDERAL REQUIREMENTS**

1. Applicability	3
2. Recipient.....	3
3. Ensuring Compliance of Subgrantees (subrecipients)	3
4. General Conditions	3
A. Requirements of the award; incorporation by reference; remedies for non-compliance or for materially false statements	3
B. Applicability of Part 200 Uniform Requirements.....	4
C. Compliance with DOJ Grants Financial Guide	4
D. Reclassification of various statutory provisions to a new Title 34 of the United States Code	4
E. Requirements related to "de minimis" indirect cost rate.....	5
F. Requirement to report potentially duplicative funding	5
G. Requirements related to System for Award Management and Universal Identifier Requirements/Unique Entity Identifiers	5
H. Employment eligibility verification for hiring under the award	5
I. Requirement to report actual or imminent breach of personally identifiable information (PII)	7
J. All subawards ("subgrants") and contracts must have DCJ authorization.....	7
K. Specific post-award approval required to use a noncompetitive approach in any procurement contract	7
L. Unreasonable restrictions on competition under the award; association with federal government	7
M. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP or OVW authority to terminate award).....	8
N. Determination of suitability to interact with participating minors.....	11
O. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events	15
P. Requirement for data on performance and effectiveness under the award	15
Q. Training Guiding Principles	15
R. Effect of failure to address audit issues	15
S. Potential imposition of additional requirements	16
T. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42.....	16
U. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54.....	16
V. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38.....	16
W. Restrictions on "lobbying" and policy development	16
X. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020).....	17
Y. Reporting potential fraud, waste, and abuse, and similar misconduct	20
Z. Restrictions and certifications regarding non-disclosure agreements and related matters.....	20
AA. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)	21
BB. Encouragement of policies to ban text messaging while driving	22
CC. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency ..	22
DD. Right to examine documents	22

Federal Awards issued from 2020 Federal Grant Funds

EE.	Maintaining contact information	22
FF.	Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS	22
5.	Financial Requirements	23
A.	Non-supplanting of State and local funds	23
B.	Awards in excess of \$5,000,000 - Certification related to federal taxes	23
C.	Misuse of award funds	23
D.	Limitation on use of funds to approved activities	23
E.	Consultant compensation rates	23
F.	Employee compensation	24
6.	Civil rights requirements associated with DOJ awards	24
A.	Civil rights laws and nondiscrimination provisions	24
B.	Civil rights compliance: Access to services and benefits by individuals with limited English proficiency ...	25
C.	Complying with the Safe Streets Act	26
D.	Meeting the EEOP Requirement	26
E.	Ensuring the Compliance of Subrecipients/Subgrantees	26
F.	Certification	26
7.	Recipients of OVW grant dollars ONLY	26
A.	Availability of general terms and conditions on OVW website	26
B.	Compliance with statutory and regulatory requirements	26
C.	VAWA 2013 nondiscrimination condition	27
D.	Confidentiality and information sharing	27
E.	Activities that compromise victim safety and recovery and undermine offender accountability	27
F.	Policy for response to workplace-related incidents of sexual misconduct, domestic violence, and dating violence – NEW 2020	27
G.	Termination or suspension for cause	28

Federal Awards issued from 2020 Federal Grant Funds**1. APPLICABILITY**

The Division of Criminal Justice (DCJ) issues federal grants from two Department of Justice (DOJ) offices: the Office of Justice Programs (OJP) and the Office on Violence Against Women (OVW). All awards conditions set out below apply to both OJP and OVW funded grants, with the exception of the conditions labelled as: “Recipients of OVW grant dollars only” which only apply to OVW funded awards.

References to the DOJ apply to both OJP and OVW funded grants.

Individual awards will also include special conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the subrecipient's performance under other federal awards; to the subrecipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

2. RECIPIENT

For the purposes of this document, the term “recipient” refers to the Legal Entity Name listed on the Division of Criminal Justice (DCJ) Grant Award Document issued to a grantee receiving federal grants funds from DCJ. The term Recipient and Grantee are used interchangeable within this Exhibit.

3. ENSURING COMPLIANCE OF SUBGRANTEES (SUBRECIPIENTS)

Grantee is responsible for notifying any subgrantee (subrecipient), issued under this grant, of all provisions herein. Grantee is responsible for monitoring any subgrantee (subrecipient) for compliance all the provisions herein.

4. GENERAL CONDITIONS**A. Requirements of the award; incorporation by reference; remedies for non-compliance or for materially false statements**

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Division of Criminal Justice (DCJ) and/or Office of Justice Programs ("OJP") or Office on Violence Against Women ("OVW") taking appropriate action with respect to the recipient and the award. Among other things, the DCJ and/or Department of Justice “DOJ” may withhold award funds, disallow costs, or suspend or terminate the award. DCJ and DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it

Federal Awards issued from 2020 Federal Grant Funds

the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or - unenforceable, such provision shall be deemed severable from this award.

B. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award.

For more information and resources on the Part 200 Uniform Requirements as they relate to DOJ awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final financial report (DCJ Form 1-A), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

Agency review: The Grantee also agrees that all financial records pertinent to this award, including the general accounting ledger and all supporting documents, are subject to agency review throughout the life of the award, during the close-out process, and for three years after submission of the final Financial Report (DCJ Form 1A) or as long as the records are retained, whichever is longer, pursuant to 2 C.F.R. 200.333, 200.336.

In the event that an award-related question arises from documents or other materials prepared or distributed by DOJ that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact DCJ promptly for clarification.

C. Compliance with DOJ Grants Financial Guide

The recipient agrees to comply with the current edition of the DOJ Grants Financial Guide as posted on the OVW website, including any updated version that may be posted during the period of performance. References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance.

D. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to DOJ awards (that is, DOJ grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a

Federal Awards issued from 2020 Federal Grant Funds

reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

E. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements

F. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify DCJ in writing of the potential duplication, and, if so requested by DCJ, must seek a budget-modification and change-of-project to eliminate any inappropriate duplication of funding.

G. Requirements related to System for Award Management and Universal Identifier Requirements/Unique Entity Identifiers

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/SAM/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

DCJ must comply with applicable restrictions on subawards Grantees, including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of DCJ's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

H. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must—
 - a. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or

Federal Awards issued from 2020 Federal Grant Funds

any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

- b. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both—
 - (1) this award requirement for verification of employment eligibility, and
 - (2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.
- c. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).
- d. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

a. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

b. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.everify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

Federal Awards issued from 2020 Federal Grant Funds

- c. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.
- d. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.
- e. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to DCJ, before award acceptance.

I. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)--(1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of a DOJ grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to DCJ no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

J. All subawards ("subgrants") and contracts must have DCJ authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must receive approval from DCJ prior to issuing a subaward or a procurement contract under this award.

K. Specific post-award approval required to use a noncompetitive approach in any procurement contract

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP or OVW considers a procurement "contract" (and therefore does not consider a subaward).

L. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition,

Federal Awards issued from 2020 Federal Grant Funds

the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

- a. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.
- b. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

M. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP or OVW authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients,

Federal Awards issued from 2020 Federal Grant Funds

subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

1. Section A. Provisions applicable to a recipient that is a **private entity**

- a. During the period of time that this award is in effect, the recipient, the recipient's employees, any subrecipient ("subgrantee"), and the employees of any subrecipient may not engage in--
 - (1) Severe forms of trafficking in persons;
 - (2) Procurement of a commercial sex act;
 - (3) Use of forced labor in the performance of the award or any subaward ("subgrant") under the award;
 - (4) Acts that directly support or advance trafficking in persons, including acts such as:
 - (a) Denying an employee access to the employee's own identity or immigration documents (including by destroying or confiscating such documents);
 - (b) Without legally-sufficient justification as determined by OJP or OVW, failing to provide (or pay for) return transportation to an employee to the country from which the employee was recruited (if other than the United States), if the employee requests such return transportation upon the end of employment;
 - (c) Using materially false or fraudulent pretenses, representations, or promises regarding the employment to solicit a person for employment, or in an offer of employment;
 - (d) Charging recruited employees placement or recruitment fees; or
 - (e) Providing or arranging housing that fails to meet the host country (e.g., the United States) housing and safety standards.
- b. OJP or OVW as the federal awarding agency may unilaterally terminate this award, without penalty, if the agency official authorized to terminate the award determines that the recipient or a subrecipient ("subgrant") that is a private entity--
 - (1) Violated a prohibition in section **1.a** of this award condition; or
 - (2) Has an employee who violated a prohibition in section **1.a** of this award condition through conduct that is either--
 - (a) Associated with performance under this award; or
 - (b) Imputed to the recipient or the subrecipient ("subgrantee") using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOJ at 2 C.F.R. Part 2867.

