

**OFFICE OF THE ATTORNEY GENERAL  
CRIME VICTIM SERVICES DIVISION**

**Sexual Assault Prevention and Crisis Services  
(SAPCS)  
FY2010-2011 Program Grant to a Statewide Organization**

**This Kit contains the following:**

**Instructions**

**Certifications and Assurances**

**Attachments A & B**

**Application (Separate Word Document)**

**Budget (Separate Excel Document)**

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## **Sexual Assault Prevention and Crisis Services Program (SAPCS) FY2010-2011 Program Grant to a Statewide Organization.**

**How to Obtain an Application Kit:** The Office of the Attorney General (OAG) will post the Application Kit on the OAG's official agency website at <http://www.oag.state.tx.us/victims/grants.shtml>. Updates and other helpful reminders about the application process will also be posted at this location. Potential Applicants are encouraged to refer to this site regularly.

This Application Kit provides the information and forms necessary to prepare an Application for funding through the OAG, Crime Victim Services Division (CVSD) for the SAPCS fiscal year (FY) 2010-2011 Program Grant for a Statewide Organization.

- An Applicant may only submit one application for this grant funding opportunity.

### **Application Submission**

All applicants must submit via email an Application (Word document) and the required attachments: Budget (Excel document), Attachment A, Attachment B and Job Descriptions as indicated in the Application. Applicants must ensure that their name is on each page of the Application as well as all other documents submitted.

The OAG may also require other financial and/or programmatic information be submitted at a later date.

The Applicant must submit its Application for this grant opportunity, and the Application must be received by the OAG no later than 5:00 p.m. CST on July 23, 2009 in the following manner to be considered for funding:

#### **Electronic – Via Email:**

- The Applicant must submit the Application (Word document), Budget (Excel document), Attachment A, Attachment B and any Job Descriptions for positions for which funding is requested to the following email address: [CVSGrantsApplications@oag.state.tx.us](mailto:CVSGrantsApplications@oag.state.tx.us)
- The email must be received by 5:00 p.m. CST on July 23, 2009.
- An auto-reply message will be generated by the OAG for email received at this address. If the Applicant does not receive an auto-reply message, it is strongly encouraged to contact the OAG immediately at (512) 936-1278.

It is the Applicant's responsibility to submit the Application to the OAG in the specified manner and by the specified date and time. **Applications submitted in any other format will not be accepted.** Proof of sending a document by email or other means is not proof that the OAG received the information.

**The OAG will not consider or fund an Application if it is not submitted by the due date, 5:00 p.m. CST on July 23, 2009.**

### **Required Software**

*Microsoft Excel* and *Microsoft Word* are required to complete the Application and apply for a grant. *Adobe Reader* is required to access the Application Kit. *Adobe Reader* can be downloaded free at [www.adobe.com](http://www.adobe.com).

### **Availability of Funds**

The source of state funds is a biennial appropriation by the Texas Legislature. All funding is contingent upon the appropriation of funds by the Texas Legislature. The OAG makes no commitment that an Application, once submitted, or a grant, once funded, will receive subsequent funding.

### **Grant Contract Period**

The term of this grant contract is up to two years from September 1, 2009 through August 31, 2011, subject to and contingent on funding and approval by the OAG. If the grant contract period extends for more than one state fiscal year, the grantee may be required to submit additional documentation relating to the second fiscal year of the grant contract period, including an updated budget. The OAG may base its decision for the second fiscal year funding amounts on the grantee's first year performance, including but not limited to: the timeliness and thoroughness of reporting, effective and efficient use of grant funds and the success of the project in meeting its goals.

### **Eligible Applicants**

To be eligible, an applicant must:

- (1) be a statewide non-profit organization exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code of 1986; and
- (2) have a primary purpose of ending sexual violence in this state.

A statewide organization is an entity that actively offers or provides services in six or more Council of Government "COG" regions. (see Council of Governments website for COG regions: [http://www.txregionalcouncil.org/display.php?page=regions\\_map.php](http://www.txregionalcouncil.org/display.php?page=regions_map.php)).

