



VOCA 2022 SPECIAL CONDITIONS

CRIME VICTIMS' SERVICES COMMITTEE

2022 GRANT AWARD

All awards are subject to and dependent upon federal funding being awarded and funding cleared to the state administering agency- NCDPS Governor's Crime Commission.

The recipient may not get reimbursed under this award until the Governor's Crime Commission has reviewed and approved the budget and budget narrative and all modifications or requirements have

SPECIAL CONDITIONS

VICTIMS OF CRIME ACT FUNDING

By signing the GRANT AWARD, the subrecipient agrees to comply with the terms and conditions detailed herein. Failure to comply with the terms and conditions may result in the loss of Federal funds and may be considered grounds for the suspension or termination of this grant.

Contents

GCC REQUIREMENTS	3
1. Contingent upon Federal Funding (New 2022)	3
2. Indemnity (New 2022).....	3
3. Notice of Certain Reporting and Audit Requirements.....	3
4. Performance Measurement Reports (PMT)	5
5. Grant Management Guidelines and Monitoring	5
6. Electronic Records	5
7. Required Training	6
8. Termination or Manual Hold	6
9. Maintain Updated Contacts	6
10. Staff Timesheets.....	6
11. Federal Funding Year Changes (new 2022).....	6
12. Continuation of Funding	6
13. Proposed Published Reports and Publications.....	7
14. Conflict of Interest Policies	7

15.	Personnel Modifications	7
16.	Compliance with Solicitation Requirements	7
17.	Law Enforcement Agency Traffic Stop Data (New 2022)	7
18.	State Retention Laws (New 2022)	7
19.	Grant Termination or Suspension	8
FEDERAL REQUIREMENTS FROM AGREEMENT		8
1.	Compliance with general appropriations-law restrictions on the use of federal funds (FY 2021)	8
2.	Applicability of Part 200 Uniform Requirements	8
3.	Requirement to report actual or imminent breach of personally identifiable information (PII)	8
4.	OJP Training Guiding Principles	9
5.	Effect of failure to address audit issues.....	9
6.	Requirements of this award; remedies for non-compliance or for materially false statements	9
7.	Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38	10
8.	Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42	10
9.	Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54	10
10.	Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)	10
11.	Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events.....	10
12.	Requirement for data on performance and effectiveness under the award.....	11
13.	Requirements related to "de minimis" indirect cost rate	11
14.	Determination of suitability to interact with participating minors.....	11
15.	Requirement to disclose whether subrecipient is designated "high risk" by a federal grant-making agency outside of DOJ.....	11
16.	Compliance with DOJ Grants Financial Guide	11
17.	Encouragement of policies to ban text messaging while driving.....	12
18.	Potential imposition of additional requirements.....	12
19.	Employment eligibility verification for hiring under the award	12
20.	Restrictions and certifications regarding non-disclosure agreements and related matters.....	13
21.	Reclassification of various statutory provisions to a new Title 34 of the United States Code.....	14
22.	All subawards ("subgrants") must have specific federal authorization	14
23.	Requirements related to System for Award Management and Universal Identifier Requirements.....	14
24.	Restrictions on "lobbying"	14
25.	Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000	15
26.	Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)	15

27.	Requirement to report potentially duplicative funding	15
28.	Reporting potential fraud, waste, and abuse, and similar misconduct	15
29.	GCC FFATA Reporting: Subawards and executive compensation	16
30.	Training and Technical Assistance.....	16
31.	VOCA Requirements.....	16
32.	Discrimination Findings	16
33.	Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS	17

This award is subject to the following terms, conditions, and provisions:

GCC REQUIREMENTS

1. Contingent upon Federal Funding (New 2022)

Funds may not presently be available for this award though the federal government has awarded the funds to the NC Governor’s Crime Commission (GCC). The GCC’s obligation under this contract is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Department of Public Safety for this contract and until GCC receives notice of such availability. GCC will provide notice to subrecipients when funds are available.

2. Indemnity (New 2022)

The Subrecipient shall indemnify, save, and hold harmless the Commission against any and all claims, demands, suits, and/or judgments (as well as all costs associated with any and all forms of litigation that may manifest themselves resulting from said claims, demands, suits, and/or judgments), to any party for the loss of life or injury or damage to person or property growing out of, resulting from, or by reason of any negligent act or omission, operation or work of the Subrecipient, his/her agents, servants, or employees while engaged upon or in connection with services required or performed by the Subrecipient hereunder.

