

**CONDITIONS OF AWARD**

**Grant No.:** VOCA-2017-LFUCG Stre-00058

**Title:** Underserved Minority Victim Advocacy Project (UMVAP)

**Subgrantee:** Lexington Fayette Urban Coun

**Grant Period:** 10/1/2017 9/30/2018

**Budget:** Federal: \$95,445.00 Match: \$32,773.00 Total: \$128,218.00

**Grants Management Branch Staff Assigned to this Award:**

**Financial Analyst:** Kyle Wade

**Program Coordinator:** Santana Berry, Natalie Burikhanov, Nick Gill

## Conditions of Award

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 the award. Failure to comply with any of these award requirements may result in the Grants Management Branch or of the Office of Justice Programs taking appropriate action with respect to the subrecipient and the award. Any materially false, fictitious or fraudulent statements to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution, and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise. In addition to the General Conditions contained in the application to which this grant is subject, it is also condition upon and subject to compliance with the following Conditions of Award:

### General Requirements

#### 1. 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 the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

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

#### 2. Compliance with DOJ Grants Financial Guide and Award Provisions and Conditions

The subrecipient agrees to comply with the DOJ Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide"), including any updated version that may be posted during the period of performance.

The subrecipient understands that failure to comply with the provisions and conditions of the award and/or misuse of award funds may result in a range of penalties as decided by Grants Management Branch at the Kentucky Justice & Public Safety Cabinet (GMB) and/or OJP, including suspension of current and/or future awards, suspension or debarment from federal grants, recoupment of monies provided under the award, and civil and/or criminal penalties.

#### 3. All subawards must have specific federal authorization

Any subrecipient at any tier must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that are for purposes of federal grants administrative requirements that OJP considers a "subaward".

The details of the requirement for authorization of any subaward are posted on the OJP website at <http://ojp.gov/funding/explore/subawardauthorization.htm> (Award condition: Award condition: all subawards must have specific federal authorization), and are incorporated by reference here.

#### 4. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

specialspecialconds continued

Any 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 subrecipients or individuals defined (for the purposes of this condition) as “employees” of the subrecipient.

The details of the subrecipient’s obligations related to prohibited conduct related to trafficking in persons are posted on the OJP website at <http://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.

5. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2017)

Any subrecipient at any tier 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, 2017, are set out at <http://ojp.gov/funding/explore/FY17AppropriationsRestrictions.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 GMB and/or OJP for guidance, and may not proceed without the express prior written approval of GMB and/or OJP.

6. 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

specialspecialconds continued

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.

7. The subrecipient 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 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.

#### Civil Rights, Nondiscrimination, and Equal Employment

1. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination

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

Any 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. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

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

specialspecialconds continued

practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ and subrecipients cannot compel beneficiaries to participate in them.

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 <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR “current” data.

## 2. Demographic Data

Any subrecipient 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. This information must be reported within the timetable established by GMB and permit reasonable access to records to determine whether the subrecipient is complying with applicable civil rights laws. Data collection requirements are waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim.

## 3. Discrimination Findings

Any 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

specialspecialconds continued

disability against a recipient of victim assistance formula funds under this award, the subrecipient will forward a copy of the findings to GMB and to the Office for Civil Rights of OJP.

4. Any subrecipient will comply with any applicable nondiscrimination provisions, which may include the Omnibus Crime Control and Safe Streets Act of 1968; the Victim of Crime Act; the Juvenile Justice and Delinquency Prevention Act of 2002; the Violence Against Women Act; the Civil Rights Act of 1964; the Indian Civil Rights Act; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Education Amendments of 1972; and the Age Discrimination Act of 1975. It will also comply with Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38.

#### 5. Ensuring Access to Federally Assisted Programs

Federal laws that apply to subrecipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits subrecipients from discriminating on the basis of age in the delivery of services or benefits.

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C., 200d, subrecipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English Proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that subrecipients have in

specialspecialconds continued

providing language services to LEP individuals, please see the website <http://www.lep.gov>.

## 6. Enforcing Civil Rights Laws

All subrecipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination.

Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individual and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

The OCR issued an advisory document for subrecipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp/usdoj.gov/about/ocr/pdfs/UseofConviction\\_Advisory/pdf](http://www.ojp/usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory/pdf).

Subrecipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination.

## 7. Meeting the EEOP Requirement

If a subrecipient:

- (a) has less than fifty employees; or
- (b) receives an award of less than \$25,000; or
- (c) is a nonprofit organization, medical institution, an education

1/8/2018

specialspecialconds continued

institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim exemption, the subrecipient must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If a subrecipient:

(a) is a government agency or private business; and  
(b) receives an award of \$25,000 or more, but less than \$500,000; and  
(c) has fifty or more employees (counting both full- and part-time employees but excluding political appointees, then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, the subrecipient has to maintain the Utilization Report on file and make it available for review upon request. In addition, the subrecipient has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If a subrecipient:

(a) is a government agency or private business; and  
(b) has received an award of \$500,000 or more; and  
(c) has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, the subrecipient has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

Administrative Requirements



specialspecialconds continued

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

### 2. Requirements related to System for Award Management and Unique Entity Identifiers

The subrecipient of federal funds agrees to maintain accurate data and registrations and comply with the applicable requirements regarding Data Universal Numbering System (DUNS) and System for Award Management (SAM), formerly CCR. Visit the OJP website for further information at <http://ojp.gov/funding/explore/sam.htm>

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

Any subrecipient at any tier 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).

specialspecialconds continued

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 website at <http://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.

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

Any subrecipient at any tier 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 DOK Grants Financial Guide (currently, as section 3.10 of “Postaward Requirements” in the “2015 DOJ Grants Financial Guide”).

5. OJP Training Guiding Principles

Any training or training materials that any subrecipient at any tier develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees available at <http://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

6. The subrecipient agrees to comply with any additional requirements that may be imposed by GMB or 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.

1/8/2018

specialspecialconds continued

#### 7. Restrictions on “lobbying” and fundraising

Federal funds may not be used by any subrecipient at any tier 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.

Should any question arise as to whether a particular use of Federal funds by a subrecipient would or might fall within the scope of this prohibition, the subrecipient is to contact GMB and/or OJP for guidance, and may not proceed without the express prior written approval of GMB and/or OJP.

Additionally, the subrecipient agrees that personnel costs, match volunteer hours, and other expenses associated with fundraising will not be financed with grant funds nor count toward match.

#### 8. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

Any subrecipients must promptly refer to GMB and/or the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, 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 – (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) email to: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov); and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

The subrecipient agrees to avoid any action that might result in, or create the

specialspecialconds continued

appearance of, a conflict of interest. Should the subrecipient become aware of any circumstance that would constitute such, the authorized representative or an appropriate affiliate with the grant must immediately notify GMB in writing. Failure to do so may result in withholding of reimbursement, termination of award, or other appropriate action.

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

Additional information is available from the DOJ OIG website at <http://www.usdoj.gov/oig>.

#### 9. Restrictions and certification 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.

#### 10. Reporting Requirements for Program Income

specialspecialconds continued

The subrecipient agrees that all income generated as a direct result of this award shall be deemed program income and must be reported to GMB and accounted for up to the same ratio of state/federal participation as funded in the grant project. Prior approval from GMB is required for all activities funded with program income earned as a direct result of this project.

#### 11. Requirements for Wireless Communications Interoperability Projects

The subrecipient understands that all awards for Wireless Communications Interoperability projects (i.e. mobile data terminals and related equipment) require documentation of approval of a wireless plan by the Kentucky Wireless Interoperability Executive Committee (KWIEC) prior to reimbursement of expenses by GMB. For additional information, visit <http://www.kwiec.ky.gov>.

#### 12. Maintaining of Licenses, Certifications, and Insurance

The subrecipient agrees to maintain all necessary and appropriate licenses, certifications, insurances, etc. relevant to the operation of a business or agency of its size and/or type. Subrecipients are required to provide documentation of compliance at GMB request.

#### 13. Computer Networks

The subrecipient agrees that no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in the previous statement limits the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecutions, or adjudication activities.

