

## Attachment 2 – Assurances, Certifications and Disclosures



### ATTACHMENT 2 – ASSURANCES, CERTIFICATIONS & DISCLOSURES

This section includes certifications, assurances and disclosures made by the authorized representative of the Applicant/Grantee organization. These assurances and certifications reflect requirements for recipients of local and pass-through federal funding. By signing below, the Applicant/Grantee certifies that the information provided is accurate, and that the organization will adhere to the following terms and conditions, statutes and regulations in their entirety

#### A. Applicant/Grantee Representations

- The Applicant/Grantee has provided the individuals, by name, title, address, email, and phone number who are authorized to negotiate with the Department of Behavioral Health on behalf of the organization;
- The Applicant/Grantee is able to maintain adequate files and records and will meet all reporting requirements as stated in the grant documentation;
- All fiscal records are kept in accordance with Generally Accepted Accounting Principles (GAAP) and account for all funds, tangible assets, revenue, and expenditures whatsoever; all fiscal records are accurate, complete and current at all times; and these records will be made available for audit and inspection as required by the grant documentation and all applicable District of Columbia and Federal laws and regulations;
- The Applicant/Grantee is current on payment of all federal and District taxes, including Unemployment Insurance taxes and Workers' Compensation premiums. This statement of certification shall be accompanied by a certificate from the District of Columbia OTR stating that the entity has complied with the filing requirements of District of Columbia tax laws and is current on all payment obligations to the District of Columbia, or is in compliance with any payment agreement with the Office of Tax and Revenue; (attach)
- The Applicant/Grantee has the administrative and financial capability to provide and manage the proposed services and ensure an adequate administrative, performance and audit trail;
- If required by DBH, the Applicant/Grantee is able to secure a bond, in an amount not less than the total amount of the funds awarded, against losses of money and other property caused by a fraudulent or dishonest act committed by Applicant/Grantee or any of its employees, board members, officers, partners, shareholders, or trainees; and,
- The Applicant/Grantee is not proposed for debarment or presently debarred, suspended, or declared ineligible, as required by Executive Order 12549, "Debarment and Suspension," and implemented by 2 CFR 180, for prospective participants in primary covered transactions and is not proposed for debarment or presently debarred as a result of any actions by the District of Columbia Contract Appeals Board, the Office of Contracting and Procurement, or any other District contract regulating Agency;
- The Applicant/Grantee has the resources and expertise necessary to perform the grant, or, has the ability to obtain such through submitted and approved sub-grants;

- The Applicant/Grantee has the ability to comply with the required or proposed delivery or performance schedule, taking into consideration all existing and reasonably expected commercial and governmental business commitments;
- The Applicant/Grantee has a satisfactory record of performing similar activities as detailed in the award or, if the grant award is intended to encourage the development and support of organizations without significant previous experience, has otherwise established that it has the skills and resources necessary to perform the services required by this Grant;
- The Applicant/Grantee has a satisfactory record of integrity and business ethics;
- The Applicant/Grantee either has the necessary organization, experience, accounting and operational controls, and technical skills to implement the grant, or the ability to obtain them;
- The Applicant/Grantee is in compliance with the applicable District licensing and tax laws and regulations;
- The Applicant/Grantee is in compliance with the Drug-Free Workplace Act and any regulations promulgated thereunder;
- The Applicant/Grantee meets all other qualifications and eligibility criteria necessary to receive an award;
- The Applicant/Grantee agrees to indemnify, defend and hold harmless the Government of the District of Columbia and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of or related to this grant including the acts, errors or omissions of any person and for any costs or expenses incurred by the District on account of any claim therefrom, except where such indemnification is prohibited by law;
- Consistent with 45 C.F.R. 75.113, the Applicant/Grantee must disclose in a timely manner, in writing to the SAMHSA, and the United States Department of Health and Human Services (HHS) Office of Inspector General (OIG) all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Disclosures must be sent in writing to SAMHSA and to the HHS OIG at the following addresses:

SAMHSA  
 Attention: Office of Financial Advisory Services  
 560 Fishers Lane  
 Rockville, MD 20857

**AND**

U.S. Department of Health and Human Services  
 Office of Inspector General  
 ATTN: Mandatory Grant Disclosures, Intake Coordinator  
 Independence Avenue, SW, Cohen Building  
 Room 5527  
 Washington, DC 20201