If the Subrecipient is an agency of the State of North Carolina, the preceding paragraph shall not apply, and the subrecipients liability is determined in accordance with the North Carolina State Tort Claims Act, N.C. Gen. Stat. §§ 143-291, et seq. The Subrecipient remains subject to all Federal and State provisions regarding grant management, including but not limited to the provisions in 2 C.F.R. Part 200 related to noncompliance, audit findings, and mandatory disclosures of fraud, bribery, or gratuity violations potentially affecting the federal funding under this agreement. See, e.g., 2 C.F.R. §§ 200.339 through 200.343 (Remedies for Noncompliance); 2 C.F.R. § 200.511 (Audit findings follow-up); 2 C.F.R. § 200.113 (Mandatory disclosures). The Subrecipient shall also abide by the laws of North Carolina with regard to waste, fraud, and abuse, including the duty to report and prohibition against retaliation set forth in the North Carolina Human Resources Act, N.C. Gen. Stat. Chapter 126, Article 14, and the duty to report possible violations of criminal statutes to the State Bureau of Investigation in N.C. Gen. Stat. § 143B-920.

3. Notice of Certain Reporting and Audit Requirements

The subrecipient shall comply with all rules and reporting requirements established by statute or administrative rules. All reports must be submitted to the addresses below. The applicable prescribed requirements are found in North Carolina General Statute 143C-6-22 & 23 entitled "Use of State Funds by Non-State Entities" and

Implementation of Required Rules, 09 NCAC 03M .0102 -0802, North Carolina Administrative Code, issued September 2005.

G.S. 143C-6-23 requires every nongovernmental entity that receives State or Federal pass-through grant funds directly from a state agency to file annual reports on how those grant funds were used. There are 3 reporting levels which are determined by the total direct grant receipts from all State agencies in your fiscal year: Level 1: Less than \$25,000, Level 2: At least \$25,000 but less than \$500,000, Level 3: \$500,000 or more, Level 3 addition: ≥ \$750,000.

A subrecipient's reporting date is determined by its fiscal year end and the total funding received directly from all State agencies. For those subrecipients receiving less than \$500,000, the due date is 6 months from its fiscal year end. For those receiving \$500,000 or more, the due date is 9 months from its fiscal year end. Agencies receiving more than \$500,000 in total funding must submit a copy of their agency's single audit to DPS Internal Audit within 9 months of the end of their agency's fiscal year end date.

1) Level I (Less Than \$25,000):

A grantee receiving less than \$25,000 (combined) in State or Federal pass through funds must submit:

- Certification Form
 - State Grants Compliance Reporting for Receipts of Less than \$25,000
- Level I form and reporting instructions is available on the GCC website forms page.

2) Level II (\$25,000 - \$499,999)

A grantee that receives between \$25,000 - \$499,999 (combined) in State or Federal pass-through funding must submit:

- Certification Form
 - State Grants Compliance Reporting for Receipts of \$25,000 or More
 - Schedule of Receipts and Expenditures
 - Program Activities and Accomplishments Reports
- Level II form and reporting instructions is available on the GCC website forms page.

3) Level III (\$500,000 - \$749,999)

A grantee that receives a combined \$500,000 or more in North Carolina State funding or Federal funding passed through a State Agency must submit:

- Certification Form
 - State Grants Compliance Reporting for Receipts of \$25,000 or More
 - Program Activities and Accomplishments Reports
 - Within nine months of the grantee's fiscal year end the subrecipient must also: Submit to DPS Internal Audit a single audit prepared and completed in accordance with Generally Accepted Government Auditing Standards.
- Level III form and reporting instructions is available on the GCC website forms page.

4) Level III Continued (\$750,000+)

A grantee that receives a combined \$750,000 or more in funding from all Federal funding sources, even those passed through a state agency must submit:

- Certification Form
- State Grants Compliance Reporting for Receipts of \$25,000 or More
- Program Activities and Accomplishments Reports
- Within nine months of the grantee's fiscal year end, the subrecipient must also: Submit to DPS Internal Audit a single audit prepared and completed in accordance with Generally Accepted Government Auditing Standards. Post the single audit to the Federal Audit Clearinghouse (<https://harvester.census.gov/facweb/>). Make copies of the single audit available to the public.