#### 14. Non-profit Subrecipients

All non-profit subrecipients of this award agree to make their financial

specialspecialconds continued

statements available online, either on the recipient's, subrecipient's, or another publicly available website. OVC will consider subrecipient organizations that have a Federal 501(c)(3) tax status as in compliance with this requirement with no further action needed to the extent that such organization files an IRS Form 990 or similar tax document.

Furthermore, all nonprofit subrecipients of this award are required to certify their nonprofit status by submitting a statement to GMB to be placed in the grant file within forty-five days after the October 1 grant start date. This statement should affirmatively assert that the subrecipient is a nonprofit organization and indicate that it has on file and available upon audit: a. A copy of the subrecipient's 501(c)(3) designation letter; or b. A letter from the subrecipient's state/territory taxing body or state/territory attorney general stating that the subrecipient is a nonprofit organization operating within the state/territory; or c. A copy of the subrecipient's state/territory certification of incorporation that substantiates its non-profit status.

#### Financial Requirements

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

The subrecipient understands and agrees that GMB 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 GMB 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

specialspecialconds continued

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 GMB. 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 special conditions, and if a subrecipient chooses not to use the eMARS codes provided, reimbursement for grant activities will be made via Manual Draw upon GMB 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

1/8/2018

specialspecialconds continued

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.

## Project 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 GMB including detailed steps taken to initiate the project, reason(s) for delay, and expected starting time. GMB 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 GMB; 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 GMB. 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 GMB staff, and revisions will not be retroactive.

GMB will be notified in writing of all employee changes pertaining to this grant



specialspecialconds continued

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:

- GMB 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 GMB 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
- GMB staff will approve or deny the submitted GAN Request, allowing subgrantee to submit necessary changes as discussed with financial staff prior
- GMB financial staff will approve or deny GAN once the final review has been conducted

### 3. Award Monitoring

The subrecipient understands and agrees that GMB, 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

specialspecialconds continued

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. Client Confidentiality

The subrecipient agrees to maintain Client-Counselor Confidentiality and Confidentiality of Research Information as stated in the Office of Victims of Crime Guidelines, IV.B.13.

8. Quarterly 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

specialspecialconds continued

measures the performance and effectiveness of work under this award. The data must be provided to OJP and GMB 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 GMB; however, once a method is selected, it cannot be changed during the grant period. Subrecipients shall submit GMB 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 GMB and OVC within the identified timeframe above. The OVC Performance Measures Tracking (PMT) reporting is in addition to the GMB Intelligrants (eGMS) reporting, but it is due at the same time as GMB financial and programmatic reports each quarter.

## 9. Hiring Requirements

Subrecipients must follow best practices in hiring for grant-funded positions to

1/8/2018

specialspecialconds continued

ensure competitiveness and to avoid conflicts of interest. GMB program staff must be notified in a timely manner 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 GMB 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 GMB staff.

#### 10. Additional Justice and Public Safety Cabinet Special Conditions

10.1. 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 Branch policies and procedures unless a specific exemption has been granted by the Grants Management Branch to the Subrecipient.

10.2 To the extent permitted by law, the subrecipient agrees to indemnify and hold harmless the Commonwealth of Kentucky, Justice and Public Safety Cabinet, Office of Management and Administrative Services, Grants Management Branch against any and all claims, losses, demands, obligations, and litigation, including attorneys' fees, that result from or by: (1) services rendered by the

specialspecialconds continued

subrecipient performing or supplying services in connection with performance of this award, (2) the erroneous or negligent acts of the subrecipient, its officers, or employees in the performance of this award, (3) the publication, translation, reproduction, delivery, performance, use, or disposition of any data processed under the contract in a manner not authorized by the contract, or by federal or Commonwealth regulations or statutes by the subrecipient, (4) any and all acts and omissions of the subrecipient, (5) the policies and procedures specifically involving all the subrecipient employment practices used by the subrecipient during the term of this award, and (6) any failure of the subrecipient, its officers, or employees to observe federal, state, and local laws, including but not limited to labor laws and minimum wage laws.

10.3 Subrecipient agrees that noncompliance with the terms and conditions within this award may result in the recoupment of awarded funds by GMB. Subrecipient also agrees that it will reimburse GMB for any grants or other funding lost as a direct result of subrecipient's failure to comply with the requirements of this or any other award.