Federal Awards issued from 2020 Federal Grant Funds

2. Section B. Provisions applicable to a recipient **other than** a private entity
 - a. During the period of time that the award is in effect, any subrecipient ("subgrantee") that is a private entity, and the employees of any subrecipient that is a private entity, may not engage in--
 - (1) Severe forms of trafficking in persons;
 - (2) Procurement of a commercial sex act;
 - (3) Use of forced labor in the performance of the award or any subaward ("subgrant") under the award;
 - (4) Acts that directly support or advance trafficking in persons, including acts such as:
 - (a) Denying an employee access to the employee's own identity or immigration documents (including by destroying or confiscating such documents);
 - (b) Without legally-sufficient justification as determined by OVW or OJP, failing to provide (or pay for) return transportation to an employee to the country from which the employee was recruited (if other than the United States), if the employee requests such return transportation upon the end of employment;
 - (c) Using materially false or fraudulent pretenses, representations, or promises regarding the employment to solicit a person for employment, or in an offer of employment;
 - (d) Charging recruited employees placement or recruitment fees; or
 - (e) Providing or arranging housing that fails to meet the host country (e.g., the United States) housing and safety standards.
 - b. OJP or OVW as the federal awarding agency may unilaterally terminate this award, without penalty, if the agency official authorized to terminate the award determines that a subrecipient ("subgrantee") under this award that is a private entity--
 - (1) Violated a prohibition in section **2.a** of this award condition; or
 - (2) Has an employee who violated a prohibition in section **2.a** of this award condition through conduct that is either--
 - (a) Associated with performance under this award; or
 - (b) Imputed to the subrecipient ("subgrantee") using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOJ at 2 C.F.R. Part 2867.
3. Section C. Provisions applicable to **all recipient and subrecipients**
 - a. The recipient must inform DCJ promptly, and without delay, of any information the recipient receives from any source alleging a violation of a prohibition in section **1.a** or **2.a** of this award condition.

Federal Awards issued from 2020 Federal Grant Funds

- b. OJP or OVW's authority to terminate this award unilaterally (without penalty), described in section **1.b** and **2.b** of this award condition:
 - (1) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA) (22 U.S.C. 7104(g)), and
 - (2) Is in addition to any and all other remedies for noncompliance that are available to OJP or OVW with respect to this award, whether under the TVPA (see, e.g., 22 U.S.C. 7104b) or other applicable law.
- c. The recipient must include and incorporate all applicable provisions of this award condition in any subaward ("subgrant") the recipient makes to a private entity.

4. Section D. Definitions.

For purposes of this award condition:

- a. "Employee" means either:
 - (1) An individual employed by the recipient or by a subrecipient ("subgrantee") who is engaged in the performance of the project or program under this award; or
 - (2) Another person engaged in the performance of the project or program under this award, whether or not compensated with award funds, including, but not limited to, a volunteer, an individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements, or an agent (including a labor recruiter or broker).
- b. "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.
- c. "Private entity":
 - (1) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. 175.25.
 - (2) Includes:
 - (a) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R. 175.25(b).
 - (b) A for-profit organization.
- d. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA (22 U.S.C. 7102).

N. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

Federal Awards issued from 2020 Federal Grant Funds

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

1. Advance determination regarding suitability. The recipient (and any subrecipient at any tier) may not permit any covered individual to interact with any participating minor in the course of activities under the award, unless the recipient or subrecipient first has made a written determination of the suitability of that individual to interact with participating minors, based on current and appropriate information as described in paragraph 3.e., and taking into account the factors and considerations described in paragraph 4.
2. Updates and reexaminations
 - a. The recipient (or subrecipient) must, at least every five years, update the searches described in paragraph 3.e.1. and 2., reexamine the covered individual's suitability determination in light of those search results, and, if appropriate, modify or withdraw that determination.
 - b. The recipient also must reexamine a covered individual's suitability determination upon learning of information that reasonably may suggest unsuitability and, if appropriate, modify or withdraw that determination.
3. Definitions
 - a. "Covered individual" means any individual (other than a participating minor, as defined in this condition, or a client of the recipient (or subrecipient)) who is expected, or reasonably likely, to interact with any participating minor (other than the individual's own minor children). A covered individual need not have any particular employment status or legal relationship with the recipient (or subrecipient). Such an individual might be an employee of a recipient (or subrecipient), but also might be (for example) a consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.
 - b. "Participating minor." All individuals under 18 years of age within the set of individuals described in the scope section of this condition as it appears on the award document are participating minors.
 - c. "Interaction" includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. But "interaction" does not include--
 - (1) brief contact that is both unexpected by the recipient (or subrecipient) and unintentional on the part of the covered individual -- such as might occur when a postal carrier delivers mail to an administrative office.
 - (2) personally-accompanied contact -- that is, infrequent or occasional contact (for example, by someone who comes to make a presentation) in the presence of an accompanying adult, pursuant to written policies and procedures of the recipient (or subrecipient) that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this condition

Federal Awards issued from 2020 Federal Grant Funds

will closely and personally accompany, and remain continuously within view and earshot of, the covered individual.

