



Grant Recipient Name: \_\_\_\_\_

State Fiscal Year: \_\_\_\_\_

Sub-grant Award: \_\_\_\_\_

DOJ Grant Award Number: 2016-VA-GX-0026

**VICTIMS OF CRIME ACT (VOCA) 2016**  
**Subgrantee Award Conditions**

These certified assurances are for VOCA Subgrants funded in whole or in part under 2016-VA-GX-0026. Hyperlinks to important federal laws can be found throughout this document. Click on the blue links to open the hyperlink and read the corresponding federal law and/or grant requirements pertaining to each of the certified assurances. This document should be signed by the Authorizing Official, Project Director and Financial Officer listed on the VOCA Grant. In addition, this document should be shared with VOCA grant-funded staff.

**1. 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 the Department of Justice (DOJ) in [2 C.F.R. Part 2800](#) (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this 2016 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded in 2014 or earlier years), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2016 award.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP 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 CDVSA promptly for clarification

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



## **2. Compliance with the DOJ Grants Financial Guide**

The subrecipient agrees to comply with the [DOJ Grants Financial Guide](#) as posted on the OJP website (currently, the "[2015 DOJ Grants Financial Guide](#)" including any updated version that may be posted during the period of performance, and all financial and administrative guidance provided by CDVSA during the period of performance.

## **3. VOCA Requirements**

The subrecipient agrees to comply with applicable portions of the Victims of Crime Act (VOCA) of 1984, [34 U.S.C., Chapter 201](#) and the [Victims of Crime Act Victim Assistance Program Rule](#).

## **4. Requirements related to "de minimis" indirect cost rate**

A subrecipient 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, should do so in writing, by making this election on the Indirect Cost Page located in the online VOCA Grant Application kit. When electing to use the "de minimis" indirect cost rate, the subrecipient organization agrees it is eligible for this rate. In addition, the subrecipient agrees to comply with all associated requirements in [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](#).

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

The subrecipient agrees to comply with applicable requirements regarding annual registration with the System for Award Management (SAM) and agrees to provide a Data Universal Numbering System (DUNS) number. SAM registration must be updated annually, with documentation of current status submitted with the grant application. Grants may not be approved or funds expended to programs that do not have a current SAM registration.

## **6. All subawards ("subgrants") must have specific federal authorization**

Subrecipients 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 <http://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award Condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.



**7. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000.00.**

The subrecipient must comply with all applicable requirements to obtain specific advance approval from the CDVSA to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000.00).

The details of the requirements for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the [OJP web site](http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm) (<http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm>).

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

The subrecipient 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 the subrecipient, or individuals defined (for purposes of this condition) as “employees” of the subrecipient.

The details of the subrecipient 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> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

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

The subrecipient agrees to 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 the 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](#).

**10. Requirement for data on performance and effectiveness under the award**

The recipient is required to collect and maintain data that measures the performance and effectiveness of work under this VOCA award. The data must be provided to CDVSA in a manner (including within the timeframes) specified by CDVSA. DATA is reported quarterly on a form referred to as the Performance Measurement Tool (PMT). Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws



**11. OJP Training Guiding Principles**

Any training or training materials the subrecipient develops or delivers with VOCA funds must adhere to the [OJP Training Guiding Principles for Grantees and Subgrantees](#).

**12. Effect of failure to address audit issues**

For fiscal years beginning on or after December 26, 2014, subrecipients who expended \$750,000 or more in Federal funds (from all sources) in your organization's fiscal year (12-month turnaround reporting period), then you are required to arrange for a single organization-wide audit conducted in accordance with the provisions of [2 C.F.R. Part 200, Subpart F, Section 200.501](#).

The subrecipient understands and agrees that CDVSA may withhold award funds, or may impose other related requirements, if (as determined by CDVSA) 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 VOCA awards.

**13. Compliance with civil rights and nondiscrimination regulations – 28 C.F.R. Part 42**

The subrecipient 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.

