

## **Summit County Public Health Federal And State Assurances for Subgrantees**

### **Instructions**

This form consolidates all assurances required for subgrantees of Summit County Public Health.

By acknowledging these assurances, the agency certifies that your agency, if audited, can produce the necessary documentation as outlined in this form.

### **Note**

Certain of these assurances may not be applicable to your project or program. If you have questions, please contact Summit County Public Health. Further, certain programs may require applicants to certify to additional assurances. If such is the case, you will be notified.

**As the duly authorized representative of the applicant, I certify that the applicant:**

1. Has the legal authority to apply for Federal or State assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration, applicable to federally funded governmental agencies only (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VII of the Civil Rights Act of 1964 (PL 88-352) which prohibits discrimination on the basis of race, color or national origin (HHS-4419); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps (HHS-641); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (PL 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (PL 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the

Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (PL 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (PL 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176 (c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of under-ground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (PL 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (PL 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et. seq.).

14. Will comply with PL 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance. The policy regarding human subjects states: Research activities involving human subjects may not be conducted or supported by the Departments and Agencies adopting the Common Rule (5;6FR28003, June 18, 1991) unless the activities are exempt from or

approved in accordance with the common rule. See Section 101(B) the common rule for exemptions. Institutions submitting applications or proposals for support must submit certification of appropriate Institutional Review Board (IRB) review and approval to the Department or Agency in accordance with the common rule.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (PL 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Certifies to the best of his or her knowledge and belief, that the applicant, defined as the primary participant in accordance with 45 CFR Part 76, and its principals: (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency; (b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and (d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. Should applicant not be able to provide this certification, an explanation as to why should be placed after the assurance page in the application package.

19. Will comply with the certification regarding lobbying. Title 31 United States Code, Section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," generally prohibits recipients of Federal grants and cooperative agreements from using Federal (appropriated) funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a SPECIFIC grant or cooperative agreement. Section 1352 also requires that each person who requests or receives a Federal grant or cooperative agreement must disclose lobbying undertaken with non-Federal (non-appropriated) funds. These requirements apply to grant and cooperative agreements EXCEEDING \$100,000 in total costs (45 CFR Part 93). The undersigned certifies, to the best of his or her knowledge and belief, that: (1) No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement. (2) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the federal contract, grant, loan or cooperative

agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of facts upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any persons who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and no more than \$100,000 for each such failure.

20. Will comply with the certification regarding program fraud and Civil Remedies Act (PFCRA). The undersigned (authorized official signing for the applicant organization) certifies, to the best of his or her knowledge and belief, that the statements herein are true, accurate, and complete and agrees to comply with the Public Health Service Terms and conditions if an award is issued as a result of this application. Willful provision of false information is a criminal offense (Title 18, U.S. Code, Section 1001). Any person making any false, fictitious, or fraudulent statement may, in addition to other remedies available to the Government, be subject to civil penalties under the Program Fraud Civil Remedies Act of 1986 (45 CFR Part 79).

21. Will comply with the certification regarding environmental tobacco smoke. Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable Federal funds is Medicare or Medicaid; or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity. The submitting organization agrees that it will require that the language of this certification be included in any subawards which contain provisions for children's services and that all subrecipients shall certify accordingly.

22. Will comply with the Conflict of Interest statement being: Because of the conflict of interest it represents, and pursuant to Ohio Revised Code Section 3701.131, a grantee agency may not contract for compensation with its Board members to provide project services. Where this practice currently exists, the Board member may continue Board participation and sever the contractual relationship; or the service may be resumed under contract on receipt of a signed letter of resignation from the Board.

23. If the applicant is a non-government agency, will carry adequate fidelity bond coverage as indemnification against losses resulting from the fraud or lack of integrity, honesty or fidelity of one or more employees, officers or other persons holding a portion of trust.

24. Will certify that the applicant agency is a private, nonprofit organization must include evidence of the nonprofit status with the application. Any of the following is acceptable evidence: (a) A reference to the organization's listing in the Internal Revenue Service's

(IRS) most recent list of tax-exempt organizations described in section 501(C)(3) of the IRS code.

(B) A copy of a currently valid Internal Revenue Service Tax exemption certificate. (C) A statement from a State taxing body, State Attorney General, or other appropriate State official certifying that the applicant organization has a nonprofit status and that none of the next earnings accrue to any private shareholders or individuals. (D) A certified copy of the organization's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the organization (E) Any of the above proof for a State or national parent organization, and a statement signed by the parent organization that the applicant organization is a local nonprofit affiliate. If an applicant has evidence of current nonprofit status on file with an agency of PHS, it will not be necessary to file similar papers again, but the place and date of filing must be indicated.

25. Certifies that in accordance with the Governor's Executive Order 2007-01S (Ethics Order located on Summit County Public Health web site): (A) Subgrantee Agency has reviewed and understands the Governor's Executive Order 2007-01S, (B) Subgrantee Agency has reviewed and understands the Ohio ethics and conflict of interest laws, (C) Subgrantee Agency will take no action inconsistent with those laws and this order and (D) Subgrantee Agency understands that failure to comply with the Executive Order 2007-01S is, in itself, grounds for termination of this grant and may result in the loss of other grants with the State of Ohio.

26. Certifies that in accordance with the Governor's Executive Order 2011-12K (Banning the Expenditure of Public Funds on Offshore Services): (A) Subgrantee Agency has reviewed and understands the Governor's Executive Order 2011-12K, (B) Subgrantee Agency has reviewed and understands the Ohio banning of expenditure of public funds on offshore services, (C) Subgrantee Agency will take no action inconsistent with those laws and this order and (D) Subgrantee Agency understands that failure to comply with the Executive Order 2011-12K is, in itself, grounds for termination of this grant and may result in the loss of other grants with the State of Ohio.

27. Will comply with all applicable requirements of all other Federal and State laws, executive orders, regulations and policies governing this program.

28. Budget Certification: The applicant understands and agrees to the following conditions:

- a. That funds granted as a result of this application are to be used for the purposes set forth herein and administered in compliance with the "Ohio Department of Health Grants Administration Policy and Procedure Manual (GAPP)" and other applicable terms and conditions established by the participating federal agency and the Ohio Department of Health (ODH).
- b. That the program budget contained herein includes grant funds requested, applicant funds and in-kind funds and in-kind contributions obligated to support the program and any anticipated income to be generated by the grant funds and support. That any expenditures of grant funds, obligated applicants support and program income will be included in the program budget or subsequent budget revisions, will have prior written authorization from Summit County Public Health and will have separate accountability with supportive documentation.

- c. That program funds are exclusive of any unauthorized federal funds and will not be used as matching requirements for other federal grants.
- d. That all program records will be made available to State or Federal agents upon request for audit or review and will not be disposed of without written authorization from Summit County Public Health, and that a copy of all audits of program funds be submitted to Summit County Public Health.
- e. That all equipment purchased in whole or part with program funds (as defined above), be tagged or otherwise identified as property of the program. No disposition of such property may be made without written authorization from Summit County Public Health. Such equipment will be used only to continue the program upon termination of grant funding and will be transferred to Summit County Public Health upon request.