- d. "Activities under the award." Whether paid for with federal funds from the award, "matching" funds included in the approved budget for the award, or "program income" for the award as defined by the Part 200 Uniform Requirements, activities under the award include both--

- (1) activities carried out under the award by the recipient (or subrecipient); and
- (2) actions taken by an entity or individual pursuant to a procurement contract under the award or to a procurement contract under a subaward at any tier.

- e. "Current and appropriate information"

In addition to information resulting from checks or screening required by applicable federal, state, tribal, or local law, and/or by the recipient's (or subrecipient's) written policies and procedures, current and appropriate information includes the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability.

- (1) Public sex offender and child abuse websites/registries

A search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably- accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, including--

- (a) the Dru Sjodin National Sex Offender Public Website (www.nsopw.gov);
- (b) the website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and
- (c) the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

- (2) Criminal history registries and similar repositories of criminal history records

For each individual at least 18 years of age who is a covered individual under this award, a fingerprint search (or, if the recipient or subrecipient documents that a fingerprint search is not legally available, a name-based search, using current and, if applicable, previous names and aliases) -- encompassing at least the time period beginning five calendar years preceding the date of the search request -- of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories, including--

- (a) the criminal history registry for each state in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and

Federal Awards issued from 2020 Federal Grant Funds

- (b) the criminal history registry for each state in which he or she is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

4. Factors and considerations in determinations regarding suitability

In addition to the factors and considerations that must or may be considered under applicable federal, state, tribal, or local law, and under the recipient's (or subrecipient's) written policies and procedures, in making a determination regarding suitability, the recipient (or subrecipient) must consider the current and appropriate information described in paragraph 3.e.

In particular (unless applicable law precludes it), with respect to either an initial determination of suitability or a subsequent reexamination, the recipient (or subrecipient) may not determine that a covered individual is suitable to interact with participating minors in the course of activities under the award if the covered individual--

- a. Withholds consent to a criminal history search required by this condition;
- b. Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;
- c. Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
- d. To the knowledge of the recipient (or subrecipient), has been convicted -- whether as a felony or misdemeanor -- under federal, state, tribal, or local law of any of the following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):
 - (1) sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
 - (2) rape/sexual assault, including conspiracy to commit rape/sexual assault;
 - (3) sexual exploitation, such as through child pornography or sex trafficking;
 - (4) kidnapping;
 - (5) voyeurism; or
- e. Is determined by a federal, state, tribal, or local government agency not to be suitable.

5. Administration; rule of construction

- a. The requirements of this condition are among those that must be included in any subaward (at any tier), and must be monitored. They apply as of the date of acceptance of this award, and throughout the remainder of the period of performance.
- b. The recipient is to contact the DOJ awarding agency with any questions regarding the requirements of this condition and must not allow a covered individual to interact with a participating minor until such questions are answered.

Federal Awards issued from 2020 Federal Grant Funds

- c. Award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition, provided that such funds would not supplant non-federal funds that would otherwise be available for such costs.
- d. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal, state, tribal, or local law, including any applicable civil rights or nondiscrimination law.

O. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

Recipients of OVW grant dollars only: Additional information on the pertinent to this award appears on the OVW website at <https://www.justice.gov/ovw/conference-planning>.

P. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to DCJ and/or DOJ in the manner (including within the timeframes) specified by DCJ in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

Q. Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with DOJ award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>, or the OVW Training Guiding Principles for Grantees and Subgrantees, available at <https://www.justice.gov/ovw/resources-and-faqs-grantees#Discretionary>.

R. Effect of failure to address audit issues

The recipient understands and agrees that the DCJ or the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DCJ or DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

Federal Awards issued from 2020 Federal Grant Funds**S. Potential imposition of additional requirements**

The recipient agrees to comply with any additional requirements that may be imposed by the DCJ during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DCJ high-risk grantee list.

T. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

U. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

V. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

W.Restrictions on "lobbying" and policy development

In general, as a matter of federal law, federal funds awarded by DOJ may not be used by the grantee, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Recipients of OVW grant dollars only:

The recipient, or any subrecipient ("subgrantee") may, however, use federal funds to collaborate with and provide information to federal, state, local, tribal and territorial

Federal Awards issued from 2020 Federal Grant Funds

public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 34 U.S.C. § 12291(a)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program.

Another federal law generally prohibits federal funds awarded by DOJ from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact DCJ for guidance, and may not proceed without the express prior written approval of DCJ and the DOJ awarding agency (OJP or OVW, as appropriate).

X. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2020, are set out below, and are incorporated by reference here.

Background. The federal appropriations statutes that provide (among many other things) the funds that OJP awards in its grants and cooperative agreements include various restrictions on how the federal appropriated funds may be used. These restrictions, which often appear in sets of "General Provisions," typically do not relate to a particular program, or even to a particular agency such as OJP or OVW. Rather, they are wide-ranging, "cross-cutting" restrictions.

