



# VAWA STOP SPECIAL CONDITIONS

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## CRIME VICTIMS' SERVICES COMMITTEE

### 2020 GRANT AWARD

*All awards are subject to and dependent upon federal funding being awarded and funding cleared to the state administering agency- NCDPS Governor's Crime Commission.*

*The recipient may not get reimbursed under this award until the Governor's Crime Commission has reviewed and approved the budget and budget narrative and all modifications or requirements have*

### SPECIAL CONDITIONS

#### VIOLENCE AGAINST WOMEN ACT STOP FUNDING

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By signing the GRANT AWARD, the subrecipient agrees to comply with the terms and conditions detailed herein. Failure to comply with the terms and conditions may result in the loss of Federal funds and may be considered grounds for the suspension or termination of this grant.

This award is subject to the following terms, conditions, and provisions:

### GCC REQUIREMENTS

#### 1. Requirements of this award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the subrecipient that relate to conduct during the period of performance also is a material requirement of this award.

By signing and accepting this award on behalf of the subrecipient, the authorized subrecipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized subrecipient official, all assurances or certifications submitted by or on behalf of the subrecipient that relate to conduct during the period of performance.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Governor's Crime Commission (GCC) taking appropriate action with respect to the subrecipient and the award. Among other things, GCC may withhold award funds, disallow costs, or suspend or terminate the award. GCC also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or All awards are subject to and dependent upon federal funding being awarded and funding cleared to the state administering agency- NCDPS Governor's Crime Commission. The recipient may not get reimbursed under this award until the Governor's Crime Commission has reviewed and approved the budget and budget narrative and all

modifications or requirements have been met. However, subrecipient may incur project costs beginning on the project start date. 2 | Page concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

## **2. Applicability of Part 200 Uniform Requirements and DOJ Grants Financial Guide:**

The subrecipient agrees to comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements"), and the current edition of the DOJ Grants Financial Guide as posted on the OVW website, including any updated version that may be posted during the period of performance. The subrecipient also agrees that all financial records pertinent to this award, including the general accounting ledger and all supporting documents, are subject to agency review throughout the life of the award, during the close-out process, and for three years after submission or as long as the records are retained, whichever is longer, pursuant to 2 C.F.R. 200.333, 200.336.

## **3. Requirement to report potentially duplicative funding:**

If the subrecipient currently has other active awards of federal funds, or if the subrecipient receives any other award of federal funds during the period of performance for this award, the subrecipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the subrecipient must promptly notify the NC Governor's Crime Commission (GCC) in writing of the potential duplication, and, if so requested by GCC, must seek a budget-modification and – if applicable - or a letter addressing a change-of-project-scope if the budgetary change is 10 percent or more of the project budget) to eliminate any inappropriate duplication of funding.

## **4. Requirements related to System for Award Management and unique entity identifiers:**

The subrecipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov> This includes applicable requirements regarding registration with SAM, as well as maintaining current information in SAM.

The details of the subrecipient's obligations related to SAM and to unique entity identifiers are posted on the OVW website at <https://www.justice.gov/ovw/award-conditions> (Award Condition: Requirements related to System for Award Management (SAM) and unique entity identifiers), and are incorporated by reference here.

## **5. Employment eligibility verification for hiring under the award (2019)**

The subrecipient must ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the subrecipient properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. § 1324a(a)(1) and (2). The details of the subrecipient's obligations under this condition are posted on the OVW website at <https://www.justice.gov/ovw/award-conditions> (Award Condition: Employment eligibility verification for 3 | Page hiring under award) and are incorporated by reference here.

**6. Requirement to report actual or imminent breach of personally identifiable information (PII):**

The recipient must have written procedures in place to respond in the event of an actual or imminent breach (as defined in OMB M-17-12) if it -- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of personally identifiable information (PII) (as defined in 2 C.F.R 200.79) within the scope of an OVW grant-funded program or activity, or 2) uses or operates a Federal information system (as defined in OMB Circular A-130). The subrecipient 's breach procedures must include a requirement to report actual or imminent breach of PII to an OVW Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

**7. Unreasonable restrictions on competition under the award; association with federal government (2019)**

No subrecipient may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. condition are posted on the OVW website at <https://www.justice.gov/ovw/award-conditions> (Award Condition: Unreasonable restrictions on competition under the award; association with federal government) and are incorporated by reference here.