Fax: (202) 205-0604 (Include "Mandatory Grant Disclosures" in subject line) or email:  
[MandatoryGranteeDisclosures@oig.hhs.gov](mailto:MandatoryGranteeDisclosures@oig.hhs.gov)

- Failure to make required disclosures can result in any of the remedies described in 45 CFR § 75.371, “Remedies for Noncompliance” including suspension and disbarment (See 2 CFR Parts 180 and 376 and 31 U.S.C. 3321).
- The Applicant/Grantee certifies that it will comply with the non-procurement and disbarment regulations implementing Executive Orders 12549 and 12689, 2 CFR parts 376, and 45 CFR § 75.213. These regulations restrict awards, sub-awards and contracts with parties that are debarred suspended or otherwise excluded from or ineligible from participation in federal assistance programs or activities. A list of federally excluded health care programs can be found at: (<http://exclusions.oig.hhs.gov/>). The D.C. Excluded Parties List can be found at (<https://ocp.dc.gov/page/excluded-parties-list>).
- The Applicant/Grantee certifies that it will comply with drug free workplace requirements in Subpart B (or Subpart C of the recipient is an individual) of part 382, which adopts the Government wide implementation (2 CFR part 182) of section 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title .S.C. 701-V, Subtitle D; 41 U.S.C. 701-707);
- The Applicant/Grantee certifies that it will comply with all federal and District whistleblower statutes and regulations, including but not limited to 10 U.S.C. §§ 2324, 2409, and 41 U.S.C. §§ 4304, 4310, 4712; and
- In accordance with the United States Supreme Court decisions in *United States v. Windsor* and in *Obergefell v. Hodges*, the Applicant/Grantee must treat as valid the marriages of same-sex couples.

## **B. Statutory and Regulatory Assurances and Certifications**

**The Applicant/Grantee shall comply with all applicable District and federal statutes and regulations, including, but not limited to, the following:**

- The Americans with Disabilities Act of 1990, Pub. L. 101-336, July 26, 1990; 104 Stat. 327 (42 U.S.C. 12101 *et seq.*);
- Rehabilitation Act of 1973, Pub. L. 93-112, Sept. 26, 1973; 87 Stat. 355 (29 U.S.C.701 *et seq.*);
- The Hatch Act, Ch. 314, 24 Stat. 440 (5 U.S.C. 1501; 7321 *et seq.*); D.C. Law 20-4, D.C. Official Code § 1-1171 *et seq.*; D.C. Law 19-124; D.C. Official Code § 1-1161.01;
- The Fair Labor Standards Act, Ch. 676, 52 Stat. 1060 (29 U.S.C. 201 *et seq.*);
- The Clean Air Act Pub. L. 108-201, February 24, 2004; 42 USC 85 *et seq.*);
- The Occupational Safety and Health Act of 1970, Pub. L. 91-596, Dec. 29, 1970; 84 Stat. 1590 (29 U.S.C. 651 *et seq.*);
- The Hobbs Act (Anti-Corruption), ch. 537, 60 Stat. 420 (18 U.S.C. § 1951);
- Equal Pay Act of 1963, Pub. L. 88-38, June 10, 1963; 77 Stat. 56 (29 U.S.C. 201);
- Age Discrimination Act of 1975, Pub. L. 94-135, Nov. 28, 1975; 89 Stat. 728 (42 U.S.C. 6101 *et. seq.*);
- Age Discrimination in Employment Act, Pub. L. 90-202 § 2, Dec. 15, 1967; 81 Stat. 602

(29 U.S.C. 621 *et seq.*);

- Military Selective Service Act of 1973, Pub. L. 92-129, July 1, 1973, 85 Stat. 358 (50 U.S.C. 460);
- Title IX of the Education Amendments of 1972, Pub. L. 92-318, June 23, 1972; 86 Stat. 235, (20 U.S.C. 1001);
- Immigration Reform and Control Act of 1986, Pub. L. 99-603, Nov 6, 1986; 100 Stat. 3359, (8 U.S.C. 1101);
- Executive Order 12459 (Debarment, Suspension and Exclusion);
- Medical Leave Act of 1993, Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6 (5 U.S.C. 6381 *et seq.*);
- District of Columbia Human Rights Act of 1977 (D.C. Official Code § 2-1401.01 *et seq.*);
- District of Columbia Language Access Act of 2004, DC Law 15 - 414 (D.C. Official Code § 2-1931 *et seq.*), including the prohibition against sexual harassment found in 4 DCMR § 100 *et seq.*;
- Child and Youth, Safety and Health Omnibus Amendment Act of 2004, D.C. Law §15-353; D.C. Official Code § 4-1501.01 *et seq.*

