

Appendix D

Standard and Special Conditions and Assurances

State of West Virginia



Division of
Justice &
Community
Services

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

All correspondence to DJCS, which is required and/or occurs as a result or action of any of the following Special Conditions and Assurances, or as a result of the administration of any DJCS grant program, should be mailed to the following address:

West Virginia Division of Justice & Community Services
1204 Kanawha Boulevard, East
Charleston, West Virginia 25301

1. LAWS OF WEST VIRGINIA:

This grant application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by DJCS, regardless of the original funding source. This grant is on a "REIMBURSEMENT ONLY" mechanism.

2. LEGAL AUTHORITY:

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3. RELATIONSHIP:

The relationship of the grantee to DJCS shall be that of an independent contractor, not that of a joint enterprise. The grantee shall have no authority to bind DJCS for any obligation or expense without the express prior written approval from DJCS.

4. COMMENCEMENT WITHIN 60 DAYS:

This project must be operational within 60 days of the project starting date, as specified in the grant contract agreement. If the project is not operational within 60 days of the specified project starting date, the grantee must report by letter to DJCS, the steps taken to initiate the project, the reasons for delay, and the expected starting date.

5. OPERATIONAL WITHIN 90 DAYS:

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a second statement to DJCS explaining the delay in implementation. Upon receipt of the 90-day letter, DJCS may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

6. WRITTEN APPROVAL OF CHANGES:

The grantee must obtain prior written approval from DJCS for all project changes (programmatic, fiscal or otherwise).

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7. CIVIL RIGHTS COMPLIANCE:

Grantee will comply with any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. § § 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. § § 6101-07); 28 C.F.R. pt. 31 (U.S. Department of Justice Regulations-OJJDP Grant Programs); 28 C.F.R. pt. 42 (U.S. Department of Justice Regulations-Nondiscrimination; Equal Employment Opportunity; Policies and Procedures); Exec. Order No. 13279 (equal protection of the laws for faith-based and community organizations); Exec. Order No. 13559 (fundamental principles and policymaking criteria for partnerships with faith-based and neighborhood organizations); and 28 C.F.R. pt.38 (U.S. Department of Justice Regulations-Equal Treatment for Faith-Based Organizations).

In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, or sex against a recipient of funds, the grantee will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and the West Virginia Division of Justice and Community Services.

8. PRESS RELEASE:

Pursuant to the Stevens Amendment, any release of information pertaining to this grant must include the following information:

1. grant amount;
2. State involvement (name of state entity responsible for administering the grant); and,
3. Federal involvement if applicable (name of federal entity responsible for administering the grant).

9. LOBBYING:

Grantee will comply with any and all lobbying provisions and/or restrictions as outlined in OMB circular A-122, and/or relevant State laws.

10. ACCESS TO RECORDS:

DJCS, through any authorized representative, shall have access to and the right to examine all records, books, papers, or documents related to the grant and to relevant books and records of contractors.

11. CONFLICT OF INTEREST:

No public official or employee of the grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can reasonably be expected to result in any benefit or remuneration to that individual or that individual's immediate family.

12. POLITICAL ACTIVITY:

The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1508.)

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13. RELEASE OF INFORMATION:

All records, papers and other documents kept by recipients of grant funds are required to be made available to DJCS. These records and other documents submitted to DJCS and its grantees, including plans and application for funds, reports, etc., may be subsequently required to be made available to entities under Federal Freedom of Information Act, 5. U.S.C. §552, or Chapter 29B, Article 1 (West Virginia Freedom of Information) of the West Virginia Code.

DJCS recognizes that some information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement, personnel or juvenile sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under state control is subject to requests made pursuant to the Chapter 29B, Article 1 of the West Virginia Code, all determinations concerning the release of information of this nature are made on a case-by-case basis by DJCS, and may fall within one or more of the available exemptions under the Act.

Grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult DJCS regarding concerns or questions about the release of potentially sensitive information under state and local laws.

14. NATIONAL AND STATE EVALUATION EFFORTS:

The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

15. OBLIGATION OF PROJECT FUNDS:

Funds may not, without prior written approval from DJCS, be obligated prior to the effective start date or subsequent to the termination date of the project period. Obligations outstanding as of the project termination date shall be liquidated within thirty (30) days.

16. USE OF FUNDS:

Funds awarded through DJCS may be expended **ONLY** for the purposes and activities specifically covered by the grantee's approved project description and budget. By attaching their signature, the grantee recognizes that **any** deviations from the original grant budget are unallowable.

17. ALLOWABLE AND UNALLOWABLE COSTS:

Allowable and unallowable costs incurred under this grant shall be determined in accordance with General Accounting Office principles and standards.