### **Eligible Budget Categories**

- Personnel
- Fringe Benefits
- Professional and Consultant Services
- Travel
- Equipment
- Supplies
- Other Direct Operating Expenses

### **Ineligible Costs**

Ineligible costs include, but are not limited to:

- Payment for overtime, out-of-state travel, dues, or lobbying
- Purchasing food and beverages except as allowed under Texas State Travel Guidelines
- Purchasing or leasing vehicles
- Purchasing promotional items or recreational activities

- Paying for travel that is unrelated to the direct delivery of services that supports the OAG funded program
- Paying consultants or vendors who participate directly in writing a grant application
- Paying any portion of the salary or any other compensation for an elected government official
- Payment of bad debt, fines or penalties
- Medical costs, such as Sexual Assault Nurse Examiner (SANE) fees or salaries, or items paid for by the CVC fund
- Purchasing any other products or services the OAG identifies as inappropriate or unallowable
- Any unallowable costs set forth in state or federal cost principles

**Ineligible Activities**

Ineligible activities include, but are not limited to:

- Activities solely for research purposes
- Activities solely for the prosecution of an offender, such as witness coordination, expert witness fees, or prosecutor salaries
- Activities solely for law enforcement purposes, such as investigators or patrol officers
- Probation activities that assist an offender
- Offender-related activities, such as mediation or alcohol/drug abuse counseling

**Funding Levels**

For the initial grant contract period (term), the following are the minimum and maximum amounts the OAG will reimburse toward this SAPCS project. Applications requesting an amount below the minimum may not be considered and/or may impact the Applicant’s score. Applications requesting an amount above the maximum may not be considered and/or may impact the Applicant’s score, and the budget may be adjusted by the OAG.

<b>Fiscal Year Minimum Amount</b>	<b>Fiscal Year Maximum Amount</b>
\$20,000	\$100,000

**Match Requirements**

There are no match requirements for this project.

**Volunteer Requirements**

All Applicants are required to use volunteers in some way to support the mission of their organization. Applicants must identify the role of volunteers within the organization as requested in the Application.

**State and Federal Requirements**

All Applicants should review and be familiar with the OAG administrative rules governing the SAPCS Program. These rules are published in 1 Texas Administrative Code, Chapter 62:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=1&pt=3&ch=62&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=1&pt=3&ch=62&rl=Y)

In addition to the OAG's administrative rules, Applicants should be familiar with the Uniform Grant Management Standards (UGMS) and relevant Office of Management and Budget (OMB) Circulars that relate to state and federal grant funding.

- UGMS can be found at: <http://governor.state.tx.us/files/state-grants/UGMS062004.doc>
- OMB Circulars can be found at: <http://www.whitehouse.gov/omb/circulars/>

### **Contact Information**

Assistance with technical questions about the Application Kit is available via:

- Email: [CVSGrantsApplications@oag.state.tx.us](mailto:CVSGrantsApplications@oag.state.tx.us)
- Phone: Contact Jennifer McShane (512) 936-1278

Each person submitting a question should include his/her name, the name of the organization, an email address and a phone number. Email is the preferred method for submitting questions. OAG staff cannot assist with writing Applications.

### **Purpose Areas**

The purpose of these grant funds is to work on a statewide level in Texas supporting the following three areas:

- Prevention of sexual violence;
- Outreach programs; and
- Technical assistance to and support of youth and rape crisis centers working to prevent sexual violence.

An Application requesting funding to focus only on certain geographic areas of the state, specific populations or any other limited purpose will not be funded.

### **Review Process**

- At any time during the review process, an OAG staff member may contact the Applicant for additional information.
- All areas of the budget are subject to review and approval by the OAG. Decisions related to the budget are based on both eligibility and reasonableness.

### **Scoring**

The OAG will make funding decisions that support the efficient and effective use of public funds. Scoring components may include, but are not limited to: information provided by the applicant on the organization's capacity, infrastructure, current knowledge, efforts, expertise and experience, and on the proposed project activities and budget.

### **Grant Decisions**

All grant decisions including, but not limited to: eligibility, evaluation and review, and funding rest completely within the discretionary authority of the OAG. The decisions made by the OAG are final and are not subject to appeal.

The OAG may choose to award a grant contract from a different OAG funding source than that for which the Applicant applied.

The OAG is not obligated to award a grant at the total amount requested and/or within the budget categories requested. The OAG reserves the right to make awards at amounts above and/or below the stated funding levels.

**Funding Priority**

The OAG may give priority to current SAPCS Statewide grantees.

