

## **VOCA AWARD CONDITIONS 2020**

These Award conditions are for VOCA Subawards effective 10/1/2020. Hyperlinks to important federal laws can be found throughout this document. Click on the blue links to open the hyperlink and read the corresponding federal law and/or grant requirements pertaining to each of the Award conditions. This document should be signed by the Agency Representative/CEO, Project Director and Financial Officer listed on the VOCA Grant. In addition, this document should be shared with VOCA grant-funded staff.

### **1. Requirements of the award, remedies for non-compliance or for materially false statements**

The subrecipient at any tier agrees to comply with applicable portions of the Victims of Crime Act (VOCA) of 1984, [34 U.S.C., Chapter 201](#) and the [Victims of Crime Act Victim Assistance Program Rule](#).

The Award conditions of this subaward are material requirements of the subaward. Compliance with any certified assurance submitted by the subrecipient that relates to conduct during the period of performance also is a material requirement of this subaward.

Failure to comply with any one or more of these subaward requirements (Award conditions) -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the subaward period -- may result in the Grants Management Division (“GMD”) and/or Office of Justice Programs (“OJP”) taking appropriate action with respect to the subrecipient and the subaward. Among other things, the GMD or OJP may withhold award funds, disallow costs, or suspend or terminate the subaward. The U.S. 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 or the GMD related to this subaward (or 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. 10272](#)), 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 subaward be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give the maximum effect permitted by law. Should it be held, instead, that the provision is invalid or unenforceable; such provision shall be deemed severable from this subaward.

### **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 and all subawards.

For more information and resources on the [Part 200 Uniform Requirements](#) as they relate to OJP awards and subawards (“subgrants”), see the OJP website: <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: The duration records pertinent to the subaward which the subrecipient at any tier must retain is 6 ½ years from the date of submission of the subrecipient’s

final expenditure report. During such time, the subrecipient must provide access, including 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 a subaward-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 GMD promptly for clarification.

### **3. Compliance with the DOJ Grants Financial Guide**

The subrecipient at any tier 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 GMD during the period of performance.

### **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 these Award conditions 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 the subaward Award conditions, references set out in material incorporated by reference through the subaward Award conditions, and references set out in other subaward requirements and documents.

### **5. Required Training and Technical Assistance**

The subrecipient must receive and engage in any training and technical assistance activities recommended by the KJPSC Grants Management Division.

### **6. Requirements related to “de minimis” indirect cost rate**

A subrecipient at any tier 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, should do so in writing, by explicitly stating this election on the Budget Narrative page of the VOCA Grant Application in the electronic Grants Management System. When electing to use the “de minimis” indirect cost rate, the subrecipient organization agrees it is eligible for this rate. In addition, the subrecipient agrees to comply with all associated requirements in [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](#).

### **7. Requirement to report potentially duplicative funding**

If the subrecipient at any tier 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 subaward, 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 subaward. If so, the recipient must promptly notify GMD in writing of the potential duplication, and, if so requested by GMD, must seek a grant adjustment or change in project objectives to eliminate any inappropriate duplication of funding.

### **8. Requirements related to System for Award Management and Universal Identifier Requirements**

The subrecipient at any tier agrees to comply with applicable requirements regarding annual registration with the System for Award Management (SAM). Copy and paste the following URL to get to the SAM site: <https://sam.gov/SAM>. The subrecipient at any tier also agrees to provide a [Data Universal Numbering System \(DUNS\)](#) number. SAM registration must be updated annually, with documentation of current status submitted with the grant application. Grants may not be approved or funds expended to programs that do not have a current SAM registration.

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

The subrecipient at any tier must have written procedures in place to respond in the event of an actual or imminent "breach" ([OMB M-17-12](#)) if the subrecipient 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 subrecipient's breach procedures must include a requirement to report actual or imminent breach of PII to GMD no later than 12 hours of after an occurrence of an actual breach, or the detection of an imminent breach.

### **10. Unreasonable restrictions on competition under the award; association with federal government**

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. 200.319(a) or as specifically authorized by DOJ. The details of the recipient's obligations under this condition are posted on the OJP website at <https://www.ojp.gov/funding/explore/legaloverview2020/mandatorytermsconditions#13> (Award Condition: Unreasonable restrictions on competition under the award; association with federal government), and are incorporated by reference here.

### **11. All subawards must have specific federal authorization**

The subrecipient at any tier 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").

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.

