ADMINISTRATION FOR
CHILDREN & FAMILIES

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ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES
CHILDREN'S BUREAU
COMMUNITY-BASED CHILD ABUSE PREVENTION GRANT

Catalog of Federal Domestic Assistance (CFDA) Program No. 93.590

Program Specific Terms and Conditions for State and Territory Grantees

By acceptance of this award, the State or Territory agrees to comply with the terms and conditions detailed below. Failure to comply with these terms and conditions may result in the loss of Federal funds and may be considered grounds for the suspension or termination this grant. This terms and conditions stand alone and referring to the General Terms and Conditions for program operation is not necessary.

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

PROGRAM STANDARDS

1. The provisions of Title II of Child Abuse Prevention and Treatment Act (CAPTA) including all approved amendments or revisions.

ADMINISTRATIVE REQUIREMENTS

2. The following regulations from Title 45 of the Code of Federal Regulations (CFR):

   2 CFR Part 225 – Cost Principles for State, Local and Indian Tribal Governments
   2 CFR Part 376 – Nonprocurement Debarment and Suspension
   45 CFR Part 16 – Procedures of the Departmental Grant Appeals Board;
   45 CFR Part 30 – Claims Collection;
   45 CFR Part 80 - Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services, Effectuation of Title VI of the Civil Rights Act of 1964;
   45 CFR Part 81 - Practice and Procedure for Hearings Under Part 80 of this Title;
   45 CFR Part 84 - Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance;
   45 CFR Part 86 – Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance;
   45 CFR Part 87 – Equal Treatment for Faith-Based Organizations;
   45 CFR Part 91 – Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance;

45 CFR Part 92 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State, and Local, and Tribal Governments;
45 CFR Part 93 – New Restrictions on Lobbying;
45 CFR Part 97 – Consolidation of Grants to Insular Areas;
45 CFR Part 100 – Intergovernmental Review of Department of Health and Human Services Programs and Activities.

3. The following Circulars from the Office of Management and Budget (OMB):

   OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments
   OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and the **Single Audit Act of 1984,** as amended.

4. Direct Federal grants, sub-awards, or contracts under this program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program. Regulations pertaining to the prohibition of Federal funds for inherently religious activities can be found on the HHS website at: http://www.os.dhhs.gov/fbci/waisgate21.pdf.

5. Federal grant funds provided under this award may not be used by the grantee or any sub-grantee to support lobbying activities to influence proposed or pending Federal or State legislation or appropriations. This prohibition is related to the use of Federal grant funds and is not intended to affect an individual's right or that of any organization, to petition Congress, or any other level of Government, through the use of other resources. (See 45 CFR Part 93.)

6. In accordance with Public Law 103-333, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 1995," the following provisions are applicable to this grant award:

   Section 507: "Purchase of American-Made Equipment and Products - It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made."

   Section 508: "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 States receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources."

7. In accordance with Part C of Public Law 103-227, the "Pro-Children Act of 1994," smoking may not be permitted in any portion of any indoor facility owned or regularly used for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs wither directly or through State or local governments. Federal programs include grants, cooperative agreements, loans and loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions or facilities and used for inpatient drug and alcohol treatment.

   The above language must be included in any subawards that contain provisions for children's services and that all subgrantees shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to $1,000 per day.

SUB-RECIPIENTS AND VENDORS UNDER GRANTS

Sub-Recipients/Sub-Grantees and Vendors/Contractors

8. **Sub-recipient/Sub-grantee and vendor determinations.** States are required to determine recipient type when sub-granting or contracting using Federal funds. Recipient type includes sub-grantees/sub-recipients, vendors and contractors. OMB Circular A-133 establishes the standards for determining the difference between a sub-grantee and a vendor, based on the substance of the relationship with the State, rather than the form of the agreement.

   A recipient is considered a ***sub-grantee*** and is subject to OMB Circular A-133 if it meets the following conditions:

   a. Determines who is eligible to receive what Federal financial assistance;
   b. Has its performance measured against whether the objectives of the Federal program are met;
   c. Has responsibility for programmatic decision making;
   d. Has responsibility for adherence to applicable Federal program compliance requirements;
   e. Uses the Federal funds to carry out a program of the organization as compared to providing goods or services for a program of the pass-through entity;

   A recipient is considered a ***vendor*** and is not subject to OMB Circular A-133 if it meets the following conditions:

   a. Provides the goods and services within normal business operations;
   b. Provides similar goods or services to many different purchasers;
   c. Operates in a competitive environment;
   d. Provides goods or services that are ancillary to the operation of the Federal program;
   e. Is not subject to compliance requirements of the Federal program.

9. No organization may participate in this project in any capacity or be a recipient of Federal funds designated for this project if the organization has been debarred or suspended or otherwise found to be ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension." (See 2 CFR 376.) States must include a similar term and/or condition for all sub-awards or contracts awarded under this program. Prior to issuing subawards or contracts under this grant, the state must consult the ineligible parties list to ensure that organizations under funding consideration are not ineligible. The list is available on the Web at http://www.epls.gov.

10. The State is responsible for monitoring grant, sub-grant/sub-recipient and contract supported activities to assure compliance with Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function and activity. (See 45 CFR 92.40.)

11. States are required to advise sub-grantees/sub-recipients of requirements imposed on them by Federal laws, regulations, and the provisions of grant agreements or contracts as well as any supplemental requirements imposed by the State. These include grant administrative requirements and cost principles according to recipient type. For example, nonprofit subrecipients are subject to the cost principles at OMB Circular A-122; educational institution subrecipients are subject to those at OMB Circular A-21; and commercial organization vendors or subcontractors are subject to the cost principles under 48 CFR Part 31. Sub-recipients and sub-grantees are also subject to the provisions of 45 CFR Part 92 and OMB Circular A-133.

