

EUDL CONTRACT APPLICATION BUDGET ADDENDUM

Financial Information

1. Is applicant delinquent on state or federal debt? Yes No If yes, please attach an explanation.

Note: TABC will not award a contract to an applicant with a delinquency unless the applicant can show mitigating circumstances and TABC approves the circumstances.

2. Which of the following best describes your accounting system? Manual Automated Combination

3. Does your organization use a double – entry system in accounting for project funds? Yes No

4. Does your accounting system identify the receipt and expenditures of project funds separately for each contract/grant? Yes No

5. Are time distribution records maintained for an employee when his/her efforts can be specifically identified to a particular cost objective? Yes No

6. Is your organization generally familiar with existing regulations and guidelines containing the cost principles and procedures for the determination and allowance of costs in connection with awarded contracts/grants? Yes No

7. Is a separate bank account maintained for grant/contract funds? Yes No

8. If grant/contract funds are commingled with organization funds, can the grant/contract funds and related costs and expenditures be readily identified? Yes No

9. Are the officials of this organization bonded? Yes No

10. Has an independent certified public accountant (CPA) examined your financial statements?

- Yes: **ATTACH** the following; copy if their latest report, any management letters issued and organization's responses to the report.
- No: Please develop and submit copies of the following for the most current and previous year; detailed balance sheet, income statement and notes to the financial statements.

For Nonprofits Only

All nonprofit corporations applying for TABC grant/contract funds for the first time must complete this section and **ATTACH** the most recent financial statements with the application.

1. Date IRS letter granted 501 (c)(3) tax exemption status. / /
ATTACHMENT: Attach the IRS 501 (c)(3) letter.

2. Date Charter Number assigned by the Texas Secretary of State. / /

3. Quote the purpose of the organization as stated in the Articles of Incorporation or the Bylaws. (Limit 500 Characters):

4. If any member of the board is related to one another or an employee of the nonprofit corporation, explain the relationship. (Limit 500 Characters):

Financial Officer		Authorized Official	
Name and Title:		Name and Title:	
Signature:		Signature:	

Federal Assurances

Authorized Official Must Read and Initial

Part I: Audit Certification – Annual Reporting Requirement

Audits of state and local units of government, institutions of higher education and other nonprofit institutions must comply with the organizational audit requirements of [OMB Circular A-133](#), which states that recipients who expend \$500,000 or more of federal funds during their fiscal year are required to submit an organization – wide financial and compliance audit report within nine months after the close of each fiscal year during the term of the award to the Federal Audit Clearinghouse.

I certify: (Initial One)

The applicant agency currently expends a combined federal funding of \$500,000 or more and therefore is required to submit an annual single audit by an independent auditor made in accordance with the Single Audit Act Amendments of 1996 and [OMB Circular A-133](#).

The applicant agency currently expends a combined federal funding of less than \$500,000 and therefore is exempt from the Single Audit Act and cannot charge audit costs to the grant/contract. I understand however that TABC may require a limited scope audit as defined in [OMB Circular A-133](#).

Part II: Equal Employment Opportunity Plan (EEO)

(Initial **One** to identify your type of organization.)

Type I Entity (Educational/Medical/Nonprofit Institution/Native American Tribe – certification required; EEO Not Required)

I **certify** this organization is a Type I Entity. This entity will comply with the prohibitions against discrimination in any program or activity (28 CFR § 42.203), is not required to maintain an Equal Employment Opportunity Plan (EEO), but will comply with equal employment opportunity program guidelines of the Department of Health and Human Services (28 CFR 42.302).

I **am unable to certify** the above statement and have **ATTACHED** an explanation to this application.

Type II Entity (All other recipients receiving less than \$25,000 – certification required; EEO NOT required.)

I **certify** this organization is a Type II Entity. This entity will comply with the prohibitions against discrimination in any program or activity (28 CFR § 42.203), but is not required to maintain an EEO (28 CFR 42.301 *et seq.*).

Type III Entity (All other recipients receiving more than \$25,000, but not more than \$500,000 – certification required, organizations must maintain EEO on file for possible audit if the organization has more than 50 employees.)

I **certify** this organization is a Type III Entity that employs **less than 50** people. This entity will comply with the prohibitions against discrimination in any program or activity (28 CFR § 42.203), but is not required to maintain an EEO (28 CFR 42.301 *et seq.*).

I **certify** this organization is a Type III Entity that employs **50 or more** people. This entity will comply with the prohibitions against discrimination in any program or activity (28 CFR § 42.203), and has formulated an equal employment opportunity program (28 CFR 42.301 *et seq.*), that is on file in the office

Type IV Entity (For-profit entities and state and local governments receiving \$500,000 or more – certification is required and organization *must submit* an EEO to Office for Civil Rights for approval.)

I **certify** this organization is a Type IV Entity. This entity will comply with the prohibitions against discrimination in any program or activity (28 CFR § 42.203), and has formulated an equal employment opportunity plan (28 CFR 42.301 *et seq.*), that will be submitted to the Office for Civil Rights, Office of Justice Programs, Department of Justice, for approval upon award of a grant/contract.

Part III: Confidentiality and Human Subjects Protection (if applicable)

DOJ regulations (28 CFR Part 22) require recipients of OJP funding to submit a Privacy Certificate as a condition of approval of any grant application or contract proposal that contains a research or statistical component under which "information identifiable to a private person" will be collected, analyzed, used, or disclosed. The funding recipient's Privacy Certificate includes a description of its policies and procedures to be followed to protect the confidentiality of identifiable data. 28 CFR Section 22.23. The Department's regulations provide, among other matters, that: "Research or statistical information identifiable to a private person may be used only for research or statistical purposes." 28 CFR Section 22.21. Moreover, any private person from whom information identifiable to a private person is collected or obtained (either orally or by means of written questionnaire or other document) must be advised that the information will only be used or disclosed for research or statistical purposes and that compliance with the request for information is voluntary and may be terminated at any time. 28 CFR Section 22.27.