**12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000.00.**

The subrecipient at any tier must comply with all applicable requirements to obtain specific advance approval from the GMD to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000.00). 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 requirements for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> on the OJP web site. (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. Notify GMD if there are any procurement contracts that are expected to exceed \$150,000. Advance approval must be obtained by GMD and OJP.

**13. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate subaward).**

The subrecipient at any tier 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 subrecipient, or individuals defined (for purposes of this condition) as “employees” of the subrecipient.

The details of the subrecipient 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 subrecipient related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated in reference here.

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

The subrecipient at any tier agrees to 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 the term is defined by DOJ), including the provision of food and/or beverages at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this subaward appears in the [DOJ Grants Financial Guide](#).

**15. Requirement for data on performance and effectiveness under the subaward**

The recipient (GMD) is required to collect and maintain data that measures the performance and effectiveness of work under this VOCA subaward. The data must be provided to GMD in a manner (including within the timeframes) specified by GMD. Data is reported quarterly on a website referred to as the Performance Measurement Tool (PMT) provided by OVC. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

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.

#### **16. OJP Training Guiding Principles**

Any training or training materials the subrecipient at any tier develops or delivers with VOCA funds must adhere to the [OJP Training Guiding Principles for Grantees and Subgrantees](#).

#### **17. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination regulations – 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 relates to an equal employment opportunity program.

#### **18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination regulations – 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.”

#### **19. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination regulations – 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.

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](#).

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 against a subrecipient at any tier of victim assistance formula funds under this subaward, the subrecipient will forward a copy of the findings to GMD and to the [Office of Civil Rights, OJP](#).

#### **20. Restriction on “lobbying”**

In general, as a matter of federal law, this federal subaward may not be used, 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 this federal subaward from being used by the subrecipient at any tier 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, subaward “subgrant”, 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 questions 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 GMD for guidance. The subrecipient may not proceed without the express prior written approval of GMD.

**21. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020)**

The subrecipient at any tier must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact GMD for guidance, and may not proceed without the express prior written approval of GMD.

**22. Reporting potential fraud, waste, abuse, and similar misconduct**

The subrecipient at any tier must promptly refer to GMD, and the Department of Justice (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 subaward - 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 subaward should be reported 1) by mail to:

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

Email: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

or 2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax)

as well as:

Special Investigations  
Internal Investigations Branch  
KY Justice & Public Safety Cabinet  
125 Holmes St  
Frankfort KY 40601

Additional information is available from the DOJ/OIG website at <https://oig.justice.gov/hotline>.

**23. Restrictions and certifications regarding non-disclosure agreements and related matters.**

No subrecipient at any tier under this subaward, or entity that receives a procurement contract or subcontract with any funds under this subaward, 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 GMD, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmental information), or any other form issued by a federal department or agency governing 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 federal subaward funds, will provide prompt written notification to GMD and OVC, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by GMD and OVC.
  
2. If the recipient 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 recipient's application proposes may or will receive these federal subaward 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 subaward funds to or by that entity, will provide prompt written notification to GMD and OVC, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by GMD and OVC.

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

The subrecipient at any tier 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 must also 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 subaward, the subrecipient is to contact GMD for guidance.

**25. 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 \(October 1, 2009\)](#), the subrecipient at any tier is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by the subaward, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

The subrecipient will encourage adoption and enforcement of on-the-job seat belt policies and programs for its employees and contractors when operating agency-owned, leased, or personally owned vehicles.

**26. Subrecipient authorization to examine records.**

The subrecipient at any tier authorizes the GMD, 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 subaward.

**27. Audit Requirements**

For fiscal years beginning on or after December 26, 2014, subrecipients at any tier who expend \$750,000 or more in Federal funds (from all federal sources) in the organization’s fiscal year (12-month turnaround reporting period), the organization is required to arrange for a single organization-wide audit conducted in accordance with the provisions of [2 C.F.R. Part 200, Subpart F, Section 200.501](#). Each single audit should be submitted, electronically, to GMD as soon as it becomes available, as well as included in the organization’s VOCA application.

**28. Non-supplanting requirement**

Pursuant to [OJP Standards for Financial Management Systems](#), federal VOCA funds will not be used to supplant State and local funds that would otherwise be available for crime victim assistance.

