

Notice of Award

Certification and Assurances

Introduction:

Pursuant to U.S. Code, Title 218, Section 1001, stated on OMB Standard Form 424 (SF-424), Department of State is authorized to consolidate the certifications and assurances required by Federal law or regulations for its federal assistance programs.

Recipients:

The recipient ensures that it will comply with all applicable Federal statutes and regulations in carrying out any project supported by a Department of State (DOS) grant or cooperative agreement by signing the SF- 424. In addition, the applicant agrees that it is under an obligation to comply with the standard terms and conditions of the grant agreement or cooperative agreement issued for its project, cost and activities approved, by DOS. The applicant recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation. Further, the recipient understands the Presidential Executive Orders and Federal directives, including Federal policies and program guidance may be issued concerning matters affecting the recipient or its project. In signing, the SF-424 application and/or grant agreement the applicant agrees that the most recent Federal laws, regulations, and directives will apply to the project.

Sub-recipients:

The recipient itself is ultimately responsible for compliance with DOS certifications and assurances it has selected even though the project may be carried out whole or in part by one or more sub-recipients. Thus, if sub-recipients will be participating in the project, when the recipient agrees to the certifications and assurances, at time of application, the recipient is also signifying that it will be responsible for compliance both by itself and by each of its sub-recipients with the provisions of the certifications and assurances it has selected. Thus, in agreeing to the certifications and assurances that necessarily involve the compliance of any prospective sub-recipient, DOS strongly recommends that the recipient take the appropriate measures, including but not limited to obtaining sufficient documentation from each sub-recipient, to assure the validity of the recipient's certifications and assurances to DOS.

Each domestic applicant for Federal assistance awarded by DOS must agree to the following certifications and assurances:

Authorized Representative: (Required field in SF 424) to be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required) title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office.

Debarment and Suspension:

You must comply with requirements regarding Debarment and suspension in Subpart C of 2 CFR part 180, as adopted by the Arts Endowment in Title 2 CFR, Chapter 32, and Part 3254. There are circumstances under which we may receive information concerning your fitness to carry out a project and administer Federal funds--for instance:

Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, making false statements;

Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility; or

Any other cause of so serious or compelling a nature that it affects an organization's present responsibility.

In these circumstances, we may need to act quickly to protect the interest of the government by suspending your funding while we undertake an investigation of the specific facts. We may coordinate our suspension actions with other Federal agencies that may have an interest in our findings. A suspension may result in your debarment from receiving Federal funding government-wide for up to three years.

Intergovernmental Review:

Except if the applicant is an Indian tribal government seeking assistance authorized by 40 U.S.C. 5311 (c)(1), the applicant ensures that each application for Federal assistance it submits to DOS has been submitted for intergovernmental review to the appropriate State and local agencies as determined by the State. Specifically the applicant ensures that it has fulfilled or will fulfill the obligations imposed by DOS regulations.

Disadvantaged Business Enterprise:

In accordance with Executive Order 12432, Minority Business Enterprise Development DOS encourages the recipients to utilize minority business enterprises in the performance of the award. When contracting for any supplies, services, research, or construction under the award, the recipients must make their best efforts to solicit bids, proposals, or quotations from minority business enterprises.

A minority business enterprise is defined as a business that is at least 51 percent owned by one or more minority individuals, or in the case of any publicly owned business, at least 51 percent of the voting stock is owned by one or more minority individuals. The daily business operations are likewise managed by a minority owner. A minority individual is defined as a U.S. citizen who has been subjected to racial or ethnic prejudice or cultural bias because of his or her identity as a member of this group without regard to his or her individual qualities. Such groups include, but are not limited to: Black [African] Americans, Hispanic Americans, Native Americans, and Asian-Pacific Americans.

The Age Discrimination Act of 1975:

Provides that no person in the United States shall, *on the basis of age*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. 6101 et seq.)

The Rehabilitation Act of 1973:

provides that no otherwise qualified disabled individual in the United States, shall, *solely by reason of his/her disability*, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance. Under this regulation, a federally funded arts program when viewed in its entirety must be accessible to all persons. The National Endowment for the Arts issued its regulations in 1979 to enforce the existing law. Failure to comply with Section 504 can result in loss of federal funds.

For the purpose of Section 504, the term “disabled individual” means any person who (a) has a physical or mental impairment which substantially limits one or more of such person’s major life activities, (b) has a record of such impairment, or (c) is regarded as having such impairment.

The Drug-Free Workplace Act:

Requires you to publish a statement about your drug-free workplace program. You must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out.

The Hatch Act:

restricts the political activity of executive branch employees of the federal government, District of Columbia government and some [state and local employees](#) who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees ([5 U.S.C. §§ 7321-7326](#)). (These amendments did not change the provisions that apply to state and local employees. [5 U.S.C. §§ 1501- 1508](#).) Under the amendments most federal and D.C. employees are now permitted to take an active part in political management and political campaigns. [A small group of federal employees are subject to greater restrictions](#) and continue to be prohibited from engaging in partisan political management and partisan political campaigns.

Fair Labor Standards Act:

States that all professional performers and related or supporting personnel employed on projects or productions which are financed in whole or in part under the grant shall receive not less than the minimum compensation as determined by the Secretary of Labor.

No part of any project or production which is financed in whole or in part under the grant will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production.

Title VI of the Civil Rights Act of 1964, as amended, provides that no person in the United States shall, *on the grounds of race, color or national origin*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. Title VI also extends protection to persons with limited English proficiency.

Certification Regarding Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 22 CFR Part 138, for persons entering into a grant or cooperative agreement over \$100,000, the applicant certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal Cooperative Agreement, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a

material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.