**C. Mandatory Disclosures**

The Applicant/Grantee certifies that the information disclosed in the table below is true at the time of submission of the application for funding and at the time of award if funded. If the information changes, the Grantee shall notify the Project Director within 24 hours of the change in status. A duly authorized representative must sign the disclosure certification.

<p>Covered Entity Disclosure: During the two-year period preceding the execution of the attached Agreement, were any key personnel or agents of the Applicant/Grantee/Recipient organization, a candidate for public office, or, a contributor to a campaign of a person who is a candidate for public office as defined in Section 1092(3) of the “Grant Administration Amendment Act of 2015,” effective October 22, 2015 (D.C. Law 21-36; D.C Official Code 1-328.11(3))?</p>	<input type="checkbox"/> YES  <input type="checkbox"/> NO
<p>Are any of the aforementioned personnel presently or anticipate becoming a candidate for public office, or a contributor to a campaign of a person who is a candidate for public office, as defined in Section 1092(3) of the “Grant Administration Amendment Act of 2015,” effective October 22, 2015 (D.C. Law 21-36; D.C Official Code 1-328.11(3))?</p>	<input type="checkbox"/> YES  <input type="checkbox"/> NO
<p>The Applicant/Grantee Organization must report the names and total compensation of its five (5) most highly compensated officers during the preceding fiscal year if it:</p> <ol style="list-style-type: none"> <li>1) Received eighty (80) percent or more of its annual gross revenues in federal grants, sub-awards, contracts and subcontracts; and</li> <li>2) Received \$25,000.00 or more in annual gross revenues from federal grants, sub-</li> </ol>	<input type="checkbox"/> YES  <input type="checkbox"/> NO

<p>awards, contracts and subcontracts; and</p> <p>3) Had gross income, from all sources, of \$300,000.00 or more; and</p> <p>4) The public does not have access to this information through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>The Applicant/Grantee organization has a federally-negotiated Indirect Cost Rate Agreement.</p> <p>If yes, insert issue date for the IDCR: _____</p> <p>If yes, insert the name of the cognizant federal agency? _____</p>	<input type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>
<p>No key personnel or agent of the Applicant/Grantee organization who will participate directly, extensively and substantially in the request for funding (i.e., application), pre-award negotiation or the administration or management of the funding is currently in violation of federal and local criminal laws involving fraud, bribery or gratuity violations potentially affecting the DBH award.</p>	<input type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date



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## ATTACHMENT 3 – PROGRAM INCOME AND FINANCIAL DISCLOSURE

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### What is Program Income?

Program income means gross income earned by the non-Federal entity that is directly generated by a supported activity earned as a result of the Federal award during the period of performance. Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income.

The Department of Behavioral Health (DBH) requires sub-grantees to identify and document program income on projects/services. The nature of this income must be appropriately documented and the resulting revenue properly recorded. All sub-grantees should be aware of how program income will be used and reported due to a possible impact on the scope of work of the award.

Program income must be utilized in a manner that is allocable, allowable, and reasonable to the project. Expenses that are unallowable on the main project are also unallowable on the program income account.

The DBH Fiscal Monitor will review all budgets and budget modifications and flag any activity/service that has a potential to generate income with the Project Director and sub-grantee. Any flagged activity/service will be reviewed by the fiscal monitor and project director monthly, no less than quarterly with the sub-grantee.

### Procedure for Monitoring Program Income:

- Sub-grantee identifies program income activity/service.
- Program income account is established by the sub-grantee.
- Revenue is received and deposited into the program income account.
- The sub-grantee certifies receipt of program income to Fiscal Monitor and Project Director through DBH Program Income Reporting Worksheet monthly, no less than quarterly.
- Fiscal monitor reviews the Income Reporting Worksheet and supporting documentation with the Project Director. A reconciliation is performed with supporting documentation and DBH data systems such as, DATA WITS.
- DBH reports to applicable Federal agency a summary of all sub-grantees that accrued program income and the amount.