**Grant Award Notification**

The Applicant shall be notified in writing of the OAG's decision regarding a grant award.

The OAG may utilize a grant contract document and/or a notice of grant document once a decision is made to award a grant. The Applicant will be given a deadline to accept the grant award and to return the appropriate document to the OAG within the time prescribed by the OAG. An Applicant's failure to return the signed document to the OAG within the prescribed time period will be construed as a rejection of the grant award, and the OAG may de-obligate funds.

**Special Conditions**

The OAG may assign special conditions at the time of the award. Until satisfied, these special conditions may affect the Applicant's ability to receive funds. If special conditions are not resolved, the OAG may de-obligate up to the entire amount of the grant award.

**Reporting Requirements**

If an Application is funded, grantees will be required to report to the OAG in the manner and schedule as determined by the OAG. Reporting on grant project activities, such as outputs and outcomes via quarterly Performance Reports will be required.

**Method of Payment**

OAG grants are paid on a cost-reimbursement basis.

## **Instructions for Completing the Budget**

- If a contract is awarded, more detailed budget information may be requested.
- The Budget is an Excel workbook. The Applicant can only complete cells which are white. If a cell is yellow, it means the cell will be auto-calculated.
- At the top of the budget form, fill in the Applicant's legal name, city and county. For the remainder of the budget form, specific instructions are below.

### **Personnel**

- List personnel in order of funding priority.
- The personnel budget category must include salaries of employees only and not compensation for independent contractors. "Employee" is defined as a person under the direction and supervision of the grantee, who is on the payroll of the grantee and for whom the grantee is required to pay applicable withholding taxes; or a person who will be on the grantee's payroll and for whom the grantee will pay applicable income withholding taxes once the grant is awarded.
- Salaries for grant-funded positions must be reasonable and comply with the grantee's salary classification schedule. The grantee must maintain documentation supporting that the salary is commensurate with that paid in the geographical area for positions with similar duties and qualifications.
- Each position listed must have a job description. Job descriptions must be submitted with the Application.
- Each position listed should be identified clearly, so that the discussion of each position in the budget narrative can be readily identified.

### **Fringe Benefits**

- "Fringe Benefits" is defined as allowances and services provided by the grantee to its employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, Social Security and Medicare, workmen's compensation insurance, pension plan cost, the costs of leave, employee insurance, pensions, military leave, and unemployment benefit plans.
- Grant funds may be used to pay fringe benefits of an employee only if grant funds are also being used to pay for the salary of the same employee.
- The percentage of fringe benefits may not exceed the percentage requested for the salary of the corresponding position.
- A grantee must provide grant-funded personnel the same fringe benefits provided to all other non-grant-funded personnel of the grantee, regardless of whether the costs for fringe benefits are paid through that OAG grant.
- Fringe benefits must comply with the grantee's personnel policies regarding fringe benefits.



## **Professional & Consultant**

- “Professional and Consultant Services” is defined as a service for which the grantee used an outside source for necessary support. Professional and Consultant Services include, but are not limited to: tax services, accounting services, counseling, legal services, and computer support.
- This category is appropriate when contracting with an individual or organization to provide professional services (e.g., training, expert consultant, etc.) for a fee but not as an employee of the grantee organization.
- Any contract or agreement entered into by a grantee that obligates grant funds must be in writing and consistent with Texas contract law.
- Grantees must maintain adequate documentation supporting budget items for a contractor’s time, services, and rates of compensation. Grantees must establish a contract administration and monitoring system to regularly and consistently ensure that contract deliverables are provided as specified in the contract.
- Grant funds may not be used to pay for any professional and consultant service for a person or vendor who participated directly in writing a grant application.

## **Travel**

- Travel expenses may be reimbursed according to the Texas State Travel Guidelines, unless a grantee's travel policy provides for a lesser reimbursement. The reimbursement rate for mileage, in-state per diem, hotel, car rental, and airfare expenses can be found in the Texas State Travel Guidelines at:  
<https://fmx.cpa.state.tx.us/fm/travel/milerate/index.php>
- Travel must relate directly to the delivery of services that supports the program that is funded by the OAG grant.
- Do not include conference registration fees in the travel budget category. Conference registration fees are listed in the “Other Direct Operating Expenses” budget category.
- Grant funds may not be used to pay for out-of-state travel.