10.4 At no point shall any subrecipient personnel be considered an employee of the Justice and Public Safety Cabinet, for any purpose, including but not limited to unemployment, taxes, withholding, health insurance, liability, retirement, workers' compensation, vacation, sick or other leave, the Family Medical Leave Act, accrued benefits, evaluations, or any other purpose. At all times, any such individual shall be considered and deemed to be an employee of the subrecipient.

10.5 Nothing in this award shall be construed, in any way, as granting to any individual providing services under this award any of the claims, privileges, or rights established or recognized under KRS Chapter 18A or KAR Title 101.

10.6 In no event shall any subrecipient personnel be deemed to be a third-party beneficiary of this award.

10.7 Subrecipient shall provide a contact to resolve any and all issues related to this award and promptly update the contact information as necessary.

10.8 All notices under this award shall be given in writing. Electronic mail constitutes a writing.

10.9 No change, waiver, or discharge of any liability or obligation under this

1/8/2018

specialspecialconds continued

award on any one or more occasions shall be deemed a waiver of performance of any continuing or other obligation, or shall prohibit enforcement of any obligation, on any other occasion.

10.10 No party shall assign its respective rights or obligations under this award. Any purported assignment or delegation in violation of this award is void.

10.11 The terms and conditions of this award may only be amended by mutual written consent of both parties to the extent permitted by the terms of GMB's OJP award.

10.12 This award shall be construed and enforced in accordance with the laws of the Commonwealth of Kentucky and the United States of America.

10.13 The parties agree that any claim, action, or lawsuit arising under this award must be brought in Franklin Circuit Court in the Commonwealth of Kentucky or the Eastern District of Kentucky.

10.14 If any term or provision or any part of this award is declared invalid or unenforceable, the remainder of this award shall not be affected, and each term and provision of this award shall be valid and enforceable to the fullest extent permitted by the law.

10.15 This award is the final and exclusive agreement between the parties. All prior agreements are superseded by this award.

**KENTUCKY JUSTICE AND PUBLIC SAFETY  
CABINET  
Grants Management Branch**

**STATEMENT OF ACTION GRANT AWARD**

**Grant No:** VOCA-2017-LFUCG Stre-00058

**Subgrantee:** Lexington Fayette Urban County Gover

**Program Area:**

**Project Title:** Underserved Minority Victim

**Grant Period:** 10/1/2017 9/30/2018

**Date of Award:** 10/1/2017

**BUDGET**

**Federal Funds Awarded:** \$95,445.00

**Matching Contribution Provided By:**

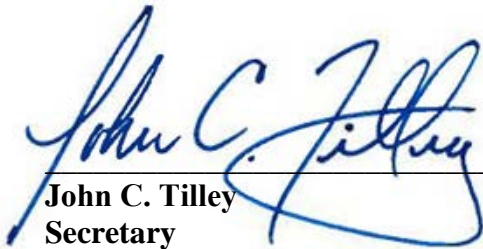
**Subgrantee:** \$32,773

**Total:** \$128,218.00

In Accordance with the provisions of the Victims of Crime Act of 1984, Public Law 98-473, Title II, Chapter XIV, 42 U.S.C. 10601, et. seq., and on the basis of the approved application and budget, the Kentucky Justice Cabinet does hereby offer this action grant contract and award in the amount and for the time specified above.

This grant contract is subject to the liabilities and obligations specified in the action grant application as well as the general and special conditions attached to it. It is also subject to further guidelines, regulations, and policies as may be reasonably prescribed by the Office of Justice Programs and the Kentucky Justice and Public Safety Cabinet, consistent with the purposes and authorizations of Public Law 98-473.

In order to legally accept this award and grant contract, the authorized official of the subgrantee must execute this acceptance of grant award and immediately upload/return it to the Kentucky Justice and Public Safety Cabinet, Grants Management Branch.



John C. Tilley  
Secretary

Recipient/Subrecipient Acceptance of Award Conditions:

I have read and agree to comply with the foregoing conditions of award as set forth herein.

**Authorized Official**  
(Mayor, County Judge, Chief Executive of State Agency  
or Designee from contact page)

**Date**