Attachment 3 – Program Income and Financial Disclosure



**ATTACHMENT 3 – PROGRAM INCOME AND FINANCIAL DISCLOSURE**

I \_\_\_\_\_, am an authorized representative of \_\_\_\_\_, an organization in receipt of a sub-grant from the Department of Behavioral Health (DBH) funded in whole or part by the Substance Abuse and Mental Health Services Administration (SAMHSA).

Pursuant to 45 CFR § 75.2, the organization in receipt of the sub-grant is (please select one):

\_\_\_\_\_ **A non-profit organization.** A non-profit organization is any corporation, trust association, cooperative or other organization, not including an Institution of Higher Learning (IHE) that: (1) is operated primarily for scientific, educational, service, charitable or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses net proceeds to maintain, improve or expand the operations of the organization. I certify that the organization will comply with all statutes and regulations related to program income, including but not limited to 45 CFR § 75.307. I further certify that I will any program income earned as a result of this grant on all invoices submitted to DBH.

\_\_\_\_\_ **A commercial organization.** A commercial organization is an institution, cooperation, or other legal entity, including but not limited to partnerships, sole proprietorships, and limited liability companies, that is organized or operated for the profit or benefit of its shareholders or other owners. I certify that the organization will comply with all statutes and regulations related to program income, including but not limited to 45 CFR § 75.216. I further certify that I will report any program income earned as a result of this grant on all invoices submitted to DBH.

The person whose signature appears below is authorized to sign this assurance and commit the Applicant/Grantee to the above provisions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

**Attachment 4 – DC Contribution and Solicitation Certification**



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**ATTACHMENT 4 – DISTRICT OF COLUMBIA CONTRIBUTION AND SOLICITATION CERTIFICATION**

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I \_\_\_\_\_, am an authorized representative of \_\_\_\_\_, an organization in receipt of a sub-grant from the Department of Behavioral Health valued at \$100,000.00 or more (“the organization”). Pursuant to D.C. Code § 1-328.15, I hereby certify under penalty of perjury to the best of my knowledge after due diligence that:

1. The organization has not made a contribution or solicitation for contribution to any of the following within one (1) year beginning on the date the contribution or solicitation for contribution was made and continuing for one (1) year after the general election for which the contribution or solicitation for contribution was made, whether or not the contribution was made before the primary election:
  - a. An elected District official who is or could be involved in influencing or approving the award of a grant;
  - b. A candidate for elective District office who is or could be involved in influencing or approving the award; or
  - c. A political committee affiliated with a District candidate or elected District official described in subparagraphs (a) or (b).
  
2. The organization has not made a contribution to any of the following within eighteen (18) months beginning on the date the contribution or solicitation for contribution was made and continuing for eighteen (18) months after that date:
  - a. A constituent-service program or fund, or substantially similar entity, controlled, operated or managed by:
    - i. An elected District official who is or could be involved in influencing or approving the award of a grant;
    - ii. A person under the supervision, direction or control of an elected District official who is or could be involved in influencing or approving the award of a grant.
  - b. A political party; or
  - c. An entity or organization:
    - i. That a candidate or elected District official described in section 1(a), (b) or a member of his or her immediate family controls; or
    - ii. In which a candidate or elected District official described in section 1(a), (b) has an ownership interest of 10% or more.

This does not apply to my organization.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date





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**ATTACHMENT 5 – FEDERAL ASSURANCES AND CERTIFICATIONS**

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**ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, THE AGE DISCRIMINATION ACT OF 1975, AND SECTION 1557 OF THE AFFORDABLE CARE ACT.**

The Applicant/Grantee provides this assurance in consideration of and for the purpose of obtaining a sub-grant funded in whole or part by U.S. Department of Health and Human Services (HHS).