## **Equipment**

- “Equipment” is defined as an article of non expendable, tangible personal property having a useful life of more than one (1) year and a per unit acquisition cost which equals the lesser of the capitalization level established by the grantee for financial statement purposes or \$5,000.
- A grantee may use equipment paid for with OAG funds only for grant-related purposes, and not for personal use.
- Computers, regardless of amount, should be included under equipment.
- Do not include maintenance or rental fees for equipment in the equipment budget category. Equipment maintenance or rental fees should be listed in the “Other Direct Operating Expenses” budget category.

## **Supplies**

- “Supplies” is defined as consumable items directly related to the day to day operation of the grant program. Allowable items include, but are not limited to: office supplies, paper, postage, and education resource materials.

- The OAG will not approve funds for the purchase of program promotional items or recreational activities.
- Costs for supplies should be allocated for the employees listed on this Application.

**Other Direct Operating Expenses (ODOE)**

- "Other Direct Operating Expenses" is defined as those costs not included in other budget categories and which are directly related to the day to day operation of the grant program. Examples: Utilities, rent, insurance, security fees, or maintenance fees.
- Registration fees for conferences and other training sessions should be included in this category.
- Funds may not be used to purchase food and beverages.

**Cost Allocation for Other Direct Operating Expenses**

- Other Direct Operating Expenses that benefit more than one grant should be allocated proportionately to the benefit or service received. The method used to allocate cost should be a reasonable and measurable means of distributing the cost to those grants, and consistently applied for that type of cost.
- It is acceptable to use different allocation methods for different types of ODOE expense, as long as the allocation method is applied consistently for those expenses.
- Four common and acceptable allocation methods for ODOE expenses are: (1) funding, (2) full time equivalents (FTE), (3) square footage, and (4) direct use. Allowable methods related to specific costs are shown in the table below:

**ALLOWABLE ALLOCATION METHODS**

Cost Type	Square			
	Funding	FTE	Footage	Direct Use
Copiers	x	x		x
Data Line	x	x		
Equip Maint.	x	x		
Janitorial	x	x	x	
Postage	x	x		x
Printing	x	x		x
Rent	x	x	x	
Telephones	x	x		
Utilities	x	x	x	

The following are descriptions and examples of the acceptable methods:

*(1) Funding Source Based:* The proportion of expense borne by each funding source is allocated based on the proportion of funding provided. For example:

**Funding Source Based Example**

Total Operating Budget of Grantee A                   \$ 475,000

OAG Grant Funds   \$ 75,000

=75,000 divided by 475,000 = 0.16

OAG Grant portion of the expense = 16%

**The OAG Grant could not be charged more than 16% of the allowable ODOE costs.**

(2) Full-time equivalents (FTE) Based: FTE is the numerical representation of full and part-time work activities. A person working full time represents 1.00 FTE; a person working half-time represents .50 FTE. Actual time worked is translated into a unit of effort, with all staff being equal.

Steps to calculate the annual number of FTE's:

1. Determine the total number of hours worked for all employees.
2. Divide that number by 2080 to arrive at the overall total number of FTE's.
3. To obtain the number of FTE's charged to the grant, determine the total number of hours to be directly charged to the grant and divide by 2080.
4. To obtain percentage of the grant FTE's , divide the FTE total for the grant by the total of FTE's of the organization calculated in step 2.
5. This calculation will provide the percentage of ODOE cost that could be allocated to the grant.

<b>FTE Based Example</b>	
<b>Annual FTE Calculation</b>	20,800 total hours charged for all staff (based on time sheets or payroll records)
	20,800 / 2080 = 10 FTE's overall
	5,600 staff hours charged to grant A (based on time sheets or payroll records)
	5,600 / 2080 = 2.7 FTE's charged to that grant A
	2.7 (FTE charged to grant A) / 10 (FTE's overall) = .27 (27%)
	27% x ODOE expense = amount to be allocated to grant A

(3) Square Footage Based: This is calculated by measuring the square footage to get the allocation percentage for direct use and common area. For example:

Direct Use is defined as an area occupied by funded grant staff under this contract.  
Common Area is defined as an area shared by all employees of the entity.

