



CJA 2023 SPECIAL CONDITIONS

JUVENILE JUSTICE PLANNING COMMITTEE

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 subrecipient 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 been met. However, the subrecipient may incur project costs beginning on the project start date.

SPECIAL CONDITIONS

CHILDREN’S JUSTICE 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.

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

GCC REQUIREMENTS

1. Contingent on Use of Federal Funds (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 (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.

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.

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.

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.

4. Performance Measurement Reports (PMT) – (Updated 2023)

All grants require GCC project progress reports. In addition to GCC project progress reports, certain funding sources (Byrne Justice Assistance Grants, Victims of Crime Act, and Juvenile Justice grants) require federal Performance Measurement Reports (PMT). At this time, the EBS system will not prompt or remind the subrecipient when PMT reports are due. It is the subrecipients responsibility to ensure PMT reports are submitted by the appropriate deadline in the appropriate online systems (see GCC Grant Management Guidelines). Failure to submit necessary programmatic performance, progress or financial reports may result in various sanctions, including, but not limited to, holds or restrictions on accessing grant funds, audit reviews by GCC or the USDOJ, designation as a high-risk grantee, or termination of an award(s). In the event of termination, all outstanding reimbursements will be forfeited by the subrecipient. For those subrecipients submitting a PMT directly through a federal portal, the subrecipient is required to upload a copy of the PMT report into EBS for record-keeping and compliance purposes.

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 2022 - 2023 available at <https://files.nc.gov/ncdps/documents/files/GCC-Grant-Management-Guidelines-2022-2023.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 subrecipient's awards, including, but not limited to: withholdings and/or other restrictions on the subrecipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the subrecipient 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

It is the subrecipient's responsibility to maintain updated contact information with GCC in the EBS system for the

following:

1. Authorizing Official (AO),
2. Financial Officer (FO),
3. Project Director (PD)

The Organization Administrator role, previously required in GEMS, has been eliminated in the new GCC EBS system.

The process for maintaining the above three roles, the AO, FO, PD, has changed with the transition to EBS. These roles are stored in the application. To make a change in any of these roles the subrecipient must submit a Change Request in EBS to update the name or contact details of their PD, AO, or FO.

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 (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 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 HHS grants online <https://www.acf.hhs.gov/cb/grant-funding/childrens-justice-act> and for DOJ grants online within their division (OVW, OJP, 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 (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 (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. Federal Authority

The administration of this program is authorized under Title I, Section 107, of the Child Abuse Prevention and Treatment Act (CAPTA). The program is codified at 42 U.S.C. §5101 “et. seq.” and 34 U.S.C. § 20104 and does not have program-specific implementing regulations. See the annual Program Instruction ACYF-CB-PI-20-06 issued March 9, 2022, describing requirements. As applicable to insular areas identified under 45 CFR §97.11, the 45 CFR Part 97 – Consolidation of Grants applies to this program.

2. Uniform Administrative Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards is located under 45 CFR Part 75. In accordance with 45 CFR §75.101 Applicability, this program must comply with 45 CFR Part 75 in its entirety. No exceptions were identified.

3. Additional Terms

Additional applicable regulations and requirements can be found in the General Terms and Conditions for Mandatory: Formula, Block and Entitlement Grants.

4. No Match

This program has no matching requirements. Each entity receiving sums made available for administrative purposes shall certify that such sums will not be used to supplant State or local funds but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.

5. Expenditure Reporting

The expenditure reporting form used for financial reporting is the SF-425 Federal Financial Report. It is submitted annually and must be submitted no later than December 30 - 90 days following the end of each Federal Fiscal year. Four SF-425 reports must be submitted for each grant award: interim reports for years one through three of the project periods and a final report (cumulative) covering the entire project period. These annual reports must be submitted electronically through the HHS Payment Management System (PMS).

6. Funding (project) Period and Obligation Period

Funding (project) period and obligation period. In accordance with 42 U.S.C. §5106c(f) as authorized by 34 U.S.C. §20104, this program has a 48-month project/obligation period starting the first day of the Federal Fiscal Year, October 1, for which funds were awarded and ending the last day of the third succeeding Federal Fiscal Year, September 30. Any Federal funds not obligated by the end of the respective obligation period will be recouped by this Department in accordance with 34 U.S.C. §20101(e). Please see ACYF-CB-PI-18-08 for more information regarding expenditure period length.

7. Liquidation Period

In accordance with 45 CFR §75.309(b), all obligated Federal funds awarded under this grant must be liquidated no later than 90 days after the end of the funding/obligation period. Any Federal funds not liquidated by December 30 of the third fiscal year succeeding the fiscal year in which the grant was awarded will be recouped by this Department. Please see ACYF-CB-PI-18-08 for more information regarding expenditure period length.

8. GCC Application and Reporting

As required by section 107(b) of CAPTA, each state receiving the grant must annually submit an application, as well as a report on the manner in which assistance received under this program was expended throughout the State. Instructions for submitting the report and application, including due dates, are published through an annual Program Instruction.

9. Real Property Reports (SF-429s)

The SF-429 Real Property forms are not applicable to this program. Purchase, construction, and major renovation are not an allowable activity or expenditure under this grant.

10. Supplemental Terms and Conditions

These program-specific Supplemental Terms and Conditions will remain in effect until updated. They will be updated and reissued only as needed whenever a new program-specific statute, regulation or other requirement is enacted or whenever any of the applicable existing Federal statutes, regulations, policies, procedures or restrictions is amended, revised, altered, or repealed.