Award Condition: Each recipient of a DOJ award made with FY 2020 funds, and any subrecipient ("subgrantee") at any tier under a DOJ award made with FY 2020 funds, must comply with all applicable restrictions, as set out below.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact DCJ for guidance, and may not proceed without the express prior written approval of DCJ and the DOJ awarding agency (OJP or OVW, as appropriate).

Federal Awards issued from 2020 Federal Grant Funds

1. Restrictions applicable to all federal funds awarded with FY 2020 funds
 - a. Publicity or propaganda. Federal funds are not legally available, and may not be used (whether directly or indirectly, including by private contractors), for publicity or propaganda purposes not authorized by the Congress.
 - b. Certain employee trainings. Federal funds are not legally available, and may not be used, for any employee training that--
 - (1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;
 - (2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;
 - (3) does not require prior employee notification of the content and methods to be used in the training and written end-of-course evaluation;
 - (4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or
 - (5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

Nothing in this provision prohibits, restricts, or otherwise precludes an agency from conducting training bearing directly upon the performance of official duties.

- c. Nondisclosure policies, forms, and agreements.
 - (1) General rule - Federal funds are not legally available, and may not be used, to implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following provisions:

" These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing [federal] statute or Executive order relating to: (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and [federal] statutory provisions are incorporated into this agreement and are controlling."

Notwithstanding the above provision, a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not

Federal Awards issued from 2020 Federal Grant Funds

bar disclosures to Congress, or to an authorized official of an executive agency or the United States Department of Justice, that are essential to reporting a substantial violation of law.

(2) Certain exceptions. Under certain circumstances, a nondisclosure agreement that does not contain the provisions set out in subsection (a) above nevertheless may continue to be implemented and enforced. Should a question arise as to whether an exception to the general rule set out in subsection (a) may be available for a particular nondisclosure agreement, the recipient is to contact DCJ for guidance, and the recipient may not use federal funds to implement, continue to implement, or enforce the nondisclosure agreement without the express prior written approval of DCJ

- d. ACORN and related organizations. Absent express prior written approval from DCJ, federal funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.
2. Restrictions applicable only to certain federal funds under DOJ awards made in FY 2020
- a. Nondiscrimination in programs involving students. Funds appropriated under the Department of Justice Appropriations Act, 2019, and awarded by OJP are not legally available, and may not be used, to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or those of their parents or legal guardians.
 - b. Blocking of pornography on computer networks. Funds appropriated under the Department of Justice Appropriations Act, 2019, and awarded by OJP are not legally available, and may not be used, to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

Nothing in this provision limits the use of funds necessary for any federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

(This provision also applies to any DOJ award of other funds appropriated under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2019.)

- 3. Award or incentive fees to contractors. Funds appropriated under the Department of Justice Appropriations Act, 2019, and awarded by OJP are not legally available, and may not be used, to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract. (This restriction also applies to any OJP award of other funds appropriated under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2019.)
- 4. Use of funds in connection with abortion. Funds appropriated under the Department of Justice Appropriations Act, 2019, and awarded by OJP are not legally available, and

Federal Awards issued from 2020 Federal Grant Funds

may not be used-- (1) to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest; or (2) to require any person to perform, or facilitate in any way the performance of, any abortion.

5. "Pay-to-stay" at local jails. Funds appropriated to the Department of Justice through an annual appropriations statute and awarded by OJP are not legally available to, and may not be provided to, any local jail that runs a "pay-to-stay" program. (Monies in the Crime Victims Fund are not appropriated through an annual appropriations statute.)

Y. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <http://www.usdoj.gov/oig>.

Z. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient —
 - a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or

Federal Awards issued from 2020 Federal Grant Funds

- otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both --
 - a. it represents that--
 - (1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - (2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
 - b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

AA. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the grantee is to contact the DCJ for guidance.

Federal Awards issued from 2020 Federal Grant Funds**BB. Encouragement of policies to ban text messaging while driving**

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

CC. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency

If the recipient is designated "high risk" by a federal grant-making agency, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to DCJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency

DD. Right to examine documents

The grantee, and any subrecipient ("subgrantee") at any tier, must authorize the DCJ or DOJ awarding agency (OJP or OVW, as appropriate) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper, or documents related to this grant.

EE. Maintaining contact information

The grantee acknowledges that it is responsible for maintaining updated contact information in the Grants Management System (GMS). To update information in GMS for either the point of contact and/or the authorized representative, the grantee must submit a Change in Project Officials (DCJ Form 4-B).