Total Sq. Footage = 1250; Rent = \$1200 per month; \$1200 / 1250 = \$.96 per sq ft

Suite 1 (Program A)  $10 \times 13.8 = 138$  sq ft      Suite 2 (Program B)  $10 \times 13.8 = 138$  sq ft  
 Suite 3 (Program C)  $10 \times 13.8 = 138$  sq ft      Suite 4 (Program D)  $10 \times 13.8 = 138$  sq ft Conf.  
 Rm (Common Area)  $22 \times 15 = 330$  sq ft      Rest Rm 1 (Common Area)  $6 \times 8 = 48$  sq ft  
 Break Area (Common Area)  $8 \times 8 = 64$  sq ft  
 Storage Rm (Common Area)  $8 \times 8 = 64$  sq ft      Hallway (Common Area)  $48 \times 4 = 192$  sq ft

Program A (Direct Use)                       $138$  sq ft  $\times .96 = \$132.48$   
 Program B (Direct Use)                       $138$  sq ft  $\times .96 = \$132.48$   
 Program C (Direct Use)                       $138$  sq ft  $\times .96 = \$132.48$   
 Program D (Direct Use)                       $138$  sq ft  $\times .96 = \$132.48$   
 Common Area (Allocable ODOE Expense)  $698$  sq ft  $\times .96 = \$670.08$

#### Steps to Calculate Square Footage

1. Calculate the total square footage and divide by the monthly rent to get the cost per square foot.
2. Multiply the direct use square footage by the cost per square foot. This gives you the direct use cost.
3. Add the total square feet of all the direct use areas (Program A+ Program B + Program C+ Program D) = Program ABCD direct use ( $138 + 138 + 138 + 138 = 552$ )
4. Divide each direct use space by the total direct use to obtain % to distribute Common Area cost ( Program A is  $138 / 552 = 25\%$  )
5. Multiply this percentage by the cost of the common area to obtain the additional cost for each program common areas. (Program A =  $25\% \times$  Common Area cost of  $\$670.08 = \$167.52$ )
6. Program A is allocated the  $\$132.48$  based on direct use and  $\$167.52$  for the proportionate common area. Program A allocation for Rent based on square footage is  $\$132.48 + \$167.52 = \$300.00$ . Repeat for Program B, Program C and Program D.

(4) Direct Use Based: This is used when the ODOE cost can be directly charged to a grant by using meter readings, copy counts, etc.

## OAG Certifications and Assurances

**A. THE UNIFORM GRANT MANAGEMENT STANDARDS (“UGMS”), PART III,  
SECTION \_\_\_\_\_.14; PROMULGATED BY THE OFFICE OF THE GOVERNOR, STATE OF TEXAS.**

**THE OAG HAS ADOPTED THOSE ASSURANCES AS APPLICABLE  
TO ALL RECIPIENTS OF SAPCS - STATE.**

The Applicant agrees to:

(1) Comply with Texas Government Code, Chapter 573, Vernon’s 1994, by ensuring that no officer, employee, or member of the applicant’s governing body or of the applicant’s contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two (2) years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.

(2) Comply, as applicable, with Texas Government Code, Chapter 552, (“Texas Public Information Act”) which requires the public information that is collected, assembled or maintained by the applicant relative to a project to be available to the public during normal business hours.

(3) Comply with Texas Government Code, Chapter 551, (“Texas Open Meetings Act”) which requires all regular, special or called meeting of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

(4) Comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.

(5) If Applicant is a health and human services agency or public safety or law enforcement agency, it may not contract with or issue a license, certificate or permit to the owner, operator or administrator of a facility if the license, permit or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.

(6) If Applicant is a law enforcement agency regulated by Texas Government Code, Chapter 415, it must be in compliance with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Chapter 415, Texas Government Code or must provide the OAG with a certification from the Texas Commission on Law Enforcement Officer Standards and Education that the agency is in the process of achieving compliance with such rules.

(7) Agrees that when incorporated into a grant award or contract, these standard assurances become terms or conditions for receipt of grant funds and that the Applicant shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met.

(8) Comply with the Texas Family Code, Section 261.101 which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Applicant shall also ensure that all program personnel are properly trained and aware of this requirement.

(9) Comply with all federal statutes relating to nondiscrimination. These include, but are not limited to, the following: (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 IX of the Education 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 and the Americans With Disabilities Act of 1990; (d) the Age Discrimination Act of 1974, 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 the nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to 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 application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

(10) 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 Standards Act (40 U.S.C. § § 327-333), regarding labor standards for federally assisted construction sub-agreements.

