



Grant Recipient Name: _____

State Fiscal Year: _____

Subgrant Award: _____

DOJ Grant Award Number: 2017-KF-AX-0037

SEXUAL ASSAULT SERVICES PROGRAM (SASP) 2017
Subgrantee Award Conditions

1. *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 subgrantee 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 on Violence Against Women ("OVW") taking appropriate action with respect to the subgrantee and the award. Among other things, the OVW may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OVW, 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 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.

2. *Applicability of Part 200 Uniform Requirements and DOJ Grants Financial Guide*

The subgrantee 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"), and the current edition of the DOJ Grants Financial Guide as posted on the OVW website to include any amendments made throughout the course of the grant period.

3. *Requirement to report potentially duplicative funding*

If the subgrantee currently has other active awards of federal funds, or if the subgrantee receives any other award of federal funds during the period of performance for this award, the subgrantee 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 subgrantee must promptly notify CDVSA in writing of the potential duplication, and, if so requested by CDVSA must seek a line item budget revision to eliminate any inappropriate duplication of funding.

4. *Requirements related to System for Award Management and Universal Identifier Requirements*

The subgrantee 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 details of the subgrantee's obligations related to SAM and to unique entity identifiers are posted on the OVW website at <https://www.justice.gov/ovw/award-conditions> (Award condition: Registration with the System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

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

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

The details of the subgrantee's obligations related to prohibited conduct related to trafficking in persons are posted on the OVW web site at <https://www.justice.gov/ovw/award-conditions> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OVW authority to terminate award)), and are incorporated by reference here.

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

The subgrantee 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 on the OVW website at <https://www.justice.gov/ovw/conference-planning>.

7. *OVW Training Guiding Principles*

The subgrantee understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OVW Training Guiding Principles for Grantees and Subgrantees, available at <https://www.justice.gov/ovw/grantees#Resources>.

8. *Effect of failure to address audit issues*

The subgrantee understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the subgrantee 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.

9. *Potential imposition of additional requirements*

The subgrantee agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the subgrantee is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

10. *Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - [28 C.F.R. Part 42](#)*

The subgrantee 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.

11. *Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - [28 C.F.R. Part 38](#)*

The subgrantee 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. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

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 subgrantee organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to subgrantees that are faith-based or religious organizations.

12. *Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - [28 C.F.R. Part 54](#)*

The subgrantee 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."

13. *Restrictions on "lobbying" and policy development*

In general, as a matter of federal law, federal funds may not be used by the subgrantee either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, in order to avoid violation of [18 U.S.C. 1913](#). The 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 [42 U.S.C. 13925\(a\)](#)) 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 OVW from being used by the subgrantee 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 subgrantee would or might fall within the scope of these prohibitions, the subgrantee is to contact CDVSA for guidance, and may not proceed without the express prior written approval of CDVSA.

14. *Compliance with general appropriations-law restrictions on the use of federal funds for this fiscal year*



The subgrantee must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, for each fiscal year, are set out at <https://www.justice.gov/ovw/award-conditions>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a subgrantee would or might fall within the scope of an appropriations-law restriction, the subgrantee is to contact CDVSA for guidance, and may not proceed without the express prior written approval of CDVSA.

15. *Reporting potential fraud, waste, and abuse, and similar misconduct*

The subgrantee 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>.

16. *Restrictions and certifications regarding non-disclosure agreements and related matters*

No 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 subgrantee--



1a. 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

1b. 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 subgrantee does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both—

2a. it represents that--

(1) it has determined that no other entity that the subgrantee'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

2b. 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.