FF. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this DOJ award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of DOJ awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> and OVW web site at:

Federal Awards issued from 2020 Federal Grant Funds

<https://www.justice.gov/ovw/award-conditions> (Award Condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

5. FINANCIAL REQUIREMENTS**A. Non-supplanting of State and local funds**

Supplanting arises when a Recipient reduces State or local funds for an activity specifically because federal funds are available (or are expected to be available) to fund that same activity. Federal funds must be used to supplement existing State or local funds for program activities, and may not replace (that is, may not "supplant") State or local funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace State or local funding that is required by law.

When supplanting is prohibited, potential supplanting will be the subject of DCJ monitoring and audit. Should a question of supplanting arise, the grantee will be required to substantiate that any reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

B. Awards in excess of \$5,000,000 - Certification related to federal taxes

A recipient of an award in excess of \$5,000,000 may be required to submit a particular certification concerning filing of federal tax returns, criminal convictions under the Internal Revenue Code, and unpaid federal tax assessments. In such cases, no award funds may be used until DCJ receives a satisfactory certification.

C. Misuse of award funds

The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

D. Limitation on use of funds to approved activities

The recipient agrees that grant funds will be used only for the purposes described in this award. The grantee must not undertake any work or activities that are not described in this award, and must not use staff, equipment, or other goods or services paid for with grant funds for such work or activities, without prior written approval from DCJ.

E. Consultant compensation rates

The recipient acknowledges that consultants paid with award funds generally may not be paid at a rate in excess of \$81.25 per hour, not to exceed \$650 per day. To exceed this specified maximum rate, recipients must submit to DCJ a detailed justification and have such justification approved by DCJ, prior to obligation or expenditure of such funds. Issuance of this award or approval of the award budget alone does not indicate approval of any consultant rate in excess of \$81.25 per hour, not to exceed \$650 per day. Although prior approval is not required for consultant rates below this specified maximum rate, recipients are required to maintain documentation to support all daily or hourly consultant rates.

Federal Awards issued from 2020 Federal Grant Funds

F. Employee compensation

With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

6. CIVIL RIGHTS REQUIREMENTS ASSOCIATED WITH DOJ AWARDS

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

The Grantee hereby agrees that it will comply, and all of its subrecipients ("subgrantees") will comply, with the applicable provisions of:

A. Civil rights laws and nondiscrimination provisions

States and units of local government, public and nonprofit institutions of higher education, nonprofit organizations, for-profit businesses, and other recipients of DOJ grants may be subject to various federal civil rights laws for reasons *other than* their receipt of DOJ

Federal Awards issued from 2020 Federal Grant Funds

funds. Some examples include federal civil rights laws related to discrimination on the basis of race, color, national origin, sex, religion, or disability.

Because a DOJ award is a form of "federal financial assistance," the recipients of a DOJ award (and any "subrecipient" at any tier) must comply with additional civil-rights-related requirements above and beyond those that otherwise would apply.

In general, these additional requirements fall into one of two categories:

1. Civil rights laws (sometimes referred to as "cross-cutting" federal civil rights statutes). These apply to essentially any entity that receives an award of federal financial assistance -- regardless of which federal agency awards the grant or cooperative agreement -- and encompass the "program or activity" funded in whole or in part with the federal financial assistance.
2. Nondiscrimination provisions. These are requirements or restrictions that apply to certain OJP or OVW awards -- in addition to the civil rights laws -- because they are set out in a statute that applies specifically to one or more particular OJP or OVW grant programs, or to OJP or OVW awards made under a particular legal authority. Much like the civil rights laws, these provisions apply variously to the programs, activity, or undertaking funded in whole or in part by OJP or OVW, and are described herein.
 - a. Such nondiscrimination provisions apply to some, but not all, OJP or OVW grant programs.
 - b. The nondiscrimination provisions that apply to an OJP or OVW award (above and beyond the requirements in "cross-cutting" civil rights laws) may vary from award to award, even for awards made during the same fiscal year.
 - c. Typically, no more than one of these nondiscrimination provisions will apply to any particular OJP or OVW award.

General information on the civil rights laws that apply to every OJP or OVW award, and on the nondiscrimination provisions that apply to some OJP or OVW awards, is available at <https://ojp.gov/about/ocr/statutes-regulations>.

NOTE: As discussed in more detail below, if a civil rights law or nondiscrimination provision prohibits discrimination in employment on the basis of religion, the prohibition is read together with the provisions of the Religious Freedom Restoration Act of 1993.

B. Civil rights compliance: Access to services and benefits by individuals with limited English proficiency

Compliance with the civil rights laws entails, among other things, taking reasonable steps to ensure that individuals with limited English proficiency (LEP) have meaningful access to DOJ-funded programs or services. An individual with limited English proficiency is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist recipients of DOJ awards in meeting their obligations with respect to such individuals, DOJ has published a guidance document, available on the LEP.gov website.