(11) Comply, as applicable, with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P. L. 91-646) which provide for fair and equitable treatment of persons displaced or 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.

(12) Comply with the provisions of the Hatch Political Activity Act (5 U.S.C. § 7321-29) which limit the political activity of employees whose principal employment activities are funded in whole or in part with Federal funds.

(13) Comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act and the Intergovernmental Personnel Act of 1970, as applicable.

(14) Insure, as applicable, that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protections Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of

the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA, (EO 11738).

(15) Comply, as applicable, with the flood insurance purchase requirements of 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234. Section 102 (a) requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition proposed for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

(16) Comply, applicable, with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National 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 EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency 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 (Clear Air) Implementation Plans under Section 176(c) of the Clear 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).

(17) Comply, as applicable, with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

(18) Comply, as applicable, in assisting 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.).

(19) Comply, as applicable, 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.

(20) Comply, as applicable, 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 residential structures.

(21) Comply, as applicable, with Public Law 103-277, also known as the Pro-Children Act of 1994 (Act), which prohibits smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

(22) Comply, as applicable, with all federal tax laws and are solely responsible for filing all required state and federal tax forms.

(23) Comply, as applicable, with all applicable requirements of all other federal and state laws, executive orders, regulations and policies governing this program.

(24) Certifies, as a signatory party to the grant contract, that it is not debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs.

(25) Comply, by adopting and implementing the applicable provisions of the model HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. 85.001, et seq.

## **B. Other Certifications and Assurances**

### **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM CERTIFICATION**

The Applicant certifies that if it is required to file an Equal Employment Opportunity Plan (EEO), the Applicant will do so in compliance with the applicable federal requirements.

### **DISCLOSURE AND CERTIFICATION REGARDING LOBBYING**

The Applicant certifies:

1. No federal/state 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 or the Texas Legislature, or an employee of a member of Congress or the Texas Legislature in connection with the awarding of any federal/state contract, the making of any federal/state grant, the making of any federal/state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal/state contract, grant, loan, or cooperative agreement; and
2. If any non-federal/state 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 or the Texas Legislature, an officer or employee of Congress or the Texas Legislature, or an employee of a member of Congress or the Texas Legislature in connection with this federal/state contract, grant, loan, or cooperative agreement, the undersigned shall contact the CVSD of the OAG for the "Disclosure Form to Report Lobbying."

### **NON-PROCUREMENT DEBARMENT CERTIFICATION**

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 (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.

If Applicant is unable to certify to any of the statements in this Non-procurement Debarment certification, the Applicant shall attach an explanation. Funding is contingent upon OAG review of this explanation.

#### **DRUG-FREE WORKPLACE CERTIFICATION**

The Applicant certifies that it will provide a drug-free workplace by:

A. Publishing a statement notifying employees/assignees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

B. Establishing a drug-free awareness program to inform employees/assignees about:

1. The dangers of drug abuse in the workplace;
2. The applicant'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/assignees for drug abuse violations.

C. Making it a requirement that each employee/assignee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (A).

D. Notifying the employee/assignee in the statement required by paragraph (A) that, as a condition employment/assignment under the grant, the employees/assignee will:

1. Abide by the terms of the statement, and
2. Notify the applicant agency and CVSD, of the OAG of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.

E. Notifying the agency within ten days after receiving notice under subparagraph (D) (2) from an employee/assignee or otherwise receiving actual notice of such conviction.

F. Taking one of the following actions with respect to any employee/assignee so convicted:

1. Taking appropriate personnel action with respect to any employee/assignee so convicted;
2. Requiring such employee/assignee to participate satisfactorily in 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 the implementation of paragraphs (A), (B), (C), (D), (E), and (F).

### **ANNUAL SINGLE AUDIT CERTIFICATION**

The Applicant certifies to the best of their knowledge and belief that one of the following applicable requirements will be met:

1. The Applicant currently expends \$500,000 or more, in combined federal funds during the fiscal year; 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.
2. The Applicant currently expends \$500,000 or more in combined state funds during the fiscal year; and, therefore, is required to submit an annual Single Audit by an independent auditor made in accordance with the Uniform Grant Management Standards (UGMS).
3. The Applicant currently expends less than \$500,000 in either federal or state funds during the fiscal year; and therefore is exempt from the Single Audit Act and cannot charge audit costs to this grant. Applicant agrees that the OAG may require a limited scope audit as defined in OMB Circular A-133.

