



VOCA SPECIAL CONDITIONS

CRIME VICTIMS' SERVICES COMMITTEE

2018 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

VICTIMS OF CRIME ACT FUNDING

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 the award; remedies for non-compliance or for materially false statements:

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances 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.

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 Office of Justice Programs("OJP") taking appropriate action with respect to the subrecipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001and/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:

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2018 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2018 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2018 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards, see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the subrecipient must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the subrecipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide:

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The subrecipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code:

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Requirements related to "de minimis" indirect cost rate:

A subrecipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

6. 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 DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

7. Specific post-award approval required to use a noncompetitive approach in any procurement contract:

Recipients must submit a request approval to use a noncompetitive approach (along with the justification) as a "Sole Source Request" to Grant Management Staff.

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

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

9. All subawards ("subgrants") must have specific federal authorization:

The subrecipient, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements--OJP considers a "subaward" (and therefore does not consider a procurement "contract").

10. The details of the requirement for authorization of any subaward

are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization) and are incorporated by reference here.

11. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000:

The subrecipient must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at

<https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

12. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP 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 recipients,

subrecipients {"subgrantees"}, or individuals defined {for purposes of this condition) as "employees" of the subrecipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> {Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)) and are incorporated by reference here.

13. 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 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 in the DOJ Grants Financial Guide (currently, as section 3.10 of "Post award Requirements" in the "DOJ Grants Financial Guide").

14. Subgrant Award Report:

The subrecipient agrees to submit a Subgrant Award Report (SAR) to GCC within thirty {30} days of the receipt of the award {through the Grant Enterprise Management System (GEMS)}.

15. Requirement for data on performance and effectiveness under the award:

The subrecipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner {including within the timeframes} specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

16. OJP Training Guiding Principles:

Any training or training materials that the subrecipient develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

17. Effect of failure to address audit issues:

The subrecipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) 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

18. Potential imposition of additional requirements:

The subrecipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) 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.

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

The subrecipient 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.

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

The subrecipient 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."

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

The subrecipient 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.

22. 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. The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

23. Restrictions on "lobbying":

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the subrecipient either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law).

Another federal law generally prohibits federal funds awarded by OJP 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, subcontract, or loan, 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 the subrecipient would or might fall within the scope of these prohibitions, the subrecipient is to contact GCC grants management staff for guidance and may not proceed without the express prior written approval of GCC grants management staff.

24. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018):

The subrecipient must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm>, 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 GCC grants management staff for guidance and may not proceed without the express prior written approval of GCC grants management staff.

25. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct:

The subrecipient must promptly refer to the DOJ Office of the Inspector General (OIG) 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 pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by mail directed to: and/or the DOJ OIG Hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Office of the Inspector General
U.S. Department of Justice, Investigations Division
1425 New York Avenue, N.W. Suite 7100 Washington, DC 20530

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

26. Authorization to interview officers and employees:

The subrecipient also understands and agrees the GCC, the DOJ, the GAO, the OSA, The State Auditor's Office, and the State Bureau of Investigation are authorized to interview any officer or employee of the subrecipient, contractor, or subcontractor regarding transactions related to this VOCA award.

27. 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.

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 recipient:

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.

28. 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 DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. 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.

30. Requirement to disclose whether subrecipient is designated "high risk" by a federal grant-making agency outside of DOJ:

If the subrecipient is designated "high risk" by a federal grant-making agency outside of DOJ, 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 the Director of Federal Compliance, N.C. Governor's Crime Commission by email at Diane.Barber_Whitaker@ncdps.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The subrecipient's disclosure must include the following: 1. The 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 federal awarding agency (name, phone number, and email address), and 4. The reasons for the high- risk status, as set out by the federal awarding agency.

31. Authorization to examine records:

The Grantee authorizes the N.C. Governor's Crime Commission, the Office for Victims of Crime (OVC), and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant. The State will further ensure that all VOCA recipients will authorize representatives of OVC and OCFO access to and the right to examine all records, books, paper or documents related to the VOCA grant.

32. Filing of Initial Subgrant Award Report (SAR):

The subrecipient must submit an Initial Subgrant Award Report (SAR) to GCC for each project funded through VOCA victim assistance funds, within ninety (90) days of the date the grant is opened. Recipients must submit this information through the Grant Enterprise Management System (GEMS) automated system.

33. VOCA Requirements:

The subrecipient assures that it will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(l) and (2), 34 U.S.C. 20103(a)(2) and (b)(l) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the subrecipient certifies that funds under this award will not

be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 34 U.S.C. 20103(a)(2).

34. Demographic Data:

The subrecipient assures that it will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.

Discrimination Findings: The subrecipient assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability, the agency will forward a copy of the findings to Diane Barber- Whitaker Office, GCC Director of Federal Compliance\Civil Rights Monitor at Diane.Barber-Whitaker@ncdps.gov and to OJP's Office for Civil Rights (at CivilRightsMOA@usdoj.gov).