Federal Awards issued from 2020 Federal Grant Funds**C. Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

D. Meeting the EEOP Requirement

An EEOP is a comprehensive document that analyzes a grantee's relevant labor market data, as well as the recipient's employment practices, to identify possible barriers to the participation of women and minorities in all levels of a grantee's workforce. As a grantee of DOJ funding, you may be required to submit an EEOP Certification Report or an EEOP Utilization Report to the OCR. For more information on whether your organization is subject to the EEOP requirements, see <https://ojp.gov/about/ocr/eeop.htm>. Additionally, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 616-1771 or by e-mail at EEOPforms@usdoj.gov.

E. Ensuring the Compliance of Subrecipients/Subgrantees

SAAAs (DCJ) must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws.

F. Certification

Each grantee by accepting this award, certifies that it will comply (and it will require any subrecipient at any tier to comply) with applicable civil rights laws and nondiscrimination provisions. An additional DCJ Form 30, will be required prior to the disbursement of any funds.

7. RECIPIENTS OF OVW GRANT DOLLARS ONLY**A. Availability of general terms and conditions on OVW website**

The recipient agrees to follow the applicable set of general terms and conditions that are available at <https://www.justice.gov/ovw/grantees#award-conditions>. These do not supersede any specific conditions in this award document.

B. Compliance with statutory and regulatory requirements

The grantee agrees to comply with all relevant statutory and regulatory requirements, which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, the Omnibus Crime Control and Safe Streets Act of 1968, 34 U.S.C. §§ 10101 et seq., and OVW's implementing regulations at 28 C.F.R. Part 90.

Federal Awards issued from 2020 Federal Grant Funds**C. VAWA 2013 nondiscrimination condition**

The recipient acknowledges that 34 U.S.C. § 12291(b)(13) prohibits recipients of OVW awards from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. The recipient agrees that it will comply with this provision. The recipient also agrees to ensure that any subrecipients ("subgrantees") at any tier will comply with this provision.

D. Confidentiality and information sharing

The grantee agrees to comply with the provisions of 34 U.S.C. § 12291(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies and procedures for release of victim information. The recipient also agrees to comply with the regulations implementing this provision at 28 CFR 90.4(b) and "Frequently Asked Questions (FAQs) on the VAWA Confidentiality Provision (34 U.S.C. § 12291(b)(2))" on the OVW website at <https://www.justice.gov/ovw/resources-and-faqs-grantees>. The grantee also agrees to ensure that all subrecipients ("subgrantees") at any tier meet these requirements.

E. Activities that compromise victim safety and recovery and undermine offender accountability

The recipient agrees that grant funds will not support activities that compromise victim safety and recovery or undermine offender accountability, such as: procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or sex of their children; procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services; procedures or policies that impose requirements on victims in order to receive services (e.g., seek an order of protection, receive counseling, participate in couples' counseling or mediation, report to law enforcement, seek civil or criminal remedies, etc.); procedures or policies that fail to ensure service providers conduct safety planning with victims; project design and budgets that fail to account for the access needs of participants with disabilities and participants who have limited English proficiency or are Deaf or hard of hearing; or any other activities outlined in the solicitation under which the approved application was submitted..

F. Policy for response to workplace-related incidents of sexual misconduct, domestic violence, and dating violence – NEW 2020

The recipient, and any subrecipient at any tier, must have a policy, or issue a policy within 270 days of the award date, to address workplace-related incidents of sexual misconduct, domestic violence, and dating violence involving an employee, volunteer, consultant, or contractor. The details of this requirement are posted on the OVW web site at <https://www.justice.gov/ovw/award-conditions> (Award Condition: Policy for response to workplace-related sexual misconduct, domestic violence, and dating violence), and are incorporated by reference here.

Federal Awards issued from 2020 Federal Grant Funds

G. Termination or suspension for cause

DCJ or the Director of OVW, upon a finding that there has been substantial failure by the recipient to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until DCJ or the Director is satisfied that there is no longer such failure, all or part of the award, in accordance with the provisions of 28 C.F.R. Part 18, as applicable mutatis mutandis.

**COLORADO DIVISION OF CRIMINAL JUSTICE
CERTIFICATION OF COMPLIANCE WITH REGULATIONS
OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF JUSTICE (DCJ FORM 30)**

INSTRUCTIONS: Complete the table below with information found in the Grant Agreement. Read the form completely, identify the person responsible for reporting civil rights findings, certify that the required Civil Rights training has been completed by the Project Director; and check only one certification under "II" that applies to your agency. Have your Signature Authority sign at the bottom of page 2, forward a copy to the person identified as being responsible for reporting civil rights findings and return the original to the Colorado Division of Criminal Justice, 700 Kipling, Ste. 1000, Denver, CO 80215, within 45 days of the grant award beginning date.

