

## **VOCA CERTIFIED ASSURANCES 2020 (REVISED)**

These certified assurances are for VOCA Subawards funded in whole or in part under 2020-V2-GX-0002, 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 certified assurances. This document should be signed by the Authorizing Official, 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 certified assurances of this subaward are material requirements of the subaward. Compliance with any certified assurance submitted by or on behalf of the subrecipient that relates to conduct during the period of performance also is a material requirement of this subaward.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm](http://ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the subrecipient, the authorized official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized subrecipient official, all assurances or certifications submitted by or on behalf of the subrecipient that relate to conduct during the period of performance.

Failure to comply with any one or more of these subaward requirements (certified assurances) -- 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 District Attorneys Council ("DAC") and/or Office of Justice Programs ("OJP") taking appropriate action with respect to the subrecipient and the subaward. Among other things, the DAC or OJP may withhold award funds, disallow costs, or suspend or terminate the subaward. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government or the DAC 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 it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable; such provision shall be deemed severable from this 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 2020 award from OJP and all subawards.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 award.

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: Records pertinent to the subaward that the subrecipient at any tier must retain is 6 ½ years from the date of submission of the subrecipient’s final quarterly 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 DAC 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](https://ojp.gov/financialguide/DOJ/index.htm) 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 DAC 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 certified assurances 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 certified assurances, references set out in material incorporated by reference through the subaward certified assurances, and references set out in other subaward requirements and documents, including the [Victims of Crime Act \(VOCA\) Financial & Administrative Guide](#) produced by the DAC.

### **5. 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 making this election on the Indirect Cost Page located in the online VOCA Grant Application kit. 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](#).

### **6. 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 the DAC in writing of the potential duplication, and, if so requested by the

DAC, must seek a grant adjustment or change in goals and objectives to eliminate any inappropriate duplication of funding.

## **7. 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), currently accessible at <https://www.sam.gov/SAM/>. This includes applicable requirements regarding registration with SAM, as well as maintaining current information in SAM.

The details of the subrecipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://www.ojp.gov/funding/explore/sam> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

## **8. 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 DAC no later than 12 hours of after an occurrence of an actual breach, or the detection of an imminent breach. The DAC will send the appropriate form to complete at the time notification is made. The organization's PII breach policy and procedures should be uploaded into OKGrants for each VOCA project.

## **9. 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.

**10. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000.00.**

The subrecipient at any tier must comply with all applicable requirements to obtain specific advance approval from the DAC to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000.00). 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 \$250,000)), and are incorporated by reference here. Notify DAC if there are any procurement contracts that are expected to exceed \$250,000. Advance approval must be obtained by DAC and OJP.

**11. 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.

**12. 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](#).

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

The recipient (DAC) 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 DAC in a manner (including within the timeframes) specified by DAC. Data is reported quarterly on a form referred to as the Performance Measurement Tool (PMT) provided by the DAC. 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.

### **14. 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](#).

### **15. 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.

### **16. 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.”

### **17. 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.

Currently, among other things, [28 C.F.R. Part 38](#) includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to subrecipient organizations that engage in or conduct explicitly

religious activities, as well as rules and requirements that pertain to subrecipients that are faith-based or religious organizations.

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

Should the subrecipient receive a written discrimination complaint from an individual, the complaint should be forwarded to the DAC. 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 DAC and to the [Office of Civil Rights, OJP](#).

#### **18. 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 DAC for guidance. The subrecipient may not proceed without the express prior written approval of DAC.

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

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020) The recipient, and any subrecipient ("subgrantee") 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://www.ojp.gov/funding/explore/award-condition-general-appropriations-law-restrictions-use-federal-award-funds-fy-2020>, 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 OJP for guidance, and may not proceed without the express prior written approval of OJP.

## **20. Reporting potential fraud, waste, abuse, and similar misconduct**

The subrecipient at any tier must promptly refer to the DAC and/or 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 award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

The DOJ OIG hotline Email is: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov) or <https://oig.justice.gov/hotline>

Additional information is available from the DOJ/OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

## **21. 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 DAC, 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 DAC and OVC, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by DAC and OVC.
  