**8. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OVW authority to terminate award):**

The subrecipient must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of the agency or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the subrecipient 's obligations related to prohibited conduct related to trafficking in persons are posted on the OVW web site at <https://www.justice.gov/ovw/award-conditions> (Award Condition: Prohibited conduct by subrecipients related to trafficking in persons (including reporting requirements and OVW authority to terminate award)) and are incorporated by reference here.

**9. Determinations of suitability to interact with participating minors (2019)**

This condition applies to this award if it is indicated - in the application for the award (as approved by GCC) that a purpose of some or all of the activities to be carried out under the award is to benefit a set of individuals under 18 years of age.

The subrecipient must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status as indicated in grant documentation. The details of this requirement are posted on the OVW web site at <https://www.justice.gov/ovw/award-conditions> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors) and are incorporated by reference here.

**10. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events:**

The subrecipient must comply with all applicable laws, regulations, policies, and official GCC and DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of

federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears on the OVW website at <https://www.justice.gov/ovw/conference-planning>.

#### **11. OVW Training Guiding Principles:**

The subrecipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OVW Training Guiding Principles for Grantees and Subgrantees, available at <https://www.justice.gov/ovw/grantees#Resources>.

#### **12. Effect of failure to address audit issues:**

The subrecipient understands and agrees that GCC or the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if the subrecipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

#### **13. Potential imposition of additional requirements:**

The subrecipient agrees to comply with any additional requirements that may be imposed by GCC during the period of performance for this award, if the subrecipient is designated as "high risk" for purposes of the DOJ high-risk grantee list.

#### **14. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42:**

The subrecipient at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

#### **15. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38:**

The subrecipient at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to subrecipient organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to subrecipients that are faith-based or religious organizations.

#### **16. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54:**

The subrecipient at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

#### **17. Restrictions on "lobbying" and policy development**

In general, as a matter of federal law, federal funds may not be used by the subrecipient, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any

level of government, in order to avoid violation of 18 U.S.C. § 1913. The subrecipient may, however, use federal funds to collaborate with and provide information to federal, state, local, tribal and territorial public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 34 U.S.C. § 12291(a)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program.

Another federal law generally prohibits federal funds awarded by the GCC from being used by the subrecipient to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, contract, or with respect to actions such as renewing, extending, or modifying any such award.

See 31 U.S.C. § 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a subrecipient would or might fall within the scope of these prohibitions, the subrecipient is to contact their GCC Grant Administrator for guidance and may not proceed without the express prior written approval of GCC.

## **18. Compliance with general appropriations-law restrictions on the use of federal funds for this fiscal year (2019)**

The subrecipient must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, for each fiscal year, are set out at <https://www.justice.gov/ovw/award-conditions> (Award Condition: General appropriations-law restrictions on use of federal award funds) and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a subrecipient would or might fall within the scope of an appropriations-law restriction, the subrecipient is to contact their Grant Administrator for guidance and may not proceed without the express prior written approval of GCC.

## **19. Reporting potential fraud, waste, and abuse, and similar misconduct**

The subrecipient must promptly refer to their Grant Administrator any credible evidence that a principal, employee, agent, contractor, subcontractor, or other person has, in connection with funds under this award –

- (1) submitted a claim that violates the False Claims Act; or
- (2) committed a criminal or civil violation of laws 6 | Page pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud and waste should be reported to both the GCC and OIG.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the GCC by –

- (1) e-mailing your Grant Administrator.
- (2) Mail directly to:

N.C. Governor's Crime Commission  
ATT: Grantee Reporting  
1201 Front Street  
Raleigh, NC 27609  
(919) 733-4564

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by—

(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online")

(2) mail directed to:

Office of the Inspector General  
U.S. Department of Justice, Investigations Division  
ATTN: Grantee Reporting  
950 Pennsylvania Ave., NW  
Washington, DC 20530  
and/or by fax directed to the DOJ OIG Fraud Detection Office (Attn. Grantee Reporting) at (202) 616-9881.

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

## 20. Restrictions and certifications regarding non-disclosure agreements and related matters:

No subrecipient under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the subrecipient –

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the subrecipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both—

a. it represents that—

(1) it has determined that no other entity that the subrecipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

**21. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees):**

The subrecipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The subrecipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the subrecipient is to contact the GCC grant management staff for guidance.