THE APPLICANT/GRANTEE HEREBY AGREES THAT IT WILL COMPLY WITH:

1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88—352), as amended, and all requirements imposed by or pursuant to HHS Regulation (45 C.F.R. Part 80), to the end that, accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant/Grantee receives a sub-grant funded in whole or part by HHS.
2. Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended, and all requirements imposed by or pursuant to HHS Regulation (45 C.F.R. Part 84), to the end that, in accordance with Section 504 of that Act and the Regulation, no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the Applicant/Grantee receives a sub-grant funded in whole or part by HHS.
3. Title IX of the Education Amendments of 1972 (Pub. L. 92.18), as amended, and all requirements imposed by or pursuant to HHS Regulation (45 C.F.R. Part 86), to the end that in accordance with Title IX and the Regulation, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant/Grantee receives a sub-grant funded in whole or part by HHS.
4. The Age Discrimination Act of 1975 (Pub. L. 94-1350), as amended, and all requirements imposed by or pursuant to HHS Regulation (45 C.F.R. Part 91), to the end that, in accordance with the Act and Regulation, no person in the United States shall, on the basis of age, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which the Applicant/Grantee receives a sub-grant funded in whole or part by HHS.

5. Section 1557 of the Affordable Care Act (Pub. L. 111-148), as amended, and all requirements imposed by or pursuant to HHS Regulation (45 CFR Part 92), to the end that, in accordance with Section 1557 and the Regulation, no person in the United States shall, on the ground of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any health program or activity for which the Applicant/Grantee receives a sub-grant funded in whole or part by HHS.

The Applicant/Grantee agrees that compliance with this assurance constitutes a condition of continued receipt of a sub-grant funded in whole or part by HHS, and that is binding upon the Applicant/Grantee, its successors, transferees and assignees for the period during which the sub-grant is provided. If any real property or structure thereon is provided or improved with the aid of the HHS sub-grant provided to the Applicant/Grantee, this assurance shall obligate the Applicant/Grantee, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for the sub-grant is extended or for another purpose involving the provision of similar services for benefits. If any personal property is so provided, this assurance shall obligate for the period during which it retains ownership or possession of the property. The Applicant/Grantee further recognizes and agrees that the United States shall have the right to seek judicial enforcement of this assurance.

#### **ASSURANCES – NON-CONSTRUCTION PROGRAMS**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for a grant and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the project described in the application.
2. Will give DBH, the United States Department of Health and Human Services, the Comptroller General of the United States and any authorized representative access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable timeframe after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IC of the Educational Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse and alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ww-3) as amended, relating to the confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which the sub-grant is funded; and (j) the requirements of any other non-discrimination statutes which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §874) and the Contract Work Hours and Safety Standard Act (40 U.S.C. §§327-333), regarding la or standards for federally-assisted construction sub-agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a

special flood hazard are to participate in the program and too purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following (a) institution of environmental quality control measures under the Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EP 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistence with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 *et seq.*); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C §§ 7401 *et seq.*); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 *et seq.*) related to protecting components or potential components of national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic preservation Act of 1974 (16 U.S.C. §§ 469a-1 *et seq.*).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development and related human activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 *et seq.*) pertaining to the care, handling and treatment of warm blooded animals held for research, teaching or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 *et seq.*) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other federal laws, executive orders, regulations and policies governing the program.

19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time the award is in effect or (3) Using forced labor in the performance of the award od sub-awards under the award.

## **LIST OF CERTIFICATIONS**

### **I. CERTIFICATION REGARDING LOBBYING**

Title 31, United States Code, Section 1352, entitled “Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,” generally prohibits recipients of Federal grants and cooperative agreements from using Federal (appropriated) funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a SPECIFIC grant or cooperative agreement. Section 1352 also requires that each person who requests or receives a Federal grant or cooperative agreement must disclose lobbying undertaken with non-Federal (non-appropriated) funds. These requirements apply to grants and cooperative agreements EXCEEDING \$100,000 in total costs (45 CFR Part 93). By signing, the Applicant/Grantee is providing certification set out in Appendix A to 45 CRF Part 93.

### **2. CERTIFICATION REGARDING PROGRAM FRAUD CIVIL REMEDIES ACT (PFFCRA)**

The undersigned (authorized official signing for the Applicant/Grantee organization) certifies that the statements herein are true, complete, and accurate to the best of his or her knowledge, and that he or she is aware that any false, fictitious, or fraudulent statements or claims may subject him or her to criminal, civil, or administrative penalties. The undersigned agrees that the applicant organization will comply with the Department of Health and Human Services terms and conditions of award if a grant is awarded as a result of this application.