18. PEER REVIEW SUB GRANTEE EVALUATION PROCESS:

The applicant agrees to discharge if necessary - at the request of DJCS - knowledgeable, competent personnel (preferably a Project Director) to participate in a contemplated "peer review" process/advisory council. The purpose of this process would be to assist DJCS in making grant funding recommendations and furthered policy development regarding individual grant programs throughout the State. This would be no more than 2-3 days per annum.

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19. NON-SUPLANTING:

Grant funds must be used to supplement existing funds for program activities and may not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from state grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The grantee hereby certifies that funds made available under this grant will not be used to supplant other funding sources.

20. MATCHING CONTRIBUTION:

The grantee will have available, and will expend as needed, adequate resources to defray that portion of the total costs as set forth in this application as "match" and as approved by the West Virginia Division of Justice & Community Services. The applicant assures that the matching funds required to pay the grant portion of the cost of each program and project, for which funds are made available, shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Matching contributions are subject to the same expenditure guidelines established by the West Virginia Division of Justice & Community Services for this program. All grantees must maintain records that clearly show the source, the amount and the timing of all matching contributions. Please be reminded that if match is not "required" by the grant program for which you are making application, but committed and indicated on the budget pages of this application, then this special condition shall be affected.

21. PROJECT INCOME:

All income earned by the grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by DJCS as are established for granted funds. All grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement.

22. CONSULTANT FEES:

Approval of this grant does not indicate an approval of consultant rates in excess of \$450 per day. Specific and detailed justification must be submitted to, and approved by DJCS prior to obligation or expenditure of such funds.

23. SUSPENSION OF FUNDING:

DJCS may suspend, in whole or in part, terminate, or impose other sanctions on any grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- Failure to submit reports;
- Filing a false certification in this application or in another report or document; or,
- Other cause shown.

24. SANCTIONS FOR NONCOMPLIANCE:

In the event of the grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, DJCS shall impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the grantee until the grantee complies;
- Cancellation, termination or suspension of the contract, in whole or in part; or,
- Refrain from extending any further assistance to the grantee until satisfactory assurance of future compliance has been received.

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25. SUBMISSION/RELEASE OF PUBLICATIONS/PRESS RELEASE:

The grantee shall submit one copy of all reports and proposed publications resulting from this agreement to DJCS twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the West Virginia Division of Justice & Community Services (or simply "DJCS"). Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the State of West Virginia or the Division of Justice & Community Services."

"This project supported by Grant No. _____ awarded by the West Virginia Division of Justice & Community Services and the U.S. Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also included the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United State Department of Justice."

26. PROPERTY ACCOUNTABILITY:

The grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a grant by DJCS. This obligation continues as long as the property is retained by the grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from DJCS. Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program (if applicable), with copies provided to DJCS. Property must be used for the intended grant purposes, if not being used in accordance with terms of the grant property will revert back to DJCS.

27. CRIMINAL PENALTIES:

Whoever embezzles or endeavors to embezzle, willfully misapplies, steals or obtains by fraud any funds, assets, or property which are the subject of grant or contractor or other form of assistance pursuant to this title, whether received directly or indirectly from the administration; or whether receives, conceals, or retains such funds, assets, or property to his use or gain, knowing such funds, assets, or property to have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to the Act shall be subject to prosecution under the provisions of Section 1011 of Title 18, United States Code. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to the Act, whether received directly or indirectly from the administration, shall be subject to the provisions of Section 871 of Title 18, United States Code.

28. REPORTS:

Each grantee shall submit such reports as DJCS shall deem reasonably necessary to the execution of monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.

29. PURCHASING:

When making purchases relevant to the grant, the grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government or other agency.

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30. COLLABORATION W/OTHER FED. AND STATE GRANTS:

Where warranted, this initiative/grantee shall make every effort to support or assist other federally funded or State grant programs in any manner, including but not limited to, providing personnel, supplies, equipment and any other resources deemed necessary by DJCS.

31. INFORMATION SYSTEMS:

With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:

- a. That all computer programs (software produced under this grant) will be made available to DJCS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- b. To provide a complete copy of the computer programs and documentation, upon requests, to DJCS. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- c. That whenever possible all application programs will be written in standardized programming languages (i.e. Cobol, Fortran, C, C++, XML, etc.) or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
- d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916/392-2550) should be contacted to determine availability of software prior to any development effort.