35. Awards subject to the National Environmental Policy Act:

The subrecipient understands that all awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321etseq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The subrecipient agrees to assist GCC and OJP in carrying out its responsibilities under NEPA and related laws, if the subrecipient plans to use VOCA funds (directly or through contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The subrecipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

36. "Methods of Administration" - monitoring compliance with civil rights laws and nondiscrimination provisions:

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with applicable federal civil rights laws and nondiscrimination provisions. Within 90 days of the date of award acceptance, the subrecipient must submit to OJP's Office for Civil Rights (at CivilRightsMOA@usdoj.gov) written Methods of Administration ("MOA") for subrecipient monitoring with respect to civil rights requirements. In addition, upon request by OJP (or by another authorized federal agency), the subrecipient must make associated documentation available for review.

The details of the recipient's obligations related to Methods of Administration are posted on the OJP web site at <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm> (Award condition: "Methods of Administration" - Requirements applicable to States (FY 2017 Update) and are incorporated by reference here.

37. Submission of OVC-PMT Quarterly Performance Reports:

The subrecipient agrees to submit quarterly performance reports on the performance metrics identified by OVC, and in the manner required by OVC on all open grants funded through VOCA. This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction.

38. Recipient integrity and performance matters:

The subrecipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIS").

The details of subrecipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIS.htm> (Award

condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

39. VOCA Period of Performance:

VOCA funding awarded through this project application will be available for two years for the designated Period of Performance (October 1, 2018 - September 30, 2020) unless otherwise stated. At the end of the period of performance, any VOCA funding remaining in the grant award will be de obligated and the funds reverted to the original VOCA funding source.

40. Compliance with financial and administrative requirements:

The subrecipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide and the current edition of Governor's Crime Commission Grant Award Packet. The DOJ Grants Financial Guide can be viewed online at: <https://ojp.gov/financialguide/DOJ/index.html>.

41. Categorical exclusion for subrecipients:

This VOCA funded grant provides funds from the Victims of Crime Act of 1984 (VOCA) to enhance crime victim services in the State. These funds are awarded by the State to local community-based organizations that provide direct services to crime victims.

None of the following activities will be conducted either under the OJP federal action or a related third-party action:

1. New construction.
2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historical Places or (b) located within a 100-year floodplain.
3. A renovation which will change the basic prior use of a facility or significantly change its size.
4. Research and technology whose anticipated and future application could be expected to have an effect on the environment.
5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets OJP's criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations.

Additionally, the proposed action is neither a phase or a segment of a project which when viewed in its entirety would not meet the criteria for a categorical exclusion.

42. Organizational Audit Requirements:

: The subrecipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of State and Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.

43. Notice of Certain Reporting and Audit Requirements:

: Grantee 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

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. In addition to the reports, grantees receiving \$500,000 or more must submit a yellow book audit in electronic or hard copy to the Office of the State Auditor and to all funding State agencies by email sent to DPS GRANTCOMPLIANCEREPORTS@ncdps.gov or to the Compliance Monitor at:

Compliance Monitoring

N.C. Department of Public Safety

4220 Mail Service Center

Raleigh, NC 27669-4220

44. Certified Assurances (Non-Discrimination Requirements):

Applicants must assure and certify that they will comply with any applicable statutorily-imposed nondiscrimination requirements, which may include those of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d), the Victims of Crime Act (42 U.S.C. § 10604(e)), the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)), the Civil Rights Act of 1964 (42 U.S.C. § 2000d), the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131- 34), the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86), and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07). Applicants should also see Exec. Order 13,279 (Equal Protection of the Laws for Faith-Based and Community Organizations).

In the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, age, national origin, sex, or disability against an agency receiving Federal funds, a copy of such findings must be forwarded immediately to both Diane Barber-Whitaker, GCC Director of Federal Compliance at the Governor's Crime Commission and to the Federal Office for Civil Rights at:

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Telephone: (202) 307-2222

Toll Free: (888) 848-5306 (English and Spanish/ ingles y espanol)

TDD: (202) 307- 2678

Complaints alleging or containing reference to discrimination on the basis of race, color, religion, age, national origin, sex, or disability by a subrecipient of federal funds or by any sub-grantee or contractor of that subrecipient shall be reported to the Discrimination Complaint Coordinator of the Governor's Crime Commission. Complaints of this type may be reported to the federal Office for Civil Rights, though such reporting does not relieve the reporter of the duty to also report to Diane Barber-Whitaker, GCC Director of Federal Compliance at the Governor's Crime Commission.

45. Whistleblower Protections:

In accordance with federal civil rights laws, all recipients and sub-recipients must refrain from retaliation against

any individuals who take action or participate in action to secure rights protected by such laws.

46. Access to services for victims with limited English proficiency:

All recipients and sub-recipients must take reasonable steps to provide meaningful access to programs and activities for persons who may be LEP (Limited English Proficient).

47. Requirement to post provisions of the Equal Employment Opportunity Plan:

All recipients must also provide the Office for Civil Rights with an Equal Employment Opportunity Plan, if required to maintain one, where the award is \$500,000 or more.