2. If the subrecipient does or is authorized under this subaward 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 DAC and OVC, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by DAC and OVC.

**22. 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 the DAC for guidance.

### **23. 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.

### **24. Subrecipient authorization to examine records.**

The subrecipient at any tier authorizes the DAC, 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.

### **25. 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 [VOCAhelp@dac.state.ok.us](mailto:VOCAhelp@dac.state.ok.us) as soon as it becomes available.

### **26. 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.

### **27. Other Subrecipient Assurances**

- a) The subrecipient will provide services, at no charge, through the VOCA-funded project. Any deviation from this provision requires prior approval from DAC.
- 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 the State is prosecuting the criminal case.
- 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). The subrecipient will upload the organization's LEP Policies and Procedures into the OKGrants system for each subgrant award.

## **28. Confidentiality**

(a) *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 (b) and (c) of this section— (1) 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 (2) 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.

(b) *Release*. If release of information described in paragraph (a)(2) of this section 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.

(c) *Information sharing*. Subrecipients may share— (1) 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; (2) Court-generated information and law-enforcement-generated information contained in secure governmental registries for protection order enforcement purposes; and (3) Law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

(d) *Personally identifying information*. In no circumstances may—(1) A crime victim be required to provide a consent to release personally identifying information as a condition of eligibility for VOCA-funded services; (2) Any personally identifying information be shared in order to comply with reporting, evaluation, or data-collection requirements of any program;

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

**29. 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—

- (1) this award requirement for verification of employment eligibility, and
- (2) 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 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* - DAC is responsible for monitoring subrecipient compliance with this certified assurance

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 (<https://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).

Questions about the meaning or scope of this condition should be directed to DAC, before award acceptance.

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

This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by the VOCA award, whether by the recipient (DAC) or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

#### *1. No discrimination, in procurement transactions, against associates of the federal government*

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable

requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) 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 USDOJ.

2. *Monitoring* - The DAC's monitoring responsibilities include monitoring of subrecipient compliance with this 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. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

### **31. Determination of suitability to interact with participating minors**

The VOCA subrecipient, subrecipient contractors, subcontractors and consultants providing services to minors must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

This certified assurance requires that subrecipients prepare *determinations of suitability* to interact with minors in advance of any individual being permitted to interact with minors as part of the VOCA-funded program. In order to aid the subrecipient programs in complying with this certified assurance, the DAC will provide a *Determination of Suitability to Interact with Minors* form that can be uploaded with each VOCA grant.

The details of this requirement are summarized below and are posted on the OJP web site at:

<https://ojp.gov/funding/Explore/Interact-Minors.htm>

1. *Advance determination regarding suitability.* The subrecipient may not permit any covered individual to interact with any minor receiving services in the VOCA-funded program unless the subrecipient first has made a written determination of the suitability of that individual to interact with minors.
2. *Updates and reexaminations.* a) The subrecipient must, at least every five years, update the criminal background searches and reexamine the covered individual's suitability determination in light of those search results, and, if appropriate, modify or withdraw that determination.
3. *Definitions –* a) "Covered individual" means any individual (other than a participating minor or a client of the subrecipient who is expected, or reasonably likely, to interact with any participating minor, other than the individual's own minor children). A covered individual need not have any particular employment status or legal relationship with the subrecipient. Such an individual might be an employee of a subrecipient, but also might be a consultant, contractor, employee of a contractor, trainee, volunteer or teacher. b) "Participating minor" means all individuals under 18 years of age receiving services under the VOCA-funded project. c) "Interaction" includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. Interaction does not include brief, unexpected and unintentional contact and those contacts where there is another adult present, pursuant to written policies and procedures of the subrecipient, that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this condition will closely and personally accompany, and remain continuously within view and earshot of, the covered individual. d) "Activities under the award" mean activities carried out under the VOCA award, using VOCA funds, matching funds or program income. Activities also include actions taken by an entity or individual pursuant to a procurement contract under the subaward at any tier. e) "Current and appropriate information" means, in addition to information resulting from checks or screening required by applicable federal, state, tribal, or local law, and/or by the subrecipient's own written policies and procedures, current and appropriate information includes the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability.