12. States must ensure that sub-recipients and sub-grantees expending more than $500,000 or more in Federal awards during the sub-recipient/sub-grantee's fiscal year have an audit in compliance with the requirements of OMB Circular A-133.

FINANCIAL MANAGEMENT

13. Federal funds awarded under this grant program must constitute no more than **80 percent** of total program expenditures. The remaining **20 percent** of program expenditures must be derived from non-Federal sources, including State funds, local funds or cash or in-kind contributions. (See 45 CFR 92.24 (*formerly 45 CFR 74.23*).)

14. Federal funds awarded under this program must not be used for construction or the purchase of land.

15. Federal funds awarded through these grants must be expended for the purposes for which they were awarded and within the time period allotted, in accordance with the deadlines discussed below.

16. Project Period, Obligation Period, Liquidation Period

a. The terms "project periods" and "obligation periods" for these awards are synonymous.

b. *Obligation.* Regardless when this award is issued during the Federal fiscal year, the obligation period for the Federal funds awarded under these grants starts on October 1 of the *current* Federal fiscal year and ends on September 30 of the *following* Federal fiscal year. Any funds not obligated by that date will be recouped by this Department.

Liquidation. In accordance with Federal regulations at 45 CFR 92.23(b), Federal funds awarded under these grants must be liquidated "not later than 90 days after the end of the (project) period" (i.e., no later than December 30 - 90 days after the last day of the following Federal fiscal year.) Any funds not liquidated by that date will be recouped by this Department

For example: If you receive an FY 2013 award you have until September 30th, 2014 to obligate and December 30th, 2015 to liquidate.

17. Financial Reports

In accordance with the requirements at 45 CFR 92.41, the State is required to file separate annual expenditure reports for each grant received, indicating the amount of Federal funds that have been obligated, liquidated and remain unobligated. Standard OMB **Form SF-425 "Federal Financial Report"** is used for this purpose.

a. The State is requested to file these reports electronically through the ACF On-Line Data Collection (OLDC) system. OLDC requires electronic signatures from the appropriate State official. (See Action Transmittal OA-ACF-AT-01-05, issued January 24, 2005.) When electronic reports are completed and submitted, no paper submission is required.

b. For States that elect to submit paper copies of the required expenditure reports, send one (1) copy with an original signature of each submission of Form SF-425 to the financial office.

   Send an additional copy of each submission to the program office. (See "Important Addresses," below.)

c. A "fillable" copy of Form SF-425 is available on the OMB web site at http://www.whitehouse.gov/omb/grants/sf425.pdf

d. Regardless of the method of submission, the State must adhere to the following submission schedule:
   - An interim financial report, covering the current Federal fiscal year, must be submitted no later than December 30 - 90 days following the end of the current Federal fiscal year.

   - In accordance with Federal regulations at 45 CFR 92.23(b), the final financial report, covering the entire obligation and liquidation periods, must

be submitted no later than the last day of the liquidation period (i.e., no later than December 30 - 90 days after the last day of the following Federal fiscal year.)

PROGRAM MANAGEMENT

18. The final program report must include all of the information listed above, and a Statement indicating how the lead agency, in conjunction with the inter-collaborative network, plans to continue to improve its system of child abuse and neglect prevention and the delivery of family resource and support services.

19. All program performance reports must adhere to the requirements set forth above and should be sent to:

Administration for Children and Families
Administration on Children, Youth and Families
Office on Child Abuse and Neglect
1250 Maryland Avenue SW, 8th floor, #8121
Washington, D.C. 20024

Failure to submit financial and progress reports on time may be a basis for withholding payments, or the suspension or termination of the grant.

GRANTEE ADDRESS CHANGES

20. Grant award letters will be sent to the address in our records. Please send address changes or corrections to the financial office. (See "Important Addresses," below.) Addresses should not include individuals' names and, if possible, should be limited to four or five lines of text.

IMPORTANT ADDRESSES

Program Office:

Administration for Children and Families, ACYF, CB
Office on Child Abuse and Neglect
1250 Maryland Avenue SW, 8th floor, #8121
Washington, D.C. 20024

Contact: Rosie Gomez
e-mail: rosie.gomez@acf.hhs.gov
phone: (202) 205-7403

- Financial Office: Administration for Children and Families
  Office of Grants Management
  Division of Mandatory Grants
  Att'n: Community-Based Child Abuse Prevention Grant
  370 L'Enfant Promenade, S.W., 6th Floor East
  Washington, D.C. 20447

  Contact: Matthew McMahon
  e-mail: matthew.mcmahon@acf.hhs.gov
  phone: (202) 205-8356
  fax: (202) 401-5644

- Payment Office: U.S. Department of Health and Human Services
  Division of Payment Management
  Payment Management System (PMS)
  P.O. Box 6021
  Rockville, Maryland 20852

  Contact: PMS Help Desk
  phone: (877) 614-5533
  Internet site: http://www.dpm.psc.gov

IMPORTANT NOTE

The U.S. Government Accountability Office (GAO) maintains **FraudNET**, a system for reporting allegations of fraud, waste and abuse under Federal grants and cooperative agreements. Reports are kept confidential; you need not provide your name. Information provided through the Internet web site is secure and all information is safeguarded against unauthorized disclosure.

Report the possible misuse of federal funds, through one of the following methods:

Phone: (800) 424-5454;
Fax: (202) 512-3086;
E-mail: fraudnet@gao.gov ;
Mail: GAO FraudNET
441 G Street N.W.
Washington, D.C. 20548

Please provide as much detailed information as possible in your report.