### **3. CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE**

Public Law 103-227, also known as the Pro-Children act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, daycare, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law also applies to children’s services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children’s services provided in private residence, portions of facilities used for inpatient drug or alcohol treatment, service providers whose sole source of applicable Federal funds is Medicare or Medicaid, or facilities where WIC coupons are redeemed.

Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

The authorized official signing for the Applicant/Grantee organization certifies that the Applicant/Grantee organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act. The applicant organization agrees that it will require that the language of this certification be included in any sub-awards which contain provisions for children’s services and that all sub-recipients shall certify accordingly.

HHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of tobacco products. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

The person whose signature appears below is authorized to sign this assurance and commit the Applicant/Grantee to the above provisions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

**Attachment 6 – Special Terms of Award Funding**



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**ATTACHMENT 6 – SPECIAL TERMS OF AWARD FUNDING**

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As a sub-recipient of Substance Abuse and Mental Health Services Administration (SAMHSA) grant funds, I certify that my agency/organization will comply with the following terms:

Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. § 75.300(a) (requiring HHS to “ensure that Federal funding is expended . . . in full accordance with U.S. statutory . . . requirements.”); 21 U.S.C. §§ 812(c)(10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the DEA and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

The person whose signature appears below is authorized to sign this assurance and commit the Applicant/Grantee to the above provisions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date



**ATTACHMENT 7 – DISTRICT OF COLUMBIA TAX CERTIFICATION**

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Chief Financial Officer  
Office of Tax and Revenue**

**TAX CERTIFICATION AFFIDAVIT**

**THIS AFFIDAVIT IS TO BE COMPLETED ONLY BY THOSE WHO ARE REGISTERED TO CONDUCT BUSINESS IN THE DISTRICT OF COLUMBIA.**

**Date**

**Authorized Agent**

**Name of Organization/Entity**

**Business Address (include zip code)**

**Business Phone Number**

**Authorized Agent**

**Principal Officer Name and Title**

**Square and Lot Information**

**Federal Identification Number**

**Contract Number**

**Unemployment Insurance Account No.**

I hereby authorize the District of Columbia, Office of the Chief Financial Officer, Office of Tax and Revenue to release my tax information to an authorized representative of the District of Columbia agency with which I am seeking to enter into a contractual relationship. I understand that the information released will be limited to whether or not I am in compliance with the District of Columbia tax laws and regulations solely for the purpose of determining my eligibility to enter into a contractual relationship with a District of Columbia agency. I further authorize that this consent be valid for one year from the date of this authorization.

I hereby certify that I am in compliance with the applicable tax filing and payment requirements of the District of Columbia. The Office of Tax and Revenue is hereby authorized to verify the above information with the appropriate government authorities.

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**Signature of Authorizing Agent**

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**Title**

The penalty for making false statement is a fine not to exceed \$5,000.00, imprisonment for not more than 180 days, or both, as prescribed by D.C. Official Code §47-4106.

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**Office of Tax and Revenue, PO Box 37559, Washington, DC 20013**



**Attachment 8 – Sub-Grantee Single Audit Certification**



**ATTACHMENT 8 – SUB-GRANTEE SINGLE AUDIT CERTIFICATION**

Title 2 Part 200 of the Code of Federal Regulations, Subpart F – Audit Requirements states that a non-federal entity that expends less than \$750,000 during the non-federal entity’s fiscal year in federal awards is exempt from federal audit requirements for that year. However, records must be available for review or audit by appropriate officials of the federal agency, pass-through entity (Department of Behavioral Health), and the Government Accountability Office (GAO). The sub-grantee hereby certifies that less than \$750,000 has been expended in federal awards from all sources during the specified audit period.

Check the applicable box and complete the information below:

- Yes, less than \$750,000 has been expended in federal awards from all sources during the specified audit period.
- No, more than \$750,000 has been expended in federal awards from all sources during the specified audit period.

Exemption certification for fiscal year ending: \_\_\_\_\_

NOTE: The audit period is the organization’s fiscal or calendar year to be audited. Please include the month, day and year for “beginning” and “ending” period (Example – beginning: January 1, 2021 and ending December 30, 2022).

**Audit Period Beginning:**

**Ending:**

**Total Amount of Federal Funds Expended: \$**

**Sub recipient:**

**Organizational Representative Name:**

**Organization Address:**

**Email:**

**Telephone:**

**Authorized Representative Signature:**

For non-profits and Community Based Organizations (CBOs), the certification must be signed by the Chairperson of the Board of Directors.

