

## VOCA 2021 Application Terms and Conditions

On behalf of the Applicant, and in support of this application for a subgrant, I certify under penalty of perjury to Kentucky Justice & Public Safety Cabinet (“KJPSC”) that all of the following are true and correct:

1. The Applicant assures that the agency/organization possesses legal authority to apply for the subgrant. The Applicant further assures that a resolution, motion, or similar action has been duly adopted or passed as an official act of the Applicant's governing body authorizing the filing of the application including all understandings and assurances contained therein, and directing the authorizing person identified as the official representative of the Applicant to act in connection with the application and to provide such additional information as may be required.
2. I certify that The Applicant 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. I assure that, throughout the period of performance for the subaward (if any) made by the KJPSC based on the application—
  - a. the Applicant will comply with all subaward requirements and all federal statutes and regulations applicable to the subaward;
  - b. the Applicant will require all subrecipients to comply with all applicable subaward requirements and all applicable federal statutes and regulations; and
  - c. the Applicant 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 Applicant assures their understanding that the federal statutes and regulations applicable to the subaward (if any) made by the KJPSC based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—
  - a. the Applicant assures their understanding 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 Applicant assures their understanding 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 ([34 U.S.C. § 12291\(b\)\(13\)](#)), which will apply to all awards made by the Office on Violence Against Women, also may apply to a subaward made otherwise;
  - c. the Applicant assures their understanding that it must require any subrecipient to comply with all such applicable statutes (and associated regulations);
  - d. on behalf of the Applicant, I make the specific assurances set out in [28 C.F.R. §§ 42.105](#) and [42.204](#).

5. The Applicant assures their understanding 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 subaward (if any) made by the KJPSC 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 Applicant assures that they will assist the US Department of Justice ("USDOJ") and KJPSC as necessary (and will require subrecipients and contractors to assist as necessary) with the USDOJ's compliance with section 106 of the National Historic Preservation Act of 1966 ([54 U.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 Applicant assures that they will give the USDOJ (including but not limited to the Office of Justice Programs, the Office on Violence Against Women, the Office of the Chief Financial Officer, and the Office of the Inspector General), the Government Accountability Office, and KJPSC - through any authorized representative - access to, and opportunity to examine, all records, books, paper or electronic documents related to the subaward (if any) made by the KJPSC based on the application.
8. The Applicant assures that, if the Applicant is a governmental entity, with respect to the subaward (if any) made by the KJPSC 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. The Applicant 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 Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ [3729-3730](#) and [3801-3812](#)). I also acknowledge that the USDOJ's awards (and subawards made therefrom by KJPSC), including certifications provided in connection with such awards and subawards, are subject to review by the USDOJ, including by its Office of the Inspector General.
10. The Applicant understands that whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property which are the subject of a subaward or contract or other form of assistance, whether received directly or indirectly from the KJPSC, may be fined not more than \$10,000.00 or imprisoned for not more than five (5) years, or both. Whoever knowingly falsifies, conceals or covers up by trick, scheme or device, any material fact in any application for assistance or in any record required to be maintained, will be subject to prosecution under the provisions of [Section 1001 of Title 18](#), United States Code. Any law

enforcement program or project underwritten in whole or in part by any subaward, or contract or other form of assistance, whether received directly or indirectly from the KJPSC will be subject to the provisions of [Section 371 of Title 18](#), United States Code.

11. Unless otherwise specified in the application, the Applicant agrees to commence project activities within sixty days of the approved project start date for the subaward (if any), or risk cancellation of the subaward. Evidence of project commencement shall be included in the first quarter Progress Report.
12. The Applicant understands that federal grant funds made available through this application shall not be used to supplant state or local funds appropriated for the same purpose, but will be used to supplement existing funding in order to initiate, enhance and/or expand the project.
13. If applicable, the applicant shall state the source(s) of cash and/or in-kind matching funds to be provided in the grant. The applicant certifies that the matching contributions are from non-federal sources and shall not involve federal funding or be used for another federally assisted program.
14. The Applicant understands that subaward funds (if any) may not be obligated prior to the effective date of the subaward or after the subaward end date. Funds obligated as of the subaward end date shall be paid within the following 90 days.
15. The Applicant agrees that fund accounting, auditing, monitoring, and evaluation procedures, as may be necessary to keep records as the KJPSC shall prescribe, will reasonably assure fiscal control, proper management, and efficient distribution of funds received from the KJPSC.
  - a. The Applicant agrees that it will maintain data/information and submit reports in a designated format and in a timely manner as the KJPSC or the USDOJ may require. Such data/information must be maintained at the Applicant's office, regardless of whether the administration of that office has changed.
  - b. 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 any subawards made due to approval of this application.
16. The Applicant agrees to comply with 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, and all financial and administrative guidance provided by KJPSC during the period of performance.
17. The Applicant understands that if the requested project is funded through this program, continuation funding is not guaranteed.
18. The Applicant assures that it will not release the individual names of clients served by the program. The applicant further assures that all information collected on clients will remain confidential. If the applicant is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), it will adhere to all HIPAA requirements.
19. The Applicant understands that if the KJPSC finds that an applicant has failed to comply with the provisions under which the application was made or regulations promulgated, including subaward conditions or application obligations, the subaward (if any) is subject to suspension or termination in whole or in part after a reasonable notice and opportunity for a hearing.

20. The Applicant certifies that when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all entities receiving federal funds, including but not limited to state and local governments, shall clearly state:
  - a. the percentage of the total cost of the program or project which will be financed federal money, and
  - b. the dollar amount of federal funds for the project or program.
21. The Applicant understands that organizations that receive direct Federal financial assistance from the USDOJ or the KJPSC may not engage in explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization, as part of the programs or services funded with such assistance. If an organization conducts such explicitly religious activities, the activities must be offered separately, in time or location, from the programs or services funded with such assistance, and participation must be voluntary for beneficiaries of the programs or services funded with such assistance. Such organizations should also carefully account for their use of all government money. See the USDOJ's Regulations for Equal Treatment for Faith-Based Organizations, [28 C.F.R. pt. 38](#). As appropriate to the funded project (if any), applicants may support participant attendance at peer mentored recovery groups. However, as required by the Equal Treatment Regulation's prohibition against mandated participation in explicitly religious activities, such participation may not be limited to twelve step programs (e.g., Alcoholics Anonymous, Narcotics Anonymous).
22. The Applicant agrees that should the Kentucky Justice and Public Safety Cabinet determine that it needs to take legal action against the applicant for actions arising out of the application or subaward (if any), the applicant shall waive jurisdiction and have the case heard in either state or federal court in Franklin County, Kentucky.

I have read and understand all Application Terms & Conditions and assure that the project(s) proposed in this application meet all the requirements of the USDOJ and KJPSC, that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that the Applicant will comply with the provisions of the Victims of Crime Act and all other federal laws. By appropriate language incorporated in each subaward (if any), the undersigned assures that the applicable conditions above apply to all recipients of funds from the KJPSC.