**22. Encouragement of policies to ban text messaging while driving**

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages subrecipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

**23. Requirement to disclose whether subrecipient is designated high risk by a state or federal grant-making agency outside of GCC (NEW 2020)**

If the subrecipient is designated high risk by a state or federal grant-making agency outside of GCC, currently or at any time during the course of the period of performance under this award, the subrecipient must disclose that fact and certain related information to GCC by email to their Grant Administrator. For purposes of this disclosure, high risk includes any status under which a state or federal awarding agency provides additional oversight due to the subrecipient's past performance, or other programmatic or financial concerns with the subrecipient. The subrecipient's disclosure must include the following: (1) the state or federal awarding agency that currently designates the subrecipient high risk; (2) the date the subrecipient was designated high risk; (3) the high-risk point of contact at that state or federal agency (name, phone number, and email address); and (4) the reasons for the high-risk status, as set out by the state or federal awarding agency.

**24. Availability of general terms and conditions on OVW website**

The subrecipient agrees to follow the applicable set of general terms and conditions that are available at <https://www.justice.gov/ovw/grantees#award-conditions>. These do not supersede any specific conditions in this award document.

**25. Compliance with statutory and regulatory requirements**

The subrecipient agrees to comply with all relevant statutory and regulatory requirements, which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against

Women Act of 2000, P.L. 106-386, the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, the Omnibus Crime Control and Safe Streets Act of 1968, 34 U.S.C. §§ 10101 et seq., and OVW's implementing regulations at 28 C.F.R. Part 90.

## **26. Compliance with solicitation requirements**

The subrecipient agrees that it must be in compliance with requirements outlined in the 'Request for 9 | Page Application' under which this grant application was submitted for funding. The program solicitation is hereby incorporated by reference into this award.

## **27. VAWA 2013 nondiscrimination condition (Rev. 2020)**

The subrecipient acknowledges that 34 U.S.C. § 12291(b)(13) prohibits subrecipients of OVW awards through grants awarded through their State Administering Agency (SAA), from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. Subrecipients may provide sex-segregated or sex-specific programming if doing so is necessary to the essential operations of the program, so long as the subrecipient provides comparable services to those who cannot be provided with the sex-segregated or sex-specific programming. The subrecipient agrees that it will comply with this provision.

## **28. Misuse of award funds:**

The subrecipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

## **29. Limitation on use of funds to approved activities:**

The subrecipient agrees that grant funds will be used only for the purposes described in the subrecipient's approved application. The subrecipient must not undertake any work or activities that are not described in the grant application, and must not use staff, equipment, or other goods or services paid for with grant funds for such work or activities, without prior written approval, via Grant Adjustment Notice (GAN), from OVW.

## **30. Non-supplantation:**

The subrecipient agrees that grant funds will be used to supplement, not supplant, non-federal funds that would otherwise be available for the activities under this grant.

## **31. Confidentiality and information sharing:**

The subrecipient agrees to comply with the provisions of 34 U.S.C. § 12291(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies and procedures for release of victim information. The subrecipient also agrees to comply with the regulations implementing this provision at 28 CFR 90.4(b) and "Frequently Asked Questions (FAQs) on the VAWA Confidentiality Provision (34 U.S.C. § 12291(b)(2))" on the OVW website at <https://www.justice.gov/ovw/resources-and-faqs-grantees>. Activities that compromise victim safety and recovery or undermine offender accountability. The subrecipient agrees that grant funds will not support activities that compromise victim safety and recovery or undermine offender accountability, such as: procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or sex of their children; procedures or policies that compromise the confidentiality of information and privacy of persons receiving GCC funded services; procedures or policies that impose requirements on victims in order to receive



services (e.g., seek an order of protection, receive counseling, participate in couples' counseling or mediation, report to law enforcement, seek civil or criminal remedies, etc.); procedures or policies that fail to ensure service providers conduct safety planning with victims; project design and budgets that fail to account for the access needs of participants with disabilities and participants who have limited English proficiency or are Deaf or hard of hearing; or any other activities outlined in the solicitation under which the approved application was submitted.