**29. National Environmental Policy Act compliance**

The subrecipient at any tier understands that all OJP awards are subject to the National Environmental Policy Act ([NEPA, 42 U.S.C. Section 4321 et seq.](#)) and other related Federal laws (including the National Historic Preservation Act), if applicable. The subrecipient agrees to assist GMD in carrying out its responsibilities under NEPA and related laws, if the subrecipient plans to use VOCA subaward funds (directly or through subaward or 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 at any tier 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 subaward.

**30. Determinations of suitability to interact with participating minors**

SCOPE. This condition applies to this subaward if it is indicated in the application for subaward, the GMD funding announcement (solicitation), or an associated federal statute - that a purpose of some or all of the activities to be carried out under the subaward 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. The details of this requirement are posted on the OJP web site at <https://www.ojp.gov/funding/explore/interact-minors> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

### **31. Employment eligibility verification for hiring under the VOCA award**

1. Subrecipient at any tier must—
  - a. Ensure that, as part of the hiring process for any position that is or will be funded (in whole or in part) with VOCA 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 \(2\)](#).
  - b. Notify all persons associated with the subrecipient who are or will be involved in activities under this award of both—
    - i. this award requirement for verification of employment eligibility, and
    - ii. the associated provisions in [8 U.S.C. 1324a\(a\)\(1\) and \(2\)](#) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.
  - c. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of [8 U.S.C. 1324a\(a\)\(1\) and \(2\)](#).
  - d. As part of the recordkeeping for the award (including pursuant to the Part 200
  - e. Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.
2. Monitoring - GMD is responsible for monitoring subrecipient compliance with this award condition
3. Allowable costs - To the extent that such costs are not reimbursed under any other federal program, DAC may allow subrecipients to use VOCA funds, if awarded for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.
4. Rules of construction
  - a. Staff involved in the hiring process - For purposes of this condition, persons “who are or will be involved in activities under this award” specifically includes (without limitation) any and all subrecipient officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.
  - b. Employment eligibility confirmation with E-Verify - For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the subrecipient may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate person authorized to act on behalf of the subrecipient uses E-Verify and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation" to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.
  - c. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

- d. Nothing in this condition shall be understood to authorize or require any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.
- e. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including [8 U.S.C. 1324a\(a\)\(1\) and \(2\)](#). Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). E-Verify employer agents can email E-Verify at [E-VerifyEmployerAgent@dhs.gov](mailto:E-VerifyEmployerAgent@dhs.gov).

### **32. Other Subrecipient Award Conditions**

- a) The subrecipient will provide services, at no charge, through the VOCA-funded project. Any deviation from this provision requires prior approval from GMD.
- b) The subrecipient will assist victims in seeking available crime victims' compensation benefits.
- c) The subrecipient assures that it will maintain confidentiality of client-counselor information as required by State law and the [Victims of Crime Act Victim Assistance Program Rule](#).
- d) The subrecipient will not discriminate against victims because they disagree with the way their criminal case is being prosecuted.
- e) The subrecipient assures that, in accordance with DOJ, pertaining to Title VI of the Civil Rights Act of 1964, [42 U.S.C. § 2000d](#), recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with Limited English Proficiency (LEP).

### **33. Additional Justice and Public Safety Cabinet Award Conditions**

(a). Subrecipient shall comply with all applicable federal, state, and local laws. Subrecipient shall also comply with all applicable Commonwealth of Kentucky, Justice and Public Safety Cabinet, Office of Management and Administrative Services, Grants Management Division policies and procedures unless a specific exemption has been granted by the Grants Management Division to the Subrecipient.

(b). Pursuant to [34 USC § 60105](#), the Death in Custody Act (DCRA), any subrecipient state and local law enforcement or correctional agency must identify all reportable in-custody deaths that occurred in their jurisdictions by notifying the Kentucky Justice & Public Safety Cabinet's Criminal Justice Statistical Analysis Center at [just.dicrareporting@ky.gov](mailto:just.dicrareporting@ky.gov).

#### (c) Financial Requirements

##### 1. Effect of failure to address audit issues

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

##### 2. Accounting System Standards and Requirements

Comingling of funds is prohibited, and the subrecipient and all its contractors agree to ensure each award will be accounted for separately. Funds specifically budgeted and/or received for one project may not be used to support another. The subrecipient is required to maintain an adequate

accounting system that allows the agency to maintain documentation to support all receipts and expenditures of awarded funds. Furthermore, all financial statements and accounting transactions must be prepared in accordance with Generally Accepted Accounting Principles.