The subrecipient agrees to post in a conspicuous place, available to all employees and applicants for employment, notices setting forth the provisions of the EEOP, as shown in the provided Department of Labor Regulations found at 41CFR Part 60.

48. Access to financial and programmatic records related to grant award:

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 achievements.

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.

49. The Executive Director of GCC, upon a finding that there has been substantial failure by the grantee to comply with applicable laws, regulations, and/or terms and conditions of the grant, will terminate or suspend grant funding until the Executive Director is satisfied that there is no longer such failure, all or part of the grant, in accordance with the provisions of 28 CFR Part 18, as applicable mutatis mutandis.

50. Program Income:

The subrecipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income must be accounted for and used for the purposes under the conditions applicable for the use of funds under this award, including the effective edition of the OJP Financial Guide and as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R. Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program must be shown on the monthly expense reimbursement of the month it was earned.

51. Submission of reports and proposed publications:

The subrecipient agrees to submit one copy of all reports and proposed publications funded under this project not less than twenty (20) days prior to public release for GCC review. Prior review and approval of a report or publication is required if project funds are to be used to publish or distribute reports and publications developed under this grant.

52. All materials and publications (written, visual, or sound) resulting from award activities shall contain the following statements:

"This project was supported by Grant No. 2017-VA-GX-0050 awarded by the Office for Victims of Crime, U.S. Department of Justice. 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 Department of Justice, Office for Victims of Crime."

53. Cooperation with assessments, national evaluation efforts, of information or data collection requests:

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.

54. Penalties for 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.

55. Compliance with modification and/or other requirements:

The subrecipient agrees to comply with any modifications or additional requirements that may be imposed by law and future GCC or DOJ (including government-wide) guidance and clarifications of OVC requirements.

56. Assurance of legal authority to apply for funding:

The subrecipient assures and certifies that it has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of the project cost) to ensure proper planning, management, and completion of the project described in the application.

57. Conflict of interest policies:

The subrecipient agrees to establish safeguards to prohibit employees and in the case of non-profits, board members from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Further, 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- 6-23. (This must be returned with the signed grant award and special conditions.

58. The subrecipient agrees that all contracts must be submitted to and approved by the Governor's Crime Commission Grants Management Staff prior to execution. Any expenses incurred will be in violation of the grant award if they are incurred prior to approval of the contract. Any rate at or over \$81.25/hour or \$650/day must be justified in writing to the Governor's Crime Commission. All Sole Source contracts must receive prior approval from the GCC.

59. Personnel Modifications:

Positions created must be new and increase the agency staff by the number of positions requested. All requests to transfer funds from a Personnel line item to any other budget category will be subject to a high degree of scrutiny and will require justification.

The subrecipient further agrees that ALL personnel whose activities are to be charged to this award will maintain timesheets to document hours worked and the activities related to this award and non-award- related activities.

60. The subrecipient acknowledges that failure to submit programmatic or financial reports in a timely manner may result in the termination of this grant or designation as a 'high-risk' organization. Upon termination, all outstanding reimbursements will be forfeited by the recipient.
61. 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.
62. The subrecipient assures that the following items are true and correct:

(1) The subrecipient has the authority to make the following representations on behalf of the agency and that these representations will be relied upon as material in any GCC decision to make an award to the subrecipient based on the application submitted.

(2) The subrecipient certifies that it has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.

(3) The subrecipient assures that, throughout the period of performance for the award made by the Department based on the application—

a. the subrecipient will comply with all award requirements and all federal statutes and regulations applicable to the award.

b. the subrecipient will comply with all applicable award requirements and all applicable federal statutes and regulations; and

c. the subrecipient will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.

4) The subrecipient understands that the federal statutes and regulations applicable to the award (if any) made by the Governor's Crime Commission based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—

a. the subrecipient understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);

b. the subrecipient understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against

Women Act (34U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;

c. the subrecipient understands that it must comply with all such applicable statutes (and associated regulations); and

d. on behalf of the agency, the subrecipient makes specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

(5) The subrecipient also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the GCC based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) the subrecipient assures that they will assist the GCC as necessary to comply with section 106 of the National Historic Preservation Act of 1966 (54U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) the subrecipient assures that they will give the GCC, through any authorized representative of the GCC or the Department of Justice, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the GCC based on the application.

(8) the subrecipient assures, if the subrecipient is a governmental entity, with respect to the award (if any) made by the GCC based on the application—

a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally assisted programs; and

b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(9) If the subrecipient applies for and receives an award from the GCC they will assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law—including, but not limited to, the Indian Self-Determination and Education Assistance Act—seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

(10) If the subrecipient applies for and receives a GCC award under the STOP School Violence Act program, they assure as required by 34 U.S.C. § 10552(a)(3), that it will maintain and report such data, records, and information (programmatic and financial) as GCC may reasonably require.

The subrecipient acknowledges that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, 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 subject the subrecipient to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). The subrecipient acknowledges that the projects approved for Victims of Crime Act funded awards, including certifications provided in connection with such awards, are subject to review by the Governor's Crime Commission and/or by the Department of Justice, including the DOJ's Office of the Inspector General.