PROJECT DIRECTOR: Julie Madden

PHONE: 720-913-9080

Person responsible for reporting civil rights findings of discrimination: (Name, address, phone & email)

Karen McInnes
201 West Colfax Ave, Dept. 801
Denver, CO 80202
karen.mcinnes@denverda.org
720-913-9578

I acknowledge that I viewed **all** of the trainings on Civil Rights available on DCJ's website at <https://www.colorado.gov/pacific/dcj/civil-rights-requirements>. I accept responsibility for ensuring that project staff understands their responsibilities as outlined in the presentations. I understand that if I have any questions about the material presented and my responsibilities as a grantee that I will contact my grant manager.

DocuSigned by:



12/02/2020

PROJECT DIRECTOR SIGNATURE

DATE

SIGNATURE AUTHORITY'S CERTIFICATION: As the Signature Authority for the above Grantee, I certify, by my signature on page two (2), that I have read and am fully cognizant of our duties and responsibilities under this Certification.

- I. **REQUIREMENTS OF GRANT RECIPIENTS:** All grant recipients (regardless of the type of entity or the amount awarded) are subject to prohibitions against discrimination in any program or activity, and must take reasonable steps to provide meaningful access for persons with limited English proficiency.

◆ I certify that this agency will maintain data (and submit when required) to ensure that: our services are delivered in an equitable manner to all segments of the service population; our employment practices comply with Equal Opportunity Requirements, 28 CFR 42.207 and 42.301 *et seq.*; our projects and activities provide meaningful access for people with limited English proficiency as required by Title VI of the Civil Rights Act, (*See also*, 2000 Executive Order #13166).

◆ I also certify that the person in this agency or unit of government who is responsible for reporting civil rights findings of discrimination will submit these findings, if any, to the Division of Criminal Justice within 45 days of the finding, and/or if the finding occurred prior to the grant award beginning date, within 45 days of the grant award beginning date.

DCJ FORM 30:
CERTIFICATION OF COMPLIANCE WITH REGULATIONS,
OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF JUSTICE (Continued)

II. **EQUAL EMPLOYMENT OPPORTUNITY PLAN (EEOP) CERTIFICATIONS:** Check the box before **ONLY ONE APPROPRIATE CERTIFICATION** (A, or B below) that applies to this grantee agency during the period of the grant duration noted above.

- ☐ **CERTIFICATION "A"** [Applicable, if (1), (2) or (3), below, apply.] This is the Certification that most non-profits and small agencies will use. Check all that apply to your entity.

This funded entity:

- ☐ (1) is an educational, medical or non-profit organization or an Indian Tribe;
☐ (2) has less than 50 employees;
☐ (3) was awarded through this single grant award from the Colorado Division of Criminal Justice less than \$25,000 in federal U.S. Department of Justice funds.

Therefore, I hereby certify that this funded entity is not required to maintain an EEOP, pursuant to 28 CFR §42.302, but is **required to submit a Certification** (<https://ojp.gov/about/ocr/eeop.htm>).

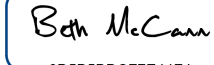
- ☒ **CERTIFICATION "B"** (Applicable to all entities that do not qualify for Certification "A" above)

This funded entity, as a for-profit entity or a state or local government having 50 or more employees (counting both full- and part-time employees but excluding political appointees) and is receiving, through this single grant award from the Colorado Division of Criminal Justice, more than \$25,000, in federal U.S. Department of Justice funds.

Therefore, I hereby certify that the funded entity will prepare and submit an EEOP and Certification at <https://ojp.gov/about/ocr/eeop.htm>, within 60 days of the award. The EEOP shall be submitted in accordance with 28 CFR §42, subpart E, to Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice that will include a section specifically analyzing the grantee (implementing) agency. (If you have already submitted an EEOP applicable to this time period, send a copy of the letter received from the Office for Civil Rights showing that your EEOP is acceptable.)

As the Signature Authority for the above grantee, I certify, by my signature below, that I have read and am fully cognizant of our duties and responsibilities under this Certification. I, hereby, also certify that the content of this form, other than the data entry required, has not been altered.

DocuSigned by:



12/02/2020

SIGNATURE AUTHORITY SIGNATURE

DATE

Beth McCann

Denver District Attorney

TYPED NAME

TITLE

* * * * *

This signed form must be returned to the Colorado Division of Criminal Justice, 700 Kipling, Ste. 1000, Denver, CO 80215, within 45 days of the grant award beginning date. You must also forward a signed copy to the person identified in the box above.