### **32. Policy for response to workplace-related incidents of sexual misconduct, domestic violence, and dating violence (NEW 2020)**

The subrecipient must have a policy, or issue a policy within 270 days of the award date, to address workplace related incidents of sexual misconduct, domestic violence, and dating violence involving an employee, volunteer, consultant, or contractor. The details of this requirement are posted on the OVW web site at <https://www.justice.gov/ovw/award-conditions> (Award Condition: Policy for response to workplace-related sexual misconduct, domestic violence, and dating violence), and are incorporated by reference here.

### **33. Termination or suspension for cause:**

The Executive Director of the N.C. Governor's Crime Commission, upon a finding that there has been substantial failure by the subrecipient to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until the Executive Director is satisfied that there is no longer such failure, all or part of the award, in accordance with the provisions of 28 C.F.R. Part 18, as applicable mutatis mutandis.

### **34. Performance progress reports and final report submission:**

The subrecipient agrees to provide GCC with specific information regarding subawards ("subgrants") made under this award. The subrecipient agrees to submit an annual report that includes: a) an assessment of whether stated goals and objectives were achieved; b) information on the effectiveness of activities carried out with grant funds, including the number of persons served and the number of persons seeking services who could not be served; c) such other information as GCC may prescribe. Subrecipients are required to submit this report after the end of each calendar year but no later than March 30 each year. Subrecipients must use the designated forms and/or systems made available by GCC for performance reporting, which identify the information that subrecipients must collect and report as a condition of receiving funding under this award.

### **35. Financial reimbursements (NEW 2020)**

Awarded funds will be distributed to subrecipients on a reimbursement of expenditures basis. Subrecipients may elect to receive reimbursement of funds for this grant program no more frequently than a monthly basis. In order to receive monthly reimbursements, financial requests (and documentation) will need to be submitted on a monthly basis. Subrecipients may elect to receive reimbursement based on a longer schedule, but financial reimbursement requests should be submitted on no less than a quarterly basis as the project utilization rate is one determination of project progress.

### **36. Match requirement**

The subrecipient agrees that the federal share of a GCC STOP grant may not exceed 75 percent of the total costs of the total project described in the application, including administrative costs. The subrecipient also agrees to the following:

- 1) The costs of projects awarded to victim service providers (non-profit organizations or governmental rape crisis centers not in territories) for the purpose of providing victim services, and the cost of projects for tribes, do not count toward the total cost of the projects in calculating the match.
- 2) Victim service providers receiving STOP subgrants will not be required by the recipient to provide matching dollars.

### 37. Subrecipient program income:

The subrecipient understands and agrees that it has responsibility for obtaining approval of program income earned from their Grant Administrator. Program income, as defined by 2 C.F.R. 200.80, means gross income earned by a non-federal entity that is directly generated by a supported activity or earned as a result of the federal award during the Period of Performance. Without prior approval, program income must be deducted from total allowable costs to determine the net allowable costs. Subrecipients must obtain approval from their Grant Administrator prior to generating any program income. Any program income added to a grant award must be used to support activities that were approved in the project budget and must follow the conditions of the grant funding source (OVW). If the program income amount changes (increases or decreases) during the project period, the subrecipient must obtain approval of their Grant Manager before the end of the project's Period of Performance. Failure to comply with these requirements may result in audit findings for the subrecipient agency.

### 38. Subrecipient product monitoring:

The subrecipient must obtain the approval of their Grant Administrator to ensure that materials and products (written, visual, or sound) developed with GCC VAWA STOP grant funding fall within the scope of the grant program and do not compromise victim safety.

### 39. Publications disclaimer for STOP/VAWA Formula subrecipients:

The subrecipient agrees that all materials and publications (written, web-based, audio-visual, or any other format) resulting from subaward activities shall contain the following statement: ***"This project was supported by Subgrant No. 2018-KF-AX-0027 awarded by the N.C. Governor's Crime Commission for the Office on Violence Against Women, U.S. Department of Justice's STOP Formula Grant 9 | Page Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/ exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice."***

### 40. Copyrighted works:

Pursuant to 2 C.F.R. 200.315(b), the subrecipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under this award. OVW reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work, in whole or in part (including in the creation of derivative works), for federal purposes, and to authorize others to do so.

OVW also reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, in whole or in part (including in the creation of derivative works), any work developed by a subrecipient ("subgrantee") of this award, for federal purposes, and to authorize others to do so.