Level III form and reporting instructions is available on the GCC website forms page

4. Performance Measurement Reports (PMT)

All grants require project progress reports. In addition, Performance Measurement Reports (PMT) are required federally for some funding sources. The tabs in GEMS indicate the types of reports required. The subrecipient must also submit an annual progress report in the GEMS system that must be reviewed by the project's assigned Grants Administrator. Failure to submit required reports will result in a GEMS hold that will prevent further activity on the subrecipient's projects.

For those submitting a PMT directly through a federal portal, the subrecipient should, after submission of their PMT report, upload a copy into the appropriate PMT Tab for the correct corresponding quarters in the GEMS System. Failure to do so will result in a hold being placed upon the subrecipient's projects that prevents submission of further reimbursements until the hold is released by the Grant Administrator. Failure to Submit Programmatic or Financial Reports in a Timely Manner

The subrecipient acknowledges that failure to submit programmatic progress or financial reports in a timely manner may result in sanctions affecting the recipient's awards, including, but not limited too: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a High-Risk grantee; or termination of an award(s). Upon termination, all outstanding reimbursements will be forfeited by the subrecipient.

5. Grant Management Guidelines and Monitoring

The subrecipient agrees to comply with all the GCC Grants Management Guidelines as posted on the GCC website (currently, the "Governor's Crime Commission Grants Management Guidelines 2021 - 2022" available at <https://files.nc.gov/ncdps/documents/files/GCC-Grant-Management-Guidelines-2021-2022.pdf>), including any updated version that may be posted during the period of performance.

This includes:

- 1) The subrecipient agrees promptly to provide; upon request to representatives of GCC, State Auditors and representatives of DOJ access to examine all records related to financial and programmatic documentation related to this grant award, including documentation of expenditures and achievements.
- 2) The subrecipient understands that it will be subject to financial and programmatic on-site monitoring by GCC, which may be on short notice and/or unannounced and agrees that it will cooperate with any and all such monitoring.
- 3) The subrecipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
- 4) The subrecipient agrees to comply with any modifications or additional requirements that may be imposed by law, GCC Staff, and future DOJ (including government-wide) guidance and clarifications of GCC or OVW requirements.

Failure to cooperate with the Governor's Crime Commission's (GCC) grant monitoring activities may result in sanctions affecting the recipient's awards, including, but not limited too: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a High-Risk grantee; or termination of an award(s).

6. Electronic Records

A program may store files electronically and use electronic signatures if the program can ensure the validity and integrity of all records and signatures are maintained. The program's electronic storage procedures and system must provide for the safe-keeping and security of the records, including: sufficient prevention of unauthorized alterations or erasures of records; effective security measures to ensure that only authorized persons have access to records; adequate measures designed to prevent physical damage to records; a system providing for back-up and recovery of records. In addition, the electronic storage procedures and system shall provide for the easy

retrieval of records in a timely fashion, including: storage of the records in a physically accessible location; clear and accurate labeling of all records; and storage of the records in a usable, readable format.

7. Required Training

Attendance at award workshop training or other training as required by GCC.

8. Termination or Manual Hold

Either party may terminate this Agreement at any time by giving thirty (30) days written notice. This Agreement, if terminated, shall terminate on the last day of the month following the date of the original notice or on a mutually agreed upon date. In addition, the Commission may place the Subrecipient on manual hold as needed to ensure that funds will not be inappropriately used, and compliance issues are resolved.

Termination of the Agreement by the Subrecipient shall result in repayment of all unused funds and forfeiture of any future funds due under this agreement. Termination of the Agreement by the Commission shall result in a forfeiture of any future funds due under this Agreement and may require the repayment of funds previously paid, at the discretion of the Commission.

The Commission may terminate this Agreement for cause based upon the failure of the Subrecipient to comply with the terms and/or conditions of the Agreement, provided that the Commission shall give the Subrecipient written notice specifying the Subrecipient's failure. If within thirty (30) days after receipt of such notice, the Subrecipient shall not have either corrected such failure or in the case which cannot be corrected in thirty (30) days, begun in good faith to correct such failure and thereafter proceeded diligently to complete such correction, then the Commission may, at its option, place the Subrecipient in default and the Agreement shall terminate on the date specified in such notice.