32. INCIDENT BASED REPORTING COMPLIANCY:

Grant applicants (cities & county commissions) will not be considered for funding if the applicant is not current with submitting Incident Based Reporting (IBR) information to the West Virginia State Police (if applicable). Grantees must remain current with submitting IBR information to the West Virginia State Police or grant funding will be withheld until such time as that grantee becomes IBR compliant.

33. TIME EXTENSIONS:

In general, time extensions for this program will not be granted. Unexpended grant funds remaining at the close of the grant period shall be deobligated.

34. USE OF GRANT FUNDS TO ENACT LAWS, POLICIES, ETC.:

Grantee understands and agrees that it cannot use any grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.

35. LIMITED ENGLISH PROFICIENCY:

Grantee must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency. For more information on the civil rights responsibilities that grantees have in providing language services to limited English proficiency individuals, please see the website www.lep.gov.

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36. COMPUTER EQUIPMENT:

Grantees purchasing computer equipment (hardware, software, or peripherals) with grant funds are required to adhere to the established bidding procedures for their respective units of government or agency. To ensure reputable vendors are obtained, grantees may consider utilizing the current applicable State computer contract. The following are **minimum** hardware requirements, as well as software requirements, established by DJCS for this grant program, which must be recognized when purchasing computer equipment, in whole or in part, utilizing grant funds:

Minimum Hardware Requirements:

- Intel Pentium III 733 MHz Processor; 133MHz front side bus
- 512K L2 Cache
- 128 MB SDRAM 100 MHz expandable to at least 384 MB
- 10 Gig. EIDE Ultra ATA 7200RPM Hard Drive
- 3.5" 1.44 MB Floppy Diskette Drive
- 48X Max Internal CD-ROM drive or 8X DVD-ROM drive
- 3 PCI, 1 16-bit ISA slot, 1 PCI/ISA (shared), 1 AGP slot
- ATI 8 MB AGP 2X Rage Pro Video Card
- 1 Parallel, 2 Serial, 2 USB
- 101/104-Key Keyboard (PS/2)
- PS/2 Port Compatible Mouse

Recommended Hardware Components:

- Mid-tower case
- 16-Bit 3D Sound Blaster Compatible w/ 64 voice wavetable and speakers (may be integrated)
- 3Com 10/100 PCI Ethernet Network Card
- APC UPS Backup power protection (adequate size to handle power load)
- Iomega Internal Zip Disk Drive

Software Requirements:

Whenever possible, software should operate within open industry standards. For example, Windows 2000 Operating System, Microsoft Office 2000 Professional, etc.

Warranty Requirements:

3 Year on-site warranty

37. PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:

Grantees must support public safety and justice information sharing. The grantee is required to use the Global Justice Data Model specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/gjxdm.

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38. PROGRAM ACCOUNTABILITY – FEDERAL AUDIT REQUIREMENTS:

Federal Office of Management and Budget (OMB) sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. If applicable, this grant shall adhere to the audit requirements set forth at the time of award. (2CFR Part 200 or OMB Circular Q-133 – for further information go to OMB Uniform Guidelines at: https://search.whitehouse.gov/search?affiliate=wh&form_id=usasearch_box&query=Indirect+Costs

§200.501(a) *Audit required.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

(b) *Single audit.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

(c) *Program-specific audit election.* When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a sub-recipient, approves in advance a program-specific audit.

(d) *Exemption when Federal awards expended are less than \$750,000.* A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

l.) If an audit must be conducted pursuant to the Uniform Guidelines, a copy of the audit shall be submitted to DJCS as well as to the Federal

39. PROGRAM ACCOUNTABILITY – STATE AUDIT REQUIREMENTS:

l.) Sub grantee assures that it has read, understands, and is in full compliance with all requirements as set forth in §12-4-14., Code of West Virginia, or as amended, and is not currently debarred from receiving state grant funds as a result of non-compliance with §12-4-14. Sub grantee further understands that if it is currently debarred or is not in compliance with §12-4-14., it is ineligible to receive funding from the West Virginia Division of Justice Community Services.

40. CONFIDENTIALITY OF RESEARCH INFORMATION:

Pursuant to Section 229 of the Act, research information identifiable to an individual, which was obtained through a project funded wholly or in part with United States Department of Justice program funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).

41. LEASE AGREEMENTS:

Grantee agrees to provide DJCS with a description of proposals to use grant funds to enter into lease arrangements with private entities for the purpose of fulfilling the goals and objectives of this project.