In addition, the subrecipient (or contractor, or subcontractor of this award at any tier) must obtain advance written approval from the OVW program manager assigned to this award, and must comply with all conditions specified by the program manager in connection with that approval, before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyrighted work, or portion thereof, into a new work developed under this award.

In addition, it is the responsibility of the subrecipient to ensure that this condition is met under this award.

### 41. Use of funds to attend conferences and trainings

The subrecipient agrees that, before using project funds to attend out-of-state training, conferences and technical assistance events, including travel costs and/or registration costs, the subrecipient will seek approval from its GCC Grants Administrator by submitting the Prior Approval for Out of State Travel Form, along with an agenda and other relevant supporting documentation, to ensure that the training is a cost directly associated with the funded project.

#### 42. Consultant compensation rates:

The subrecipient acknowledges that consultants paid with award funds generally may not be paid at a rate in excess of \$81.25 per hour, not to exceed \$650 per day. To exceed this specified maximum rate, subrecipients must submit to GCC a detailed justification and have such justification approved by GCC planning and/or grant management staff prior to obligation or expenditure of such funds. ***Issuance of this award or approval of the award budget alone does not indicate approval of any consultant rate in excess of \$81.25 per hour, not to exceed \$650 per day.*** Although prior approval is not required for consultant rates below this specified maximum rate, subrecipients are required to maintain documentation to support all daily or hourly consultant rates.

#### 43. Prohibition on use of program funds for lobbying:

The subrecipient agrees that no amount funding received through this award will be used for dues or membership fees to an organization conducting any type of lobbying, including advocating with government agencies for policy change.

#### 44. Ongoing compliance with statutory certifications:

The subrecipient agrees that compliance with the statutory certification requirements is an ongoing responsibility during the award period and that, at a minimum, a hold may be placed on the subrecipient's funds for noncompliance with any of the requirements of 34 U.S.C. § 10449 (regarding rape exam payments), 34 U.S.C. § 10449(e) (regarding judicial notification), 34 U.S.C. § 10450 (regarding certain fees and costs), and 34 U.S.C. § 10451 (regarding polygraphing of sexual assault victims). Non-compliance with any of the foregoing may also result in termination or suspension of the grant or other remedial measures, in accordance with applicable laws and regulations.

#### 45. Requirements for subrecipients providing legal assistance:

The subrecipient agrees that the legal assistance eligibility requirements, as set forth below, are a continuing obligation on the part of the subrecipient. The legal assistance eligibility requirements are:

- (1) any person providing legal assistance through a program funded under this grant program
  - (A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or
  - (B) (i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and  
(ii) has completed or will complete training in connection with domestic violence, dating violence, stalking, or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide.
- (2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a state, local, territorial, or tribal domestic violence, dating violence, sexual assault, or stalking victim service provider or coalition, as well as appropriate state, local, territorial, and tribal law enforcement officials.
- (3) any person or organization providing legal assistance through this grant program has informed and will continue to inform state, local, territorial, or tribal domestic violence, dating violence, stalking, or sexual assault programs and coalitions, as well as appropriate state and local law enforcement officials of their work; and
- (4) the subrecipient's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, dating violence, domestic violence, or child sexual abuse is an issue. The subrecipient also agrees to ensure that any legal assistance provided through a contract with the agency will comply with the requirements listed above as a condition of the contract.

## 46. Maintaining contact information

The subrecipient acknowledges that it is responsible for maintaining updated contact information in the Grant Enterprise Management System (GEMS). To update information in GEMS for the Authorizing Official, the Financial Officer, the Project Director, or the Organizational Administrator the individuals must request the appropriate role through the GEMS system and notify their GCC Grant Administrator of the change within 5 days of the role change.

## 47. Notice of certain reporting and audit requirements (Rev. 2020)

The subrecipient shall comply with all rules and reporting requirements established by statute or administrative rules. All reports must be submitted to the addresses below. The applicable prescribed requirements are found in North Carolina General Statute 143C-6-22 & 23 entitled "Use of State Funds by Non-State Entities" and Implementation of Required Rules, 09 NCAC 03M .0102 -0802, North Carolina Administrative Code, issued September 2005.