The Subrecipient may exercise any rights available to it under North Carolina law to terminate for cause upon the failure of the Commission to comply with the terms and conditions of this Agreement, provided that the Subrecipient shall give the Commission written notice specifying the Commission's failure and a reasonable opportunity for the Commission to cure the defect.

9. Maintain Updated Contacts

The subrecipient acknowledges that it is responsible for maintaining updated contact information in GCC's online grant management system. To update information for the Authorizing Official, the Financial Officer, the Project Director, or the Organizational Administrator, the individuals must request the appropriate role through the online system and notify their GCC Grant Administrator of the change within five(5) days of the role change.

10. Staff Timesheets

The subrecipient agrees that all personnel (including volunteers) whose activities are to be charged to this award will maintain timesheets to document program activities (effort) and hours worked related to this award and non-award-related activities. These timesheets should be available to be provided upon request.

11. Federal Funding Year Changes (new 2022)

Changes to the federal funding year may occur to maximize use of funds. Notice from GCC will be provided regarding changes in Federal Funding year and changes to federal special conditions.

12. Continuation of Funding

The subrecipient understands that the awarding of this grant in no way assures or implies continuation of funding beyond the project duration indicated on the current grant award.

Funds are provided during the project period on a yearly basis. Unused funds at the end each year do not roll over to the next year but revert back to GCC. Extensions beyond the statutory period may be granted at the discretion of GCC, and may be requested in accordance with GCC processes, but are not assured. If a continuation application

is approved by GCC, funds available under the current award and corresponding cash matching funds must be expended or obligated and documented prior to the implementation of the new, continuation grant and expenditure of new funds.

13. Proposed Published Reports and Publications

The subrecipient agrees to submit one copy of all proposed reports to be published and proposed publications, funded under this project, not less than twenty (20) days prior to public release for GCC review. Prior review and approval of a report or publication is required if award funds are to be used to publish or distribute reports and publications developed under this award.

Except as provided in the Federal Agreement, the subrecipient agrees that all materials and publications (written, web-based, audio-visual, or any other format) resulting from award activities shall contain a disclaimer statement: similar to this example: "This project was supported by Grant No. _____ awarded by NC Governor's Crime Commission as state administering office for ___ federal agency. 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 federal agency." The subrecipient also agrees to ensure that any subrecipient at any tier will comply with this condition.

14. Conflict of Interest Policies

The subrecipient agrees to establish safeguards to prohibit employees and/or, in the case of a non-profit agency, board members from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Further, the subrecipient is required to submit a board approved "Conflict of Interest" policy to GCC prior to any funds being released for this project. This is in accordance with N.C.G.S. § 143C-6-23.

15. Personnel Modifications

All requests to transfer funds from a personnel line item to any other budget category will require justification and will be subject to a high degree of scrutiny by GCC.

The subrecipient further agrees that ALL personnel whose activities are to be charged to this award will maintain timesheets to document hours worked and the activities related to this award as well as to non-award-related activities.

16. Compliance with Solicitation Requirements

The subrecipient agrees to be compliant with requirements outlined in the federal solicitation under which the approved GCC application was submitted as well as in compliance with the applicable Solicitation Companion Guide, and any program-specific frequently asked questions (FAQs). This is located for DHHS grants online <https://www.acf.hhs.gov/cb/grant-funding/childrens-justice-act> and for DOJ grants online within their division (OVW, OJP, Title II, BJA) (ex. <https://www.justice.gov/ovw/resources-and-faqs-grantees>). The program solicitation, Companion Guide, and any program-specific FAQs are hereby incorporated by reference into this award.

17. Law Enforcement Agency Traffic Stop Data (New 2022)

Pursuant to N.C.G.S. 143B-903, certain law enforcement agencies must report traffic stops within 60 (sixty) days to the NC State Bureau of Investigation (SBI). The SBI publishes the list of required agencies each year on the SBI website on the SBI Traffic Reporting page. This page can be accessed by going to the SBI website and clicking on the List of Agencies Required to Report. Any agency that is required to submit traffic stops and does not "shall be ineligible to receive any law enforcement grants available by or through the State" G.S. 143B-903(e).