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42. EQUAL EMPLOYMENT OPPORTUNITY PLAN:

The grantee will provide an Equal Employment Opportunity Plan (EEOP) to the Office for Civil Rights, Office of Justice Programs (OCR) and the West Virginia Division of Justice and Community Services, if it has received a single award of \$500,000 or more. If the grantee receives \$25,000 or more and has 50 or more employees, it will maintain a current EEOP on file and submit an EEOP Certification Form to the OCR, certifying that its EEOP is on file. For public grantee agencies receiving less than \$25,000, or public grantee agencies with fewer than 50 employees, regardless of the amount of the award, the grantee will provide an EEOP Certification Form to the OCR certifying it is not required to submit or maintain an EEOP. EEOP Certification Forms are available at: <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

43. VETERANS PREFERENCE:

This program includes a provision that grantees utilizing funds to hire additional personnel, to the extent possible, give suitable preference in employment to military veterans. DJCS defines "suitable preference" as the requirement that a grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

44. IMMIGRATION AND NATURALIZATION VERIFICATION:

The grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of state funds to verify that employees are eligible to work in the United States.

45. PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:

It is the sense of DJCS that to the greatest extent practicable, all equipment and products purchased with state funds made available under this grant should be American-made.

46. PERSONNEL TRAINING:

For projects involving payment of personnel or overtime pay, DJCS reserves the right to require training as a condition of the grant before or at any time during the project period.

47. ACCOUNTING REQUIREMENTS:

Grantee agrees to record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording must separate all project costs from the grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material, must be retained and be available for audit purposes.

48. OFFICE OF JUSTICE PROGRAMS (OJP) FINANCIAL GUIDE:

Grantee agrees to comply with the financial and administrative requirements as set forth in the current edition of the OJP Financial Guide.

49. TRANSFER OF FUNDS PROHIBITION:

The grantee is expressly prohibited from transferring funds between any DJCS programs.

50. MARKING OF EQUIPMENT:

Grantee will ensure that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the West Virginia Division of Justice & Community Services."

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51. PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:

Grantee acknowledges that DJCS reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support.

Grantee agrees to consult with DJCS re the allocation of any patent rights that arise from, or are purchased with, this funding.

52. SYSTEM FOR AWARD MANAGEMENT REGISTRATION:

Grantee agrees to register with the System for Award Management (SAM) and provide documentation to DJCS within 30 days of award notification that they have done so. If a sub-grantee is restricted by the Federal Government, their funds will be frozen until DJCS receives notification this restriction has been lifted

53. DATA UNIVERSAL NUMBERING SYSTEM:

Grantee agrees to acquire a Data Universal Numbering System (DUNS) number, www.dnb.com and provide documentation to DJCS within 30 days of award notification that they have done so.

54. JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT:

Grantee agrees to comply with the four core protections under the Juvenile Justice & Delinquency Prevention (JJDP) Act of 1974, reauthorized 2002.

- Deinstitutionalization of status offenders (DSO).
- Separation of juveniles from adults in institutions (separation).
- Removal of juveniles from adult jails and lockups (jail removal).
- Reduction of disproportionate minority contact (DMC), where it exists.

This includes, but is not limited to, completing the annual the WV Certification of Non-Secure Facilities and submitting to DJCS, if applicable, and submitting a monthly Secure Holding Log, if applicable.

55. BIDDING PROCEDURES:

Funds for renovation, expansion or construction awarded to grantees or subgrantees, which require the letting of any single contract amounting to \$100,000 or more to a private company or individual shall require: a bid guarantee equivalent to 5% (five percent) of the bid price; the bid guarantee must consist of a firm commitment such as a bid bond, certified check, or negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified after forms are presented to the successful bidder; a performance bond on the part of the 100% (one hundred percent) of the contract price ("Performance bond" means a bond executed in connection with a contract to ensure payments required by all persons supplying labor and materials in the execution of the work provided for in the contract.); a payment bond on the part of the contractor for 100% (one hundred percent) of the contract price. ("Payment bond" is one executed in connection with a contract to ensure payment as required by law, of all persons supplying labor or materials in the execution of the work provided for in the contract.) Recipient/subgrantee is expected to follow the competitive bid process in the award of contracts involving Federal grant funds.

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56. COMPLIANCE WITH FEDERAL PROCEDURES:

The applicant assures that it will comply with the provisions of 28 Code of Federal Regulation (CFR) applicable to grants and cooperative agreements, including:

- a. Part 11, Applicability of Office of Management and Budget Circulars.
- b. Part 18, Administrative Review Procedures.
- c. Part 20, Criminal Justice Information Systems.
- d. Part 22, Confidentiality of Identifiable Research and Statistical Information.
- e. Part 23, Criminal Intelligence Systems Operating Policies.
- f. Part 30, Intergovernmental Review of Department of Justice Programs and Activities
- g. Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures

57. ADDITIONAL REGULATIONS AND PROCEDURES:

In addition, all grantees must comply with the following applicable federal regulations and/or the United States Department of Justice, Office of Justice Programs - M 7100.1D manual, OMB Uniform Administrative Requirements for Grants and Cooperative Agreements

58. RELIGIOUS ACTIVITIES

Grantees must ensure that services are offered without regard to religious affiliation and that receipt of services is not contingent upon participation in a religious activity or event. Furthermore, all religious activities must be separate in time or place from the funded project. Participation in such activities by individuals receiving services must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.