G.S. 143C-6-23 requires every nongovernmental entity that receives State or Federal pass-through grant funds directly from a State agency to file annual reports on how those grant funds were used. There are 3 reporting levels which are determined by the total direct grant receipts from all State agencies in your fiscal year:

- Level 1: Less than \$25,000
- Level 2: At least \$25,000 but less than \$500,000
- Level 3: \$500,000 or more
- Level 3 addition:  $\geq$  \$750,000

A grantee's reporting date is determined by its fiscal year end and the total funding received directly from all State agencies. For those grantees receiving less than \$500,000, the due date is 6 months from its fiscal year end. For those receiving \$500,000 or more, the due date is 9 months from its fiscal year end.

Level I (Less Than \$25,000): A grantee receiving less than \$25,000 (combined) in State or Federal pass through funds must submit:

- Certification Form
- State Grants Compliance Reporting for Receipts of Less than \$25,000
- Level I form and reporting instructions is available on the GCC website forms page.

Level II (\$25,000 - \$499,999) A grantee that receives between \$25,000 - \$499,999 (combined) in State or Federal pass-through funding must submit:

- Certification Form
- State Grants Compliance Reporting for Receipts of \$25,000 or More
- Schedule of Receipts and Expenditures
- Program Activities and Accomplishments Reports
- Level II form and reporting instructions is available on the GCC website forms page.

Level III (\$500,000 - \$749,999) A grantee that receives a combined \$500,000 or more in North Carolina State funding or Federal funding passed through a State Agency must submit:

- Certification Form
- State Grants Compliance Reporting for Receipts of \$25,000 or More
- Program Activities and Accomplishments Reports
- Submit within nine months of the grantee's fiscal year end: o Submit to DPS Internal Audit a single audit prepared and completed in accordance with Generally Accepted Government Auditing Standards.
- Level III form and reporting instructions is available on the GCC website forms page.

Level III Continued (\$750,000+) A grantee that receives a combined \$750,000 or more in funding from all Federal funding sources, even those passed through a state agency must submit:

- Certification Form
- State Grants Compliance Reporting for Receipts of \$25,000 or More
- Program Activities and Accomplishments Reports
- Submit within nine months of the grantee's fiscal year end:
  - o Submit to DPS Internal Audit a single audit prepared and completed in accordance with Generally Accepted Government Auditing Standards.
  - o Post the single audit to the Federal Audit Clearinghouse (<https://harvester.census.gov/facweb/>).
  - o Make copies of the single audit available to the public.
- Level III form and reporting instructions is available on the GCC website forms page

48. The subrecipient agrees promptly to provide; upon request to representatives of GCC, State Auditors and representatives of DOJ access to examine all records related to financial and programmatic documentation related to this grant award, including documentation of expenditures and achievement.
  
49. The subrecipient understands that it will be subject to financial and programmatic on-site monitoring, which may be on short notice and/or unannounced and agrees that it will cooperate with any and all such monitoring.
  
50. The subrecipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
  
51. The subrecipient agrees to comply with any modifications or additional requirements that may be imposed by law, GCC Staff, and future DOJ (including government-wide) guidance and clarifications of GGC or OVW requirements.
  
52. The subrecipient is required to submit a board approved "Conflict of Interest" policy to the Governor's Crime Commission prior to any funds being released for this project. This is accordance with N.C.G.S. § 143C-6-23.

53. The subrecipient agrees that all contracts must be approved by their assigned GCC Grant Administrator prior to execution. Any expenses incurred prior to the approval of the contract will be in violation of the grant award contract. Any contract rate over \$650/day must be justified in writing to the Grant Administrator. Also, all Sole Source contracts in excess of \$150,000 must receive prior approval from a GCC Grant Administrator.
54. The subrecipient will abide by all GCC Grant Management Guidelines and Requirements. (See GCC website)
55. The subrecipient agrees that all personnel (including volunteers) whose activities are to be charged to this award will maintain timesheets to document program activities and hours worked related to this award and non-award-related activities.
56. The subrecipient acknowledges that failure to submit programmatic or financial reports in a timely manner can result in the termination of this grant. Upon termination, all outstanding reimbursements will be forfeited by the subrecipient.
57. The subrecipient understands that the awarding of this grant in no way assures or implies continuation of funding beyond the project duration indicated on the current grant award. If a continuation application is approved, funds available under the current grant and corresponding cash matching funds must be expended or obligated and documented prior to the implementation of the continuation grant and expenditure of new funds.