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

The subrecipient 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. [28 C.F.R. Part 38](#), 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 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 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/cgi-bin/ECFR?page+browse>), by browsing to [Title 28-Judicial Administration, Chapter 1, Part 38, under E-CFR](#).



**15. Restriction on “lobbying”**

Federal funds may not be used by the subrecipient, 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.

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 this prohibition, the recipient is to contact CDVSA for guidance, and may not proceed without the express prior written approval of CDVSA.

**16. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2016)**

The subrecipient 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, 2016, are set out at <https://oip.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a subrecipient would or might fall within the scope of an appropriations-law restriction, the subrecipient is to contact CDVSA for guidance, and may not proceed without the express prior written approval of CDVSA.

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

The subrecipient must promptly refer to CDVSA, and the Department of Justice (DOJ), [Office of the Inspector General \(OIG\)](#), any credible evidence that a principal, employee, agent, 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, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov); and/or (3) 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 [www.usdoj.gov/oig](http://www.usdoj.gov/oig).



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

No subrecipient 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 subrecipient--
  - 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 subrecipient 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 subrecipient'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 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.

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

The subrecipient 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 subrecipient must also 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 subaward, the subrecipient is to contact CDVSA for guidance.

**20. 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 subrecipients 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.

**21. Subrecipient authorization to examine records.**

The subrecipient authorizes the Council on Domestic Violence and Sexual Assault (CDVSA), the 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.

**22. Subgrant Award Report (SAR)**

The subrecipient agrees to submit a Subgrant Award Report (SAR) to CDVSA for each VOCA subgrant, within the timeframe required by CDVSA.



**23. Non-supplanting requirement**

Pursuant to [OJP Standards for Financial Management Systems](#), VOCA grant funds will not be used to supplant State and local funds that would otherwise be available for crime victim assistance.

**24. Demographic Data**

The subrecipient assures that it 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.

**25. Discrimination Findings**

The subrecipient 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 CDVSA and the Office for Civil Rights of OJP.

**26. National Environmental Policy Act compliance**

The subrecipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, [42 U.S.C. section 43121 et seq.](#)) and other related Federal laws (including the National Historic Preservation Act), if applicable. The subrecipient agrees to assist CDVSA in carrying out its responsibilities under NEPA and related laws, if the subrecipient 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 subrecipient 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.

**27. Other Subrecipient Assurances**

- a) The subrecipient will provide services, at no charge, through the VOCA-funded project. Any deviation from this provision requires prior approval from CDVSA.
- b) The subrecipient will assist victims in seeking available crime victims' compensation benefits.
- c) The subrecipient assures that it will maintain confidentiality of client-counselor information as required by state law and the [Victims of Crime Act Victim Assistance Program Rule](#).
- d) The subrecipient will not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.
- e) The subrecipient assures that, in accordance with DOJ, 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).

**28. Confidentiality of Person Receiving Services**

- a) *Confidentiality.* CDVSA and subrecipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal, or release, except pursuant to paragraphs (b) and (c) of this section— (1) Any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or (2) Individual client information, without the informed, written, reasonably time-limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent's (or the guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian.
- b) *Release.* If release of information described in paragraph (a)(2) of this section is compelled by statutory or court mandate, the CDVSA and/or sub-recipient of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.
- c) *Information sharing.* CDVSA and/or sub-recipients may share— (1) Non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with reporting, evaluation, or data collection requirements; (2) Court-generated information and law-enforcement-generated information contained in secure governmental registries for protection order enforcement purposes; and (3) Law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.
- d) *Personally identifying information.* In no circumstances may— (1) A crime victim be required to provide a consent to release personally identifying information as a condition of eligibility for VOCA-funded services; (2) Any personally identifying information be shared in order to comply with reporting, evaluation, or data-collection requirements of any program;
- e) *Mandatory reporting.* Nothing in this section prohibits compliance with legally mandated reporting of abuse or neglect.



Alaska's Council on  
Domestic Violence  
& Sexual Assault

**VOCA 2016 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