To the best of my knowledge the applicant has and will comply with all of the attached Standard Conditions and Assurances.

Authorized Official:

Title:

Signature:

Date:

**WEST VIRGINIA
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Services**

**STOP VIOLENCE AGAINST WOMEN GRANT
SPECIAL CONDITIONS AND ASSURANCES**

59. ADMINISTRATIVE CHANGES:

The applicant must advise DJCS immediately in writing if there are any changes in the: (1) Project Director, (2) Fiscal Officer, (3) Authorized Official, or (4) STOP VAWA Grant-funded staff position(s). Please also submit to DJCS a new membership list if there are any changes in the members of a governing board, such as County Commission or City Council, or changes in members of the STOP Team or Advisory Board/Committee.

60. LATE REPORTING:

Funded agencies understands that projects which become 60 days delinquent in the submission of reporting requirements will forfeit one month of reimbursable expenses for the entire project. Each additional 30 days past the initial 60-day delinquency period shall result in an additional forfeiture of a month's reimbursable expenses. All requests for reimbursements and accompanying documents are due to DJCS by the 20th of each month. A history of late reports may result in a 25% cut in future funding.

61. CLIENT FILES:

Funded agencies must maintain client files for all victims served to document type of crime and services provided throughout the grant period. Funded agencies also agrees to collect and maintain information, where such information is voluntarily furnished by those receiving service, on race, sex, national origin, age and disability. These records are to be available at any time for review by DJCS as long as it follows the Violence Against Women Act and all re-authorization confidentiality requirements.

62. CLIENT SURVEYS/EVALUATIONS:

All funded agencies are required to implement client surveys for evaluation purposes. DJCS may require a copy of these surveys/evaluations or request proof survey is being implemented. All surveys/evaluations must ensure client confidentiality.

63. CLIENT CONFIDENTIALITY:

All funded community-based agencies must maintain a written confidentiality policy that prohibits the disclosure of victim's name, address, phone number, any contact information, or any other personally identifying information without prior voluntary written and informed consent of the victim (or legal guardian). All confidentiality policies must adhere to all confidentiality requirements under the Violence Against Women Reorganization Act of 2005 and 2013. All funded agencies must maintain confidentiality as required under the Violence Against Women Reorganization Act of 2005 and 2013 and complies with the provision of 42 U.S.C. 13925(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies, procedures for release of information.

64. NOTIFICATION OF VICTIM COMPENSATION PROGRAM:

All funded agencies are required to assist crime victims in seeking available and eligible crime victim compensation benefits. Such assistance may include identifying and notifying crime victims of the availability of the victim compensation fund, assisting with the application forms and procedures, obtaining necessary documents, and/or checking on claim status.

65. GRANT FILE:

Sub-grantee must maintain a grant file containing all grant-related documents, such as the grant agreement, monthly financial reports, monthly progress reports, and any grant-related correspondence. In some situations, the project site maybe at a different location than the official sub-grantee. Therefore, an official grant file should be maintained by both the official sub-grantee and the project site. These records are to be available at any time for review by DJCS. All grant files are to be kept for three years after the Federal Grant period ends.

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66. ADMINISTRATIVE MANUAL:

All pertinent information in regard to the Violence Against Women Act of 1994 and amendments and all applicable federal and state laws, orders, circulars and regulations are updated and maintained in the appropriate administrative manual by sub-grantees.

67. TRAVEL/TRAINING:

Any sub-grantee and/or funded agency receiving STOP VAWA Grant funding for training must submit in writing to DJCS a training plan, and must also request in writing any adjustments to a training plan. Also, any STOP VAWA grant-funded staff position who attends any training workshop or conference must submit a written narrative identifying the training, its purpose, what specific workshops they want to attend, and the useful information obtained that will assist in implementing the STOP VAWA grant project. **All trainings must be approved in advance by DJCS** by submitting a written request (from project director) identifying the staff person who will be attending, the name of the conference and purpose, and attaching a brochure outlining the costs and the agenda.