### 3. Accounting/Vendor Codes

Subrecipients of grant funds who are state agencies are strongly encouraged to utilize the eMARS codes listed below to ensure proper drawdown and reimbursement of funds from GMD.

- a. Major Program Class:
- b. Major Program Code: OVC
- c. Program Code:
- d. Period Code:

Subrecipients must designate if they will not utilize the eMARS codes provided with these Award conditions, and if a subrecipient chooses not to use the eMARS codes provided, reimbursement for grant activities will be made via Manual Draw upon GMD approval of the subrecipient's quarterly financial report.

### 4. Non-Supplanting Requirements

The subrecipient agrees that state or federal funds received under this award must be used to supplement existing funds for program activities and may not replace funds that have been previously appropriated and allocated for the same purpose.

### 5. Surety Bonds

Agencies may be required to obtain a surety bond if the approved federal share is greater than \$100,000 or if determined to be a high-risk agency. In general, a recipient may be designated as high-risk if any of the following apply to the recipient:

- a. Has a history of unsatisfactory performance;
- b. Is not financially stable;
- c. Has a management system that does not meet the standards set forth in 2 C.F.R. Part 200 (Subpart D-Post Federal Award Requirements (Standards for Financial and Program Management));
- d. Has not conformed to the terms and conditions of previous awards; or
- e. Is otherwise not responsible.

## (d) Program Requirements

### 1. Project Commencement

Unless otherwise specified in the grant application, the sub-recipient agrees to commence project activities within sixty days of the received award notification for the grant. If the project is not operational within that time period, written notification must be submitted to GMD including detailed steps taken to initiate the project, reason(s) for delay, and expected starting time. GMD may cancel the project and/or redistribute funds if the project is not implemented within a reasonable timeframe and/or justification is not provided. Any new positions requested in the grant must be filled within sixty days of the grant start date, unless otherwise discussed with GMD; failure to do so may result in a decrease in award.

### 2. Final Approved Award and Grant Adjustment Notice (GAN) Request Process

Changes in the overall scope of the project are unallowable without express written prior approval from GMD. However, minor changes to the project and budget adjustments may be requested using the GAN process. Approval of a GAN must be obtained prior to any obligation of grant funds not approved in the most current version of the application. GANs must be submitted by

July 31st of the grant year unless otherwise discussed with GMD staff, and revisions will not be retroactive.

GMD will be notified in writing of all employee changes pertaining to this grant within thirty days of occurrence or prior. A GAN is required for changes in the Agency Executive Director, Financial Officer, or Project Director. Subrecipients should note that its Financial Officer cannot be the same person that functions as the Agency Executive Director or Project Director.

The GAN process goes as follows:

- GMD program staff are notified in writing of any staff changes or changes to the budget and/or project of the award
- Once program staff have notified subgrantee that the request has been reviewed, subgrantee will submit to GMD financial staff a detailed spreadsheet of all changes that are requested in the GAN
- Once financial staff have notified subgrantee that requested changes are tentatively approved, subgrantee will submit a GAN request in the eGMS Intelligrants system
- GMD staff will approve or deny the submitted GAN Request, allowing subgrantee to submit necessary changes as discussed with financial staff prior
- GMD financial staff will approve or deny GAN once the final review has been conducted

### 3. Award Monitoring

The subrecipient understands and agrees that GMD, DOJ, OJP, OIG, and its representatives shall have access to and the right to interview any officer or employee of the subrecipient and to examine all records (including, but not limited to books, papers, and documents) related to this award and any contractor and subcontractor with the award.

### 4. Personnel Time and Attendance Reporting

The subrecipient agrees that time and attendance records reflecting all funding sources must be maintained for all personnel (including volunteers if applicable) assigned to this award. Timesheet records must be signed by the individual and his/her immediate supervisor, and records retention requirements must be followed. Timesheets must include activity, dates of activity, assigned codes, number of hours worked, name, and signature. Signature stamps will not be accepted.

### 5. Completion of Equipment Purchases within a Specified Time Period

Unless otherwise approved, the subrecipient agrees that equipment purchases funded with this award will be completed within the first four months of the project. This allows acquisition time and provides eight months in which to use the equipment.

### 6. Acknowledgement of Grant Support on Literature Printed with Grant Funds

The subrecipient agrees that any materials resulting from grant-funded project activities will contain an acknowledgement of support through the use of the following or comparable footnote: "This project was supported by Grant Number (insert current grant number) awarded through the Kentucky Justice and Public Safety Cabinet by the 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 Kentucky Justice and Public Safety Cabinet or the U.S. Department of Justice."