**Attachment 9 – DBH Grant Terms and Conditions**



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**ATTACHMENT 9 – DBH GRANT TERMS AND CONDITIONS**

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\_\_\_\_\_, an Applicant/Grantee for a grant/sub-grant with the Department of Behavioral Health (DBH) acknowledges receipt of the DBH Grant Terms and Conditions. The Applicant/Grantee organization agrees to be bound by the DBH Grant Terms and Conditions in their entirety if selected for funding.

Applicants/Grantees of sub-grants funded in whole or part by the Substance Abuse and Mental Health Services Administration (SAMHSA) also agree to be bound by the SAMHSA Grant Award Standard Terms and the United States Department of Health and Human Services (HHS) Grants Policy Statement.

The person whose signature appears below is authorized to sign this assurance and commit the Applicant/Grantee to the above provisions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

## Attachment 10 – Special Terms State Opioid Response Funding

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### ATTACHMENT 10 – SPECIAL TERMS STATE OPIOID RESPONSE FUNDING

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As a sub-recipient of State Opioid Response (SOR) Grant funds, I certify that my

Agency/Organization \_\_\_\_\_ will comply with the following terms:

SOR grant funds must be used to fund prevention, harm reduction, treatment, and recovery support services and evidence-based practices that are appropriate for the population(s) of focus.

SOR funds shall not be utilized for services that can be supported through other accessible sources of funding such as other federal discretionary and formula grant funds, e.g., HHS (CDC, CMS, HRSA, and SAMHSA), DOJ (OJP/BJA) and non-federal funds, third party insurance, and sliding scale self-pay, among others.

SOR funds for treatment and recovery support services shall only be utilized to provide services to individuals that specifically address opioid or stimulant misuse issues. If either an opioid or stimulant misuse problem (history) exists concurrently with other substance use, all substance use issues may be addressed. Individuals who have no history of or no current issues with opioids or stimulants misuse shall not receive treatment or recovery services with SOR grant funds.

Sub-grantees are expected to report data as required in the Funding Opportunity Announcement and to fully participate in any SAMHSA-sponsored evaluation of this program. All required data must be reported to SAMHSA's Performance Accountability and Reporting System (SPARS) system within SAMHSA-specified timelines. The submission of these data in the form required by SAMHSA is a requirement of funding. Noncompliance with this requirement may result in restricted access to funding for this year or limited or no access to funding in the future grant year.

Sub-grantees are required to work with SAMHSA-funded SOR/Tribal Opioid Response Technical Assistance Training (TA/T) grant as the primary means of TA provision.

Funds may not be expended through the grant or a sub-award by any agency which would deny any eligible client, patient or individual access to their program because of their use of FDA-approved medications for treatment of substance use disorders (e.g., methadone, buprenorphine products including buprenorphine/naloxone combination formulations and buprenorphine monoproduct formulations, naltrexone products including extended-release and oral formulations or long acting products such as extended release injectable or implantable buprenorphine.)

Specifically, patients must be allowed to participate in methadone treatment rendered in accordance with current federal and state methadone dispensing regulations from an Opioid Treatment Program and ordered by a physician who has evaluated the client and determined that methadone is an appropriate medication treatment for the individual's opioid use disorder.

Similarly, medications available by prescription or office-based implantation must be permitted if it is appropriately authorized through prescription by a licensed prescriber or provider. In all cases, MOUD must be permitted to be continued for as long as the prescriber or treatment provider determines that the medication is clinically beneficial. Recipients must assure that clients will not be compelled to no longer use MOUD as part of the conditions of any programming if stopping is inconsistent with a licensed prescriber's recommendation or valid prescription.

Contingencies may be used to reward and incentivize treatment compliance. Clients may not receive contingencies totaling more than \$75 per budget period. The contingency amounts are subject to change.

SOR funds shall not be utilized to provide incentives to any Health Care Professional for receipt of a DATA Waiver or any type of Professional Development Training.

SOR funds shall not be utilized to purchase any food.

Sub-grantees are required to track funding of activities by providers and be prepared to submit these data to DBH upon request.

The person whose signature appears below is authorized to sign this assurance and commit the Applicant/Grantee to the above provisions.

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Signature

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Name and Title

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Date