Please note – sub-grantee representatives (project director and STOP VAWA-funded staff positions/volunteers) and/or STOP Team members may be required to attend training workshops deemed critical by DJCS.

68. VAWA-FUNDED TRAINING EVENTS:

All agenda topics and trainers must be pre-approved by DJCS for any training events (conferences, workshops, symposiums, etc.) paid for with STOP VAWA funds. A written request must be submitted to DJCS **90** days prior to entering into any agreements for agenda topics, speakers, and/or trainers. The request must include workshop descriptions and speaker biographies. All state agencies are required to work with the WV Coalition Against Domestic Violence and/or the WV Foundation for Rape Information and Services in acquiring appropriate speakers prior to the conference.

Please note – all STOP VAWA funded training events must include an evaluation component and the results of the evaluations must be submitted to DJCS with the corresponding monthly report. Also, all funded trainings must provide certificates for all participants. The sub-grantee understands that any training or training materials developed or delivered with funding provided under this award must adhere to the OWW Training Guiding Principles for Grantees and Sub-grantees available at <http://www.ovw.usdoj/grantess.html>.

69. INTERAGENCY AGREEMENTS:

Where applicable, sub-grantee and funded agencies must develop a formal referral protocol and interagency agreements; copies of interagency agreements and referral protocols may be required to be submitted with the application.

67. HIRING, FIRING and GRIEVANCE PROCEDURES:

Hiring, firing and grievance procedures outlined in the grant application should be followed in hiring and firing STOP VAWA grant-funded staff positions. Staff hired must meet the qualifications outlined in the job description for the position. DJCS is to be advised in writing if there are any difficulties in filling STOP VAWA grant-funded staff positions. Staff are to be made aware of all policies concerning hiring, firing and grievance procedures

70. PLANNING AND EVALUATION TEAM:

The applicant is required to maintain an interagency Planning and Evaluation Team (STOP Team) that will meet at least quarterly to review the status of grant objectives, to develop strategies for resolving any problems or barriers, and to perform periodic evaluations. This team must adhere to all minimum requirements contained in the STOP VAWA program guidelines. Statewide projects may use an advisory board or committee for this purpose.

71. CONSULTATION WITH VICTIM SERVICES:

All law enforcement, prosecution, and court applicants are required to consult with local non-profit victim service programs during the course of developing their application in order to ensure the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.

72. ACTIVITIES THAT MAY COMPROMISE VICTIM SAFETY:

Grantee and funded agencies agrees that grant funds will not support activities that may compromise victim safety and recovery, such as procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health conditions, criminal record, work in the sex industry or the age and/or sex of their children; or in **pre-trial diversion** or participation in **pre-trial diversion programs**, the placement of offenders in couples counseling, family counseling, joint victim-offender counseling, mandatory counseling for victims, **penalizing victims for refusing to testify, or promoting procedures that require victims to seek legal sanctions**

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73. AUDITS:

All programs will submit a copy of an audit to DJCS each fiscal year if required by OMB Uniform Guidelines. Additionally, programs who are not required to submit an audit under §12-4-14 are still required to submit a copy of an audit or an annual internal financial review to the Program Administrator at DJCS, showing the total budget expenditures and revenues from all sources for the prior year, along with a systematic method for timely and appropriate resolution of findings and/or recommendations

74. DEBARMENT:

Any funded agency that is debarred with the State of West Virginia or Federally must inform DJCS in writing within 30 days of becoming debarred and have a plan of action stating the steps to address this issue. Funds will be frozen and the sub-grantee has 30 days to address this issue and then funds may be deobligated.

75. PRESENTATIONS TO PRIMARY OR SECONDARY SCHOOL:

The grantee and funded agencies agrees that grant funds will not be used to support the development or presentation of a domestic violence, sexual assault, dating violence and/or stalking curriculum for primary or secondary schools. The grantee further agrees that grant funds will not be used to teach primary or secondary school students form an already existing curriculum.

76. TEXT MESSAGING:

Applicant and all funded agencies will develop and implement a written policy which bans employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers

77. FORENSIC MEDICAL EXAMINATIONS:

In order to be eligible for VAWA grant funds the grantee and funded agencies understands a forensic medical exam is provided to all victims of sexual assault free of charge and does not require the victim to participate in the criminal justice system or cooperate with law enforcement unless they choose to do so. *(Pursuant to recent statutory changes, local prosecutor approval is no longer required for either performing an exam or for billing the Institute for said exam. See 168 CSR 1, et. Seq)*

78. POLYGRAPH TESTING PROHIBITION:

In order to be eligible for VAWA Grant funds the grantee and funded agencies will ensure in their policies or practices that no law enforcement officer, prosecuting attorney or other government agency or funded agency ask or require an adult, youth or child victim of an alleged sexual assault or sex offense defined under Federal, State, Tribal, Territory, or local law; to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense. The refusal of a victim to submit to a polygraph examination or truth telling examination shall not prevent the investigation, charging, or prosecution of an alleged sex offense.