In addition, DOJ has regulations with respect to the protection of human research subjects. See 28 CFR Part 46. In brief, 28 CFR Part 46 requires that research involving human subjects that is conducted or supported by a Federal department or agency be reviewed and approved by an Institutional Review Board (IRB), in accordance with the regulations, before Federal funds are expended for that research. As a rule, persons who participate in Federally-funded research must provide their "informed consent" and must be permitted to terminate their participation at any time. Funding recipients, before they will be allowed to spend OJP funds on any research activity involving human subjects, must submit appropriate documentation to OJP showing compliance with 28 CFR Part 46 requirements, as requested by OJP.

I certify this organization will comply with the above policies.

Part IV: National Environmental Policy Act (NEPA) Compliance

All OJP awards are subject to the National Environmental Policy Act (NEPA) and other related Federal laws, if applicable. 42 USC Section 4321 et seq. DOJ has established procedures to implement NEPA. See 28 CFR Part 61. The regulations state that "all federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decision-making and to prepare detailed environmental statements on . . . major federal actions significantly affecting the quality of the human environment." 28 CFR section 61.2. Under the regulations, DOJ, among other things, is required to "[c]onsider from the earliest possible point in the process all relevant environmental documents in evaluating proposals for Department action[.]" 28 CFR Section 61.6.

OJP has responsibility to ensure compliance with NEPA and 28 CFR Part 61, including Appendix D. For many projects that are funded by OJP, NEPA may have no applicability. However, if OJP funds will be used, for example, to pay for renovation projects or new construction, programs involving the use of chemicals, or any other activity, including research and technology development, that may have an effect on the environment, at a minimum, the funding recipient must provide a full description of proposed project activities to OJP, and an Environmental Assessment must be prepared. Prior to allowing a recipient to spend OJP funds for such a project, OJP must make a finding that the project does not significantly affect the human environment and that further environmental assessment is not necessary.

I certify this organization will comply with the above policies.

Part V: Single Point of Contact Review

Executive Order 12372 requires applicants from state and local units of government or other organizations providing services within a state to submit a copy of the application to the [state Single Point of Contact \(SPOC\)](#) if one exists and if the state has selected this program for review. Applicants must contact their state SPOCs to determine whether their programs have been selected for state review. The applicant should enter the date that the application was sent to the SPOC or the reason such submission is not required in Block 3 of the Overview section of the GMS application.

I certify this organization will comply with the above policies.

Part VI: Non-Supplanting of State and Local Funds

Contractees must use federal funds to supplement existing funds for program activities and may not replace (supplant) nonfederal funds that they have appropriated for the same purpose. Potential supplanting will be the subject of monitoring and an audit. Violations can result in a range of penalties, including suspension of current and future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

I certify this organization will comply with the above policies.

Part VII: Criminal Penalty for False Statements

False statements or claims made in connection with OJP grants may result in fines, imprisonment, and debarment from participating in federal grants or contracts, and/or other remedy available by law.

I certify this organization will comply with the above policies.

Part VIII: Compliance with Office of Justice Programs Financial Guide

The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the [OJP Financial Guide](#).

I certify this organization will comply with the above policies.

Part IX: Suspension or Termination of Funding

TABC may suspend funding in whole or in part, terminate funding, or impose other sanctions on a recipient for the following reasons:

- Failing to comply substantially with the requirements or statutory objectives of the appropriate Act, program guidelines issued thereunder, or other provisions of federal law.
- Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the application.
- Failing to adhere to the requirements in the agreement, standard conditions, or special conditions.
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
- Failing to submit reports.
- Filing a false certification in this application or other report or document.

Before imposing sanctions, OJP will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Hearing and appeal procedures will follow those in DOJ regulations in 28 CFR Part 18.

I certify this organization will comply with the above policies.

Part X: For-Profit Organization

For-profit organizations that receive grant funds from TABC should be aware that additional special conditions are placed on awards to such organizations. Among other things, commercial organizations must agree not to make a profit as a result of an award and not to charge a management fee for the performance of an award. Also, commercial organizations must agree to comply with the contract cost principles of subpart 31.2 of the Federal Acquisition Regulations.

I certify this organization will comply with the above policies.

Part XI: Government Performance and Results Act (GPRA)

The funding recipient agrees to collect data (on a quarterly, semi-annually, or annual basis, as requested) appropriate for facilitating reporting requirements established by Public Law 103-62 for the Government Performance and Results Act. The funding recipient will ensure that valid and auditable source documentation is available to support all data collected for each performance measure specified in the program solicitation.

I certify this organization will comply with the above policies.

Part XII: Rights in Intellectual Property

DOJ reserves certain rights with respect to data, patentable inventions, works subject to copyright, and other intellectual property associated with an award of Federal funds. See 28 CFR §§ 66.34, 70.36, and 37 CFR Part 401.

I certify this organization will comply with the above policies.

Part XIII: Federal Funding Accountability and Transparency Act (FFATA) of 2006

Applicants receiving an award from TABC should be aware of the requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, which calls for the establishment of a single searchable website that is accessible by the public and includes the following information for each Federal award:

- The name of the entity receiving the award.
- The amount of the award.
- Information on the award including the transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action,
- The location of the entity receiving the award and primary location of performance under the award, including the city, state, congressional district, and country.
- A unique identifier of the entity receiving award and of the parent entity of the recipient, should the entity be owned by another entity.
- Any other relevant information specified by OMB.

I certify this organization will comply with the above policies.

Chief Financial Officer		Authorized Official	
Name and Title:		Name and Title:	
Signature:		Signature:	