If this application is for funds in excess of \$25,000, the Applicant certifies the following:  
By submission of this proposal, that neither the applicant agency nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or state agency.

If the Applicant is unable to certify the above statements, the Applicant has attached an explanation to this application.

### **COMPLIANCE WITH ANNUAL INDEPENDENT FINANCIAL AUDIT FILING REQUIREMENT**

The Applicant assures that it will file an Annual Independent Financial Audit of the complete program and/or organization and management letter of the audit findings within nine months of the end of the fiscal year of the agency. An annual independent financial audit is a requirement for this OAG grant. The audit will meet Office of Management and Budget (OMB) Circular A-133 and Uniform Grant Management Standards (UGMS) requirements. Additionally, the annual independent financial audit will meet GAGAS standards in the event a Single Audit is not required.

### **COMPLIANCE WITH UGMS AND THE APPLICABLE OMB CIRCULARS**

The Applicant assures that it will follow the guidelines in the Uniform Grant Management Standards (UGMS). Both governmental entities as well as non-profit entities are required to follow UGMS guidelines.

The Applicant assures compliance with all Federal/state statutes, regulations, policies, guidelines and requirements, including, but not limited to, UGMS as well as OMB Circulars No. A-21, A-110, A-122, A-128, A-87; E.O. 123 72.

### **RETURN OF GRANT FUNDS IN THE EVENT OF LOSS OR MISUSE**

The Applicant agrees that in the event of loss or misuse of the grant funds, the Applicant assures that the funds will be returned to the OAG in full.

### **CONFLICT OF INTEREST**

The Applicant assures that there is no conflict of interest that would preclude it from filing the Application or providing the services under this grant. By submitting this Application, Applicant affirms that it has neither given, nor intends to give, at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant or any employee or representative of same, at any time during the procurement process or in connection with this grant application, except as allowed under relevant state and federal law. The Applicant further agrees that it will establish safeguards to prohibit its employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain. The Applicant shall operate with complete independence and objectivity without actual, potential, or apparent conflict of interest with respect to the activities conducted under this grant.

Without diminishing the provisions of the prior paragraph, the Applicant assures that as a grantee, grantee personnel, members of a grantee board or governing body, or other persons affiliated with the grant project shall not participate in any proceeding or action where grant funds personally benefit, directly or indirectly, the individuals or their relatives. For the purposes of this provision, “relatives” means persons related to the individual within the third degree by consanguinity or within the second degree by affinity, as determined by Chapter 573 of the Government Code. Grant personnel and officials must avoid any action that results in or creates the appearance of using their official positions for private gain; giving preferential treatment to any person; losing independent judgment or impartiality; making an official decision outside of official channels; or adversely affecting the confidence of the public in the integrity of the program or the OAG.

### **AUTHORITY TO FILE APPLICATION**

The Applicant has the authority or will receive the appropriate authority by the Applicant’s governing body to file the Application, including the authority to agree to the assurances and certifications contained herein.

## **Required Attachments**

**Attachment A** is the “STATEMENTS SUPPORTING SUBMISSION OF THE APPLICATION TO OAG CRIME VICTIM SERVICES DIVISION”

- **It must be signed and submitted at the time the Application is submitted to the OAG.**
- **Applications that are received by the OAG without this Attachment will not be considered or funded by the OAG.**

**Attachment B** is the “RESOLUTION OF GOVERNING BODY”

- It must be signed and submitted at the time the Application is submitted to the OAG, unless the timing of the Application due date and requirements of the Open Meeting Act or other requirements prevents the governing body from reviewing and approving the Resolution, then it may be submitted to the OAG at a later date.

**Budget** (Excel Document) is required. If a contract is awarded, more detailed budget information may be requested.

- **The Budget must be submitted with the Application to the OAG.**
- **Applications that are received by the OAG without a completed Budget will not be considered or funded by the OAG.**

**Job Descriptions** are required for each position requested in the proposed budget.

- Job descriptions must be attached and submitted with the Application. Missing job descriptions may impact the Applicant’s score.
- The Applicant should mark each page of the submitted job descriptions with the name of the Applicant.