79. EQUIPMENT:

The grantee and funded agencies agrees that grant funds will not be used to support the purchase of law enforcement equipment, including uniforms, safety vests, shields, weapons, bullets, and armory or to support chemical dependency or alcohol abuse programs that are not an integral part of a court-mandated batterer intervention program.

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80. PUBLIC AWARENESS:

The grantee and funded agencies agrees grant funds will not be used to conduct public awareness or community education campaigns or related activities. Grant funds may be used to support, inform, and provide outreach to victims about available services.

81. TRAINING:

All funded agency/staff on STOP Teams will be required to complete eight (8) hours per year of approved training on one of the following issues within the grant period: Domestic Violence, Sexual Assault, Stalking or Dating Violence. They must submit a certificate showing they completed this training by the end of June 30th. This includes law enforcement agencies that are funded overtime; at least one officer from the funded agency must complete an 8 hour training.

82. ENSURING VICTIMS RIGHTS:

All funded programs/agencies will practice a "Victim Centered Approach" in providing services and in their trainings. They are required to inform victims of their rights and ensure victims are afforded their rights.

83. VIOLENCE AGAINST WOMEN ACT:

The sub-grantee agrees to comply with all relevant statutory and regulatory requirements which may include, among other relevant authorities, the Violence Against Women Act of 1994, 2000, and 2005 and 2013; and the omnibus Crime Control and Safe Streets Act of 1968 and OVW's implementing regulations.

84. FALSE CLAIMS, FRAUD, AND WASTE:

The recipient must promptly refer to the DOJ OIG and DJCS any credible evidence that an employee, agent, contractor, sub-contractor or other person has either 1) submitted a false claim for grant funds; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. Reports should be made to OIG by mail:

Office of the Inspector General
US Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington D. C. 20530

No sub-grantee which receives funds or contracts may requires 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.

Sub-grantee also certifies that, if it learns or is notified DJCS of any requirements or agreements or restricts reporting of waste, fraud, or abuse as described above. Be aware if any is reported to DJCS funds will be frozen and possibly deobligated.

85. LEGISLATION:

The sub-grantee understands and agrees it cannot use any federal funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy at any level of government without the express written approval of OVW, in order to avoid violation of 18 US § 1913. The sub-grantee may use federal funds to collaborate with and provide information to Federal, State and local public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault and stalking when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program

86.	OVW FINANCIAL GUIDE:
The sub-grantee agrees to comply with the financial, training and conference requirements set forth in the current edition of the Office on Violence Against Women (OVW) Financial Grants Management Guide. Can find the OVW Guide at http://www.ovw.usdoj.gov/grantees.html	
87.	RELIGIOUS OR MORAL BELIEFS:
The sub-grantee understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds or of the parents or legal guardians of such students.	
88.	COMPUTER NETWORKS:
The sub-grantee understands and agrees that (a) no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in the subsection (a) limits the use of funds necessary for any Federal, State, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution or adjudication activities. All funded agencies will have a policy which denies access to staff or volunteers to view, download and exchange pornography unless it is for Law Enforcement or prosecution for carryout criminal investigations, prosecutions, or adjudication activities.	
89.	FUNDS:
The sub-grantee understands and agrees that misuse of award funds may result in a range of penalties including suspension of current or future funds, suspension or debarment from Federal grants, recoupment of monies provided under the award, and civil and/or criminal penalties. Grant funds may be used only for the purposes in the sub-grantees approved application to OVW and that use of staff, equipment or other goods or services paid for with OVW grant funds, without the prior written approval from OVW. The sub-grantee agrees that if they receive any funding that is a duplicate of funding received under this grant, they will notify DJCS as soon as possible and a grant adjustment will be issued changing the budget to eliminate duplication and they understand that any duplicate funding will be deobligated from its award and returned to OVW.	
90.	CONSULTANT RATES:
Consultant rates in excess of \$650 per day or \$81.25 per hour must receive prior approval by OVW prior to obligation or expenditure of such funds. All contracts must be submitted 90 days prior to training for approval.	
91.	MATERIALS:
All materials, publications, or reports, or products, funded under this grant must submit for approval to OVW 20 days prior to release for approval. It must be submitted to DJCS 40 days prior to release so they may submit to OVW for approval. If changes are required it will be needed to be revised prior to publication and/or distribution.	
92.	MATCH:
Each agency requesting funds must meet their own match as required and must follow the guidelines in the VAWA Administrative Manual.	
93.	DISCRIMINATION
No person in the United States, shall on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249 (C) (4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or part with funds with funds made available under (VAWA) and any other program or activity funded in whole or in part with funds for appropriated for grants, cooperative agreements and other assistance administered by the Office on Violence Against Women	
94.	USING ARREST and CONVICTION RECORDS in EMPLOYMENT DECISIONS
The recipient will consult the 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.oip.usdoj/about/ocr/pdfs/UseofConviction_advisory.pdf	

