



## Rhode Island Emergency Management Agency

### Special Grant Conditions and Reporting Requirement Guidelines

Recipient/sub-recipient agrees to comply with the most recent version of the Administrative Requirements, Cost Principles and Audit Requirements, as set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

#### 1. **Administrative Requirements**

- a. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- b. 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations (OMB-A110)

#### 2. **Cost Principles**

- a. 2 CFR Part 225, Cost Principles for State and Local and Indian tribal Governments (OMB Circular A-87)
- b. 2 CFR Part 220, Cost, Principles for Education Institutions (OMB Circular A-21)
- c. 2 CFR Part 230, Cost Principles for Non- Profit Organizations (OMB Circular A-122)
- d. Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations.
- e. Financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.

#### 3. **Audit Requirements**

- a. Recipient/sub-recipient agrees to comply with the organizational audit requirements of Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments and Non-Profit Organizations as further described in the current edition of the OJP Financial Guide, Chapter 19.
- b. Recipient/sub-recipient agrees to comply with all applicable Rhode Island State Purchases Laws pursuant to Rhode Island General Law Title 37 Chapter 2 et seq.; purchasing rules and regulations.
- c. Recipient/sub-recipient agrees to use federal funds granted under this award to supplement but not supplant state or local funds for homeland security preparedness.

Authorized Official Initial \_\_\_\_\_

RIEMA Grant Assurances & Conditions



- d. Recipient/sub-recipient understands and agrees that use of any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without express prior written approval of the Office of Domestic Preparedness is strictly prohibited.
- e. Recipient/sub-recipient is prohibited from transferring funds between programs (i.e., State Homeland Security Program, Law Enforcement Terrorism Prevention Program and Citizens Corps Program etc.).

**4. Reporting Requirements and Financial Guides**

Sub-recipient agrees to meet reasonable fiscal and administrative requirements to account for its federal grant funds in accordance with OMB Circular A-102 and as the Office of the Governor or Rhode Island Emergency Management Agency (RIEMA) may require including but not limited to submitting: quarterly financial reports, quarterly progress reports and final financial reports. **Quarterly reports must be signed by an Authorized Official and submitted to RIEMA within fifteen (15) days after the close of each calendar quarter as follows:**

<b>Quarter Dates</b>	<b>Quarterly Report Due Date</b>
October 1 to December 31	January 15
January 1 to March 31	April 15
April 1 to June 30	July 15
July 1 to September 30	October 15

Failure to comply with this provision may result in the withholding of sub-grant funds until the delinquent report is received.

Sub-recipient further agrees to establish fiscal control and fund accounting procedures which meet minimum requirements of these guidelines to ensure proper disbursement of, and accounting for, grant funds. Such accounting procedures must provide for an accurate and timely recording of receipt of funds by source, of expenditures made from such funds, and of unexpended balances. Sub-recipients that are not a state or quasi-governmental entity are required to maintain a separate bank account for each grant.

Authorized Official Initial \_\_\_\_\_

RIEMA Grant Assurances & Conditions



RIEMA recognizes that the costs associated with equipment lists that were submitted as part of the grant applications may only have been estimates. Therefore should a cost savings be realized, during an equipment acquisition process, sub-recipient may return excess funds to RIEMA or petition RIEMA to change the quantity of a particular item, or request that it be allowed to purchase an additional item. However, requests to purchase items not on the approved award must be submitted to RIEMA and ODP for final approval.

**5. *Payment Methodology***

RIEMA shall only remit funds to sub-recipients upon receipt of a Grant Reimbursement Request Form, signed by an Authorized Agent, and supporting documentation.

- 1) Equipment or services provided, including vendor invoices, purchase orders, signed packing slips to certify receipt of goods and proof of payment such as cancelled checks.
- 2) Exercises or training, copies of training announcement including date, time, instructors and or speakers, location, topic(s), spread sheet with attendee's name, rates of pay and number of hours signed by an Authorized Agent and proof of payment such as attendee sign in lists with signatures or payroll records.

**6. *Grant Closeout Date***

The Grant Reimbursement Request Form may be submitted at any time during the grant period of performance. Any unused balance existing at the grant end dates shall be deobligated back to RIEMA unless sub-recipient receives an extension from RIEMA.

**7. *Project Monitoring/Evaluation***

Sub-recipient agrees to fully cooperate with periodic programmatic, fiscal monitoring, records review and site visits conducted by RIEMA. Sub-recipient agrees to follow any other special conditions specified in the REC (Record of Environmental Consideration) and/or by the State and FEMA. Sub-recipient agrees to submit timely and accurate Program Evaluation Reports to RIEMA and to participate in RIEMA sponsored surveys and all other required reports related to any RIEMA-administered grant program. RIEMA reserves the right to deny payment to any approved programs, for failure to comply with this provision.

Authorized Official Initial \_\_\_\_\_

RIEMA Grant Assurances & Conditions



**8. Maintenance of Records**

All grant documents including but not limited to invoices, purchase orders, packing slips, equipment make, model and serial numbers, must be maintained for a minimum of three (3) years after RIEMA closeout date.

**9. Property acquired with grant funds**

RIEMA requires that property acquired with grant funds be tagged and tracked detailing description of the property, serial or identification number, source of property, name of owner, acquisition date, cost, location, condition and disposition data. Title to property acquired in whole or in part with grant funds shall vest in the sub-recipient, subject to divestment at the option of RIEMA, where its use for homeland security purposes is discontinued. Sub-recipients shall exercise due caution in the use, maintenance, protection and preservation of such property.