(1) Public sex offender and child abuse websites/registries. A search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably-accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, including-- (a) the National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov)); (b) the website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and (c) the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to,

or reasonably likely to, interact with a participating minor in the course of activities under the award.

(2) Criminal history registries and similar repositories of criminal history records. For each individual at least 18 years of age who is a covered individual under this FY 2020 award, a fingerprint search (or, if the recipient or subrecipient documents that a fingerprint search is not legally available, a name-based search, using current and, if applicable, previous names and aliases) -- encompassing at least the time period beginning five calendar years preceding the date of the search request -- of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories, including--a) the criminal history registry for each state in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and b) the criminal history registry for each state in which he or she is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

4. *Factors and considerations in determinations regarding suitability* - In addition to the factors and considerations that must or may be considered under applicable federal, state, tribal, or local law, and under the subrecipient's written policies and procedures, in making a determination regarding suitability, the subrecipient must consider the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability.

In particular (unless applicable law precludes it), with respect to either an initial determination of suitability or a subsequent reexamination, the subrecipient may not determine that a covered individual is suitable to interact with participating minors in the course of activities under the award if the covered individual--

- a. Withholds consent to a criminal history search required by this condition;
- b. Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;
- c. Is listed as a registered sex offender on the National Sex Offender Public Website;
- d. To the knowledge of the subrecipient, has been convicted -- whether as a felony or misdemeanor -- under federal, state, tribal, or local law of any of the following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):
  - (1) sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
  - (2) rape/sexual assault, including conspiracy to commit rape/sexual assault;



(3) sexual exploitation, such as through child pornography or sex trafficking;

(4) kidnapping;

(5) voyeurism; or

e. Is determined by a federal, state, tribal, or local government agency not to be suitable.

5. *Administration; rule of construction:* a) The requirements of this condition will be monitored by the DAC; b) The subrecipient is to contact the DAC with any questions regarding the requirements of this condition and must not allow a covered individual to interact with a participating minor until such questions are answered; c) DAC may allow awarded funds to be used, in part, for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition, provided that such funds would not supplant non-federal funds that would otherwise be available for such costs; d) nothing in this certified assurance shall be understood to authorize or require any subrecipient at any tier, or any person or other entity, to violate any federal, state, tribal, or local law, including any applicable civil rights or nondiscrimination law.

6. *Written policies and procedures:* Subrecipients are required to prepare written policies and procedures pertaining to this certified assurance and upload those written policies and procedures into OKGrants prior to October 31, 2020. The procedures should identify the sources of information the subrecipient organization intends to use to support the determination of suitability to interact with minors (one example would be the National Sex Offender Registry).

7. *Advising covered individuals:* All employees, volunteers, contractors and consultants who are deemed to be a covered individual, should be properly advised of this new certified assurance and the need for a determination of suitability by the subrecipient organization. This may require subrecipient organizations develop a form to be completed by covered individuals that would ask certain questions necessary to aid the subrecipient in making the determination of suitability. At a minimum, the notice should request names and aliases used by the covered person in the immediate 5 years prior to the request, and all cities and states the covered individual has lived, worked or gone to school in the 5 years prior to the request.

8) *Determination of suitability to interact with participating minors form:* This form will be provided by the DAC and should be uploaded in OKGrants annually. The form should list all covered individuals deemed suitable to interact with participating minors, the date the covered individual(s) received the designation of suitability by the subrecipient organization, when the next review will be initiated, and the screening(s) performed. This determination must be made every five years for each covered individual. Those individuals deemed not suitable to provide services to minors should not be listed on the form and should not be permitted to interact with participating minors under the VOCA award contract.

9) *Grant Adjustment Notice for compliance with this certified assurance:* Subrecipients may be permitted to do a grant adjustment notice (GAN) to move funds into the “Other” category, if necessary, to fulfill the requirements of this certified assurance provided the use of federal funds would not supplant existing funds the subrecipient has for the same purpose.

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

|  |               |                                      |               |
|--|---------------|--------------------------------------|---------------|
| _____<br>VOCA Grant Authorizing Official | _____<br>Date | _____<br>VOCA Grant Project Director | _____<br>Date |
| _____<br>VOCA Grant Financial Officer    | _____<br>Date |                                      |               |