17. *Compliance with [41 U.S.C. 4712](#) (including prohibitions on reprisal; notice to employees)*
The subgrantee 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 subgrantee 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 subgrantee is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

18. *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 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.
19. The subgrantee 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.
20. The subgrantee 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 [Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C 3711](#) et seq., 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](#), and OVW's implementing regulations at [28 C.F.R. Part 90](#).
21. The subgrantee must be in compliance with requirements outlined in the solicitation under which the approved application was submitted. The program solicitation is hereby incorporated by reference into this award.
22. The [Violence Against Women Reauthorization Act of 2013](#) added a civil rights provision that applies to all OVW grants issued in FY 2014 or after. This provision prohibits subgrantee 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 subgrantee acknowledges that it will comply with this provision.



23. The subgrantee 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.
24. Grant funds may be used only for the purposes in the subgrantee's approved application. The subgrantee shall not undertake any work or activities that are not described in the grant application, and that use staff, equipment, or other goods or services paid for with OVW grant funds, without prior written approval from CDVSA.
25. The subgrantee agrees that funds will be used to supplement, not supplant, non-federal funds that would otherwise be available for the activities under this grant.
26. The subgrantee 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.
27. The subgrantee agrees that grant funds will not support activities that compromise victim safety and recovery, 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.
28. The Director of CDVSA, upon a finding that there has been substantial failure by the subgrantee to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until 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.
29. The subgrantee agrees to submit an annual report that includes (a) an assessment of whether stated goals and objectives were achieved; (b) information on the effectiveness of the activities carried out with the amounts made available to carry out the program,



including number of persons served and the numbers of persons seeking services who could not be served; (c) such other information as the Attorney General may prescribe.

30. The subgrantee agrees that it will submit quarterly financial status reports to CDVSA, not later than 30 days after the end of each calendar quarter.
31. All materials and publications (written, visual, or sound) resulting from subgrantee activities shall contain the following statements: "This project was supported by subgrant No. _____ awarded by the state administering office for the SAS Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women."
32. Pursuant to [2 C.F.R. §200.315\(b\)](#), the subgrantee may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under this award. OVV reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work, in whole or in part (including in the creation of derivative works), for Federal purposes, and to authorize others to do so.

In addition, the subgrantee must obtain advance written approval from the CDVSA program coordinator assigned to this award, and must comply with all conditions specified by the program coordinator in connection with that approval, before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyrighted work, or portion thereof, into a new work developed under this award.

It is the responsibility of the subgrantee to ensure that this condition is included in any subaward, contract or subcontract under this award.

33. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day or \$81.25 per hour. A detailed justification must be submitted to and approved by CDVSA prior to obligation or expenditure of such funds. Although prior approval is not required for consultant rates below these specified amounts, subgrantees are required to maintain documentation to support all daily or hourly rates.
34. The subgrantee acknowledges that funds may only be used for the provision of direct intervention and related assistance to victims of sexual violence and their family and household members, including 24-hour crisis line services, medical and criminal justice/civil legal accompaniment, advocacy, and short-term individual and group support counseling. Funds cannot be used towards prevention education efforts, projects focused on training allied professionals and/or communities, or the establishment or maintenance of Sexual Assault Response Teams.



35. Program income, as defined by [2 C.F.R. 200.80](#), means gross income earned by a non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance. Without prior approval, program income must be deducted from total allowable costs to determine the net allowable costs. In order to add program income to a subaward, subgrantees must seek approval from the CDVSA prior to generating any program income. Any program income added to a subaward must be used to support activities that were approved in the budget and follow the conditions of the subaward agreement. Any program income approved by the CDVSA must be reported by the subgrantee to the CDVSA so that it is reported on the quarterly Federal Financial Report (SF-425) in accordance with the addition alternative. If the program income amount changes (increases or decreases) during the project period, the subgrantee must get approval by the end of the project period. Failure to comply with these requirements may result in audit findings for both the CDVSA and the subgrantee.



SASP 2017 AWARD CONDITION SIGNATURE PAGE

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Grant Recipient Name: _____

Typed Name of Authorizing Official: _____

Position Title of Authorizing Official: _____

Contact Phone: _____ Email: _____

Signature of Authorizing Official

Date

Signature of CDVSA Executive Director
Council on Domestic Violence and Sexual Assault

Date