**10. Civil Rights Requirements**

All recipients, sub-recipients regardless of the type of entity or the amount awarded, are subject to the prohibitions against discrimination in any program or activity and may be required by the Office of Civil Rights (OCR) of the U.S. Department of Justice, through selected compliance reviews, to submit data to ensure their services are delivered in an equitable manner to all segments of the service population and their employment practices comply with equal employment opportunity requirements. 28 CFR 42.202(n).

**11. Americans with Disabilities Act**

All federal grant recipients must comply with the American with Disabilities Act (ADA).

**12. Discrimination Prohibited**

No person shall on the grounds of race, color, or religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, specifically the nondiscrimination provision that appears at 42 U.S.C. § 3789c) (1). Recipients/sub-recipients of funds under the Act are also subject to the provisions of Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1974, as amended; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681; the Age Discrimination Act of 1975, 42 U.S.C. §6102; and DOJ Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E and G.

Authorized Official Initial \_\_\_\_\_

RIEMA Grant Assurances & Conditions



**13. Reporting of Adverse Finding of Discrimination**

It is the responsibility of all grantees, sub-recipients and contractors under grants, to report to the Office of Justice Programs, Office for Civil Rights and the Rhode Island Division of Legal Services within the Department of Administration, any finding of discrimination after a due process hearing, on the basis of race, color, religion, national origin or sex by a federal or state court or administrative agency pursuant to 28 C.F.R. Part 42.204(d).

**14. Equal Opportunity Program Requirements**

It is the responsibility of all sub-recipients to ensure that their employment practices comply with Equal Opportunity Requirements, 28 CFR 42.207, 42.301 et seq., Rhode Island General Laws Title 28 Chapter 5 through 6; and Gubernatorial Executive Orders governing the promotion of a diverse workforce, equal opportunity and the prevention of sexual harassment and including where applicable, the requirement of sub-recipients to formulate, implement and file an Equal Opportunity Employment Plan with RIEMA and the Office of Justice Programs, Office for Civil Rights.

**15. Application of Sub-grant Conditions to Contractors**

Whenever a sub-recipient may choose to implement a project by further sub-granting to an implementing sub-recipient or an independent contractor, all or any part of the amount of this award, the sub-recipient shall include the provisions of these standard sub-grant conditions in a further sub-grant award or contract which shall be reduced to writing and submitted to RIEMA for **prior approval**. Such implementing sub-recipients or independent contractors, when utilized by the sub-recipient, may be responsible for the day-to-day operations of the project, including hiring, terminations and budget revisions, however, only when the contracts between the sub-recipients and the implementing sub-recipients or independent contractors so specify. A signed copy of all such contracts must be forwarded to RIEMA.

**16. Ethical Standards/Prohibited Political Activity**

It is the responsibility of all sub-recipients to comply with applicable provisions of Rhode Island General Law Chapter 14 Title 36 Code of Ethics and the provisions of the Hatch Act, which limits the political activity of public employees.

**17. Congressional Budget and Impoundment Control Act of 1974, as amended**

Grant awards are conditional, and subject to congressional or executive action including budget deferral recession.

Authorized Official Initial \_\_\_\_\_

RIEMA Grant Assurances & Conditions



**18. Lobbying, Debarment, Suspension, Drug-Free Workplace**

Sub-recipient shall complete the appropriate provisions of the attached OJP Form 4061//6.

**19. Interest Earned on Federal Funds**

Political subdivisions, (including cities, towns, counties and special districts created by State law) shall account for interest earned on Federal funds. Local units of government may keep interest earned on Federal grant funds up to \$100 per **federal fiscal year**. This maximum limit is not per award; it is inclusive of all interest earned as a result of all Federal grant program funds received per year. Interest earned in excess of \$100, excluding Local Law Enforcement Block Grants (LLEBG) and Juvenile Accountability Incentive Block Grants (JAIBG) must be remitted to the United States Department of Health and Human Services, Division of Payment Management Services, P.O. Box 6021, Rockville, MD 20852.

Non-profit organizations shall account for interest earned on Federal funds. Non-profit organizations may keep interest earned on Federal grant funds up to \$250 **per federal fiscal year**. This maximum limit is not per award; it is inclusive of all interest earned as a result of all Federal grant program funds received per year. Interest earned in excess of \$250, must be remitted to the United States Department of Health and Human Services, Division of Payment Management Services, P.O. Box 6021, Rockville, MD 20852

Interest earned on LLEBG Block and JAIBG Block grants must be accounted for and reported as program income, and used in accordance with the provisions of Part III, Chapter 4 (Program Income). Any unexpended program income should be remitted to the Office of Justice Programs, Office of the Comptroller, Attn: Funds Control Branch 810 7<sup>th</sup> Street, NW 5<sup>th</sup> Floor, Washington, DC 20531.

Authorized Official Initial \_\_\_\_\_

RIEMA Grant Assurances & Conditions



**20. NIMS Compliance**

Sub-recipients are required to meet certain National Incident Management System (NIMS) compliance requirements. All emergency preparedness response, and/or operation of resources and/or activities awarded through this grant are compelled to complete training programs consistent with the NIMS National Standard Curriculum Development Guide. Minimum training includes IS-700 NIMS: An Introduction.

I have read, initialed and understand the seven (7) pages of Special Grant Conditions and Reporting Requirement Guidelines and hereby agree to comply with them.

\_\_\_\_\_  
Signature of Authorized Agent                      Date                      Agency

\_\_\_\_\_  
Name (Printed)    Grant Award Number

\_\_\_\_\_  
Signature of RIEMA Director                      Date

**PLEASE SIGN AND RETURN WITHIN THIRTY (30) DAYS**

Authorized Official Initial \_\_\_\_\_

RIEMA Grant Assurances & Conditions



## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

---

---

---

Check  if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check  if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

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

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

---