95	LEGAL ASSISTANCE:
<p>If being funded for Legal Assistance the applicant must meet the following eligibility requirements:</p> <ol style="list-style-type: none"> 1. Any person providing legal assistance through a program funded under VAWA (A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault or stalking in the targeted population; or (B) is partnered with an entity or person that has demonstrated expertise described above; has completed or will complete training on in connection with domestic violence, dating violence, sexual assault and stalking; any training issues, including training on evidence-based risk factors for domestic and dating violence homicide; (2) any training program conducted in satisfaction of the above paragraph and has been or will be developed with input from and in collaboration with the State domestic violence, sexual assault, dating violence and stalking victim service provider or coalition; as well as appropriate State Law Enforcement officials; (3) any person or organization providing legal assistance through VAWA has informed or will continue to inform State and local domestic violence, stalking, sexual assault and dating violence programs and coalitions as well as state and local law enforcement agencies of their work; (4) and the agencies policies do not require mediation counseling involving offenders and victims physically together, in cases where sexual assault, dating violence, domestic violence, stalking or child abuse is an issue. 	
96.	SEXUAL ASSAULT FORENSIC KITS:
<p>All funded law enforcement agencies are to collect sexual assault forensic kits from hospitals within 48 hours of notification from the hospital and send those kits to the State Police Crime Lab.</p>	
97.	FUNDS:
<p>All pass-through funded agencies are to be reimbursed within 30 days of receipt of reimbursement from DJCS. At a minimum documentation must be submitted to DJCS quarterly showing the status for reimbursement for each funded agency.</p>	
98	PROTECTIVE ORDERS:
<p>All funded law enforcement agencies will serve protective orders (including but not limited to Emergency Protective Orders, DV Protective Orders, Personal Safety Orders, etc.) within the 72 hour limit. Failure to do so may result in loss or deobligation of funds.</p>	
99.	SAFE Streets ACT:
<p>An Organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations; (1) complying with the federal regulation pertaining to the development of an EEOP(see 28C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C. F. R. §§42 204 (c), 205 (c) (5)).</p>	
100	NON-DISCLOSURE AGREEMENTS
<p>No sub-recipient under this award or entity that received a contract or sub-contract with any funds under this award, may require any of its 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) waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.</p>	
101	REPORTS:
<p>The sub-grantee and funded agencies are required to collect and maintain data that measure the effectiveness of their grant-funded activities and to submit annual electronic progress reports on program activities and program effectiveness measures and are required to submit in the timeframe given.</p>	
102	STOP TEAMS:
<p>The goal of STOP Violence Against Women Formula Grant Program (STOP VAWA) is to encourage governmental and non-governmental agencies to restructure and strengthen the Criminal Justice system response to be proactive in dealing with the problem of violence against women; to draw on the experience of all the players in the system; and to develop a comprehensive strategy to address this complex problem. Therefore all STOP Team grants will have a goal and/or objective which address the core team's (whether they are funded or not) involvement and process in the STOP VAWA grant (this could be STOP Team meetings, trainings, public awareness events, etc.) They are also required to follow the STOP Team Guidelines.</p>	

103	PROJECT DIRECTOR:
<p>. The Project Director will to the best of their ability ensure all information is forwarded to <u>all</u> funded staff/agencies; this includes but is not limited to:</p> <ul style="list-style-type: none">o Budgetso Special standard and supplemental conditions of the granto Memoso Surveyso Changes in grant requirementso Forms; ensure they receive all updated formso Training availabilityo Civil Rights Compliance	
104.	GRANT PERIOD:
<p>. All sub-grantees understand that grant periods may not be extended after the June 30th 2016 date and that remaining funds not expended may be deobligated and placed in any funding category to be re-awarded. This includes State programs.</p>	

I certify that I have read the entire Standard and Special Conditions and Assurances of this grant program and agree to comply with these requirements. I understand all funded agencies are held to these Special Conditions and will be made aware of the requirements if funded.

Authorized Official Signature (Original)