### 7. Financial and Program Report Submission Requirements

The subrecipient agrees to submit financial and program reports at least quarterly, as required. The subrecipient must collect and maintain data that measures the performance and effectiveness

of work under this award. The data must be provided to OJP and GMD in the manner (including 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. The schedule for filing reports is as follows:

- a. Quarter 1 runs from October 1st – December 31st with reporting due January 15th;
- b. Quarter 2 runs from January 1st – March 31st with reporting due April 15th;
- c. Quarter 3 runs from April 1st – June 30th with reporting due July 15th;
- d. Quarter 4 runs from July 1st – September 30th with reporting due October 15th.

The agency's Financial Director or designee must approve financial reports. Failure to submit financial reports according to the time set forth may result in delays or withholding of funds. Financial reports can be submitted on a monthly or quarterly basis as determined by the subrecipient with approval by GMD; however, once a method is selected, it cannot be changed during the grant period. Subrecipients shall submit GMD financial reports which include itemized expenses requested for reimbursement. Invoices and other documentation of award and any required match expenditures shall be submitted with each quarterly or monthly financial report, as required, and documentation, such as time and attendance records, should be submitted within ten days of execution. For information on contract assistance, including type of contract needed and verbiage may be found at [http://www.ojp.gov/funding/pdfs/procurement\\_procedures.pdf](http://www.ojp.gov/funding/pdfs/procurement_procedures.pdf). Subrecipients are required to submit performance reports to both GMD and OVC within the identified timeframe above. The OVC Performance Measures Tracking (PMT) reporting is in addition to the GMD Intelligrants (eGMS) reporting, but it is due at the same time as GMD financial and programmatic reports each quarter.

#### 8. Hiring Requirements

Subrecipients must follow best practices in hiring for grant-funded positions to ensure competitiveness and to avoid conflicts of interest. GMD program staff must be notified in a timely manner, by submission of the Staff Tracking Spreadsheet, of any changes in grant-funded or match staff. Best practices include, but are not limited to:

- Publicly advertised job posting, ideally in an online posting that is separate from or in addition to subrecipient's organization website or social media accounts. If subrecipient chooses to advertise in a newspaper, it must be a major publication.
- Job description and requirements must be clearly conveyed in the posting. Where applicable, requirements must follow those outlined in KRS.
- Competitive interviews must be conducted with at least three candidates interviewed (two of which would ideally be external candidates)
- The intended hire's resume should indicate that they meet the minimum requirements of the position

All of the above information, including copies of the posting and where it was advertised, must be submitted in writing to GMD program staff who will review for compliance. Resumes and start dates should be included.

All conflicts of interest, including the appearance of a conflict, must be avoided when possible. If any exist, it must be immediately disclosed to GMD staff.

#### (e) Confidentiality

1. *Confidentiality.* Subrecipients at any tier, to the extent permitted by law, will reasonably protect the confidentiality and privacy of persons receiving services under this subaward and shall not disclose, reveal, or release, except pursuant to paragraphs (2) and (3) of

this condition— (a) Any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or (b) Individual client information, without the informed, written, reasonably time-limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent’s (or the guardian’s) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian.

2. *Release.* If release of information described in paragraph (1)(b) of this condition is compelled by statutory or court mandate, the recipient of VOCA subaward funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.

3. *Information sharing.* Subrecipients may share— (a) Non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with reporting, evaluation, or data collection requirements; (b) Court-generated information and law-enforcement-generated information contained in secure governmental registries for protection order enforcement purposes; and (c) Law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

4. *Personally identifying information.* In no circumstances may—(a) A crime victim be required to provide a consent to release personally identifying information as a condition of eligibility for VOCA-funded services; (b) Any personally identifying information be shared in order to comply with reporting, evaluation, or data-collection requirements of any program;

5. *Mandatory reporting.* Nothing in this section prohibits compliance with legally mandated reporting of abuse or neglect.

With my/our signature(s) below, I/we acknowledge acceptance of these Award conditions and certify compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements of the VOCA subaward.

_____	_____	_____	_____
VOCA Grant Authorizing Official	Date	VOCA Grant Project Director	Date
_____	_____		
VOCA Grant Financial Officer	Date		