# ATTACHMENT A — REQUIRED

**REQUIRED TO BE SUBMITTED WITH THE APPLICATION BY 5:00 P.M CST, JULY 23, 2009, OR THE APPLICATION WILL NOT BE CONSIDERED.**

## STATEMENTS SUPPORTING SUBMISSION OF THE APPLICATION TO OAG CRIME VICTIM SERVICES DIVISION

**INSTRUCTIONS:** Initial each numbered line and submit this signed required Attachment with the Application.

**LEGAL NAME OF APPLICANT:** \_\_\_\_\_

1. \_\_\_\_\_ **THIS APPLICATION IS FOR** an SAPCS 2010-2011 Program Grant to a Statewide Organization
2. \_\_\_\_\_ **TRUE AND CORRECT INFORMATION.** The undersigned certifies that the information contained in this Application, including any attachments are true and correct to the best of his or her knowledge.
3. \_\_\_\_\_ **OAG CERTIFICATIONS AND ASSURANCES.** The undersigned has read and understands the Certifications and Assurances, contained in the Application Kit.
4. \_\_\_\_\_ **DEADLINES AND SUBMISSION OF APPLICATION.** The undersigned understands that the deadline for submission is 5:00 p.m. CST July 23, 2009 and that to meet the deadline, the Applicant must submit electronic (email) documents as required in the Application Kit. The undersigned further acknowledges that:
  - It is the Applicant's responsibility to deliver the Application to the OAG in the specified manner and by the specified date and time
  - Applications submitted in other formats will not be accepted
  - The OAG accepts no responsibility for delays in delivery
  - Late Applications will not be considered under any circumstances
  - Proof of sending a document by email or other means is not proof that the OAG received the information
5. \_\_\_\_\_ **JOB DESCRIPTIONS FOR EACH REQUESTED POSITION.** The undersigned understands that the most recent job description for each position requested in the proposed budget should be attached and submitted with the Application. Missing job descriptions may impact the Applicant's score.
6. \_\_\_\_\_ **RESOLUTION OF GOVERNING BODY.** The undersigned states it is either submitting the Resolution of Applicant's governing body with this Application or will submit one at a later date as established by the OAG. If the timing of the Application due date and requirements of the Open Meetings Act or other requirements prevents the governing body from reviewing and approving the Resolution, then it may be submitted to the OAG at a later date.

\_\_\_\_\_  
Signature/Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

# ATTACHMENT B —REQUIRED

**REQUIRED TO BE SUBMITTED WITH THE APPLICATION BY 5:00 P.M. CST JULY 23, 2009. IF THE TIMING OF THE APPLICATION DUE DATE AND REQUIREMENTS OF THE OPEN MEETINGS ACT OR OTHER REQUIREMENTS PREVENTS THE GOVERNING BODY FROM REVIEWING AND APPROVING THE RESOLUTION, THEN IT MAY BE SUBMITTED TO THE OAG AFTER THE DUE DATE.**

*(SAMPLE FORM OF RESOLUTION OF GOVERNING BODY)*

## RESOLUTION OF GOVERNING BODY

LEGAL NAME OF APPLICANT: \_\_\_\_\_

*Be it known as follows:*

WHEREAS, the \_\_\_\_\_, [Name of Applicant] has applied or wishes to apply to the Office of the Attorney General, (OAG) Crime Victim Services Division for an SAPCS 2010-2011 Program Grant to a Statewide Organization;

WHEREAS, the \_\_\_\_\_, [Name of Governing Body of Applicant, such as City Council, County Commissioners' Court or Board of Directors], has considered and supports the Application filed or to be filed with the OAG;

WHEREAS, the \_\_\_\_\_, [Name of Applicant] has designated or wishes to designate the following individual as the "Authorized Official" who is given or has been given the power to apply for, accept, reject, alter, or terminate that certain grant with the OAG, Crime Victim Services Division as well as given the authority to sign all grant adjustment requests, inventory reports, progress reports and financial reports or any other official documents related to the grant on behalf of the grantee:

Name of Person Designated as "Authorized Official": \_\_\_\_\_

Position Title: \_\_\_\_\_

**NOW THEREFORE, BE IT RESOLVED** that this governing body approves the submission of the Application to the OAG, Crime Victim Services Division as well as the designation of the Authorized Official.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date