18. State Retention Laws (New 2022)

Chapters 121 and 132 of the General Statutes of North Carolina govern the retention and disposition of all records located in and/or maintained by all public offices, whether municipal, county, state government, or state-

supported institutions of higher learning. In accordance with the requirements set forth in the North Carolina Administrative Code, all financial records, supporting documents, statistical records, and all other records pertinent to a grant shall be retained by each organization for AT LEAST FIVE YEARS following the closure of the audit report covering the entire award period.

19. Grant Termination or Suspension

Pursuant to administrative code 14B NCAC 05B .0301 a grant may be terminated, or the funds may be suspended, on a case-by-case basis by the Executive Director of the Commission for noncompliance with the terms and conditions of their grant application, award contract or federal guidelines.

FEDERAL REQUIREMENTS FROM AGREEMENT

1. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2021)

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022). 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, 2022, are set out at

<https://ojp.gov/funding/Explore/FY22AppropriationsRestrictions.htm>, and are incorporated by reference here.

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 OJP for guidance, and may not proceed without the express prior written approval of OJP.

2. 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 FY 2022 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2022 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), 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 FY 2022 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>.

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 expenditure report (SF 425), 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. 200.334.

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 OJP promptly for clarification.

3. 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 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The subrecipient's breach procedures must include a requirement to report actual or imminent breach of PII to GCC and an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

4. OJP Training Guiding Principles

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

5. Effect of failure to address audit issues

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

6. Requirements of this 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 subrecipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, GCC or the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqt.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the subrecipient, the authorized officials accept all material requirements of the award, and specifically adopt, as if personally executed by the authorized subrecipient officials, all assurances or certifications submitted by or on behalf of the subrecipient that relate to conduct during the period of performance.

Failure to comply with one or more 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 GCC or OJP taking appropriate action with respect to the subrecipient and the award. Among other things, GCC or OJP may withhold award funds, disallow costs, or suspend or terminate the award. GCC, 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 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.

7. 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.

8. 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.

9. 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."

10. 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 recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

11. 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").

12. 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 OJP in the manner (including within the timeframes) specified by OJP 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

13. 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, must advise OJP in writing of both its eligibility and its election, and 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.

14. Determination of suitability to interact with participating minors

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.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors) and are incorporated by reference here.

15. Requirement to disclose whether subrecipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the subrecipient is designated "high risk" by a federal grant-making agency outside of DOJ, 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 OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. 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.

16. 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.

17. 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.

18. Potential imposition of additional requirements

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

19. 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 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).
 - 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) 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).
 - 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. 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.

3. 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 include (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.e-verify.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.

- 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 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).

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 GCC before award acceptance.

20. 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 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 procurement contracts--
 - 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 GCC making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by GCC.

21. 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 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.

22. All subawards ("subgrants") must have specific federal authorization

The recipient, 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> (Award condition: All subawards ("subgrants") must have specific federal authorization) and are incorporated by reference here.

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

The subrecipient 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 subrecipient'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).

24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, 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.)

Another federal law generally prohibits federal funds awarded by OJP 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 awarded by GCC to a subrecipient would or might fall within the scope of these prohibitions, the subrecipient is to contact GCC for guidance and may not proceed without the express prior written approval of GCC.

25. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

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 that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

26. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP 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, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the subrecipient'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> (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.

27. Requirement to report potentially duplicative funding

If the subrecipient currently has other active awards of federal funds, or if the subrecipient receives any other award of federal funds during the period of performance for this award, the subrecipient 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 subrecipient must promptly notify **GCC** in writing of the potential duplication, and, if so, requested by **GCC** must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

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

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to **GCC** and 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 **GCC to the grant manager, planner, or compliance office via email or by calling (919)733-4564 as well as 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) facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax) and to GCC at (919) 733-4625.

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

29. GCC FFATA Reporting: Subawards and executive compensation

GCC must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP website at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation) and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made 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)

30. Training and Technical Assistance

The subrecipient must receive and engage in any training and technical assistance activities recommended by GCC or the Office for Victims of Crime.

31. VOCA Requirements

The subrecipient 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 subrecipient certifies that funds under this award will 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).

32. 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 grounds of race, religion, national origin, sex, or disability against a **subrecipient, subrecipient staff or representative or any individual who has received** victim assistance formula funds under this award, the subrecipient will forward a copy of the findings to **GCC** and the Office for Civil Rights of OJP.

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

The subrecipient 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 GCC award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, subrecipients of GCC 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> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here