



## 2017 Title II Formula Grant Program

### Request for Proposals

The Indiana Criminal Justice Institute is soliciting proposals for funding through the Title II Formula Grant Program to assist state and units of local government in delinquency prevention in the juvenile justice system. The Office of Juvenile Justice and Delinquency Prevention (OJJDP), one of five program bureaus in the Office of Justice Programs (OJP), U.S. Department of Justice, administers the Title II Formula Grant Program. As envisioned by Congress, the goal of the Title II Formula Grant program is to improve juvenile justice systems by increasing the availability and types of prevention and intervention programs and juvenile justice system improvements. The program areas targeted for this solicitation include diversion, gender specific, mental health services, mentoring/counseling/training, and rural. Full descriptions of the targeted areas follow.

Applicants must be registered in Egrants in order to access the electronic application  
Applications must be submitted via Egrants on or before

**11:59 P.M. EST on Thursday, November 9, 2017.**

Applicants are strongly encouraged to submit applications 72 hours prior to the deadline.

**Several changes have been made to the solicitation from previous years. Please be sure to review the application in its entirety before completing.**

**Late or incomplete applications will not be accepted.**

Award Period: January 1, 2018—December 31, 2018

For technical assistance with submitting an application, contact the Egrants Help Desk at [CJIHelpDesk@cji.in.gov](mailto:CJIHelpDesk@cji.in.gov).

Egrants Help Desk hours are Monday – Friday 8:00 am to 4:30 pm EST, except state holidays.

ICJI is not responsible for technical issues with grant submission within 24 hours of grant deadline.

For assistance with any other requirements of this solicitation, please contact the ICJI Youth Services Grant Manager:

Meg McCullough [MMcCullough@cji.in.gov](mailto:MMcCullough@cji.in.gov) or 317-234-6121

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## **Purpose of the Grant**

The Title II Formula Grant program requires each state to develop a Three-Year Plan that addresses the four core requirements (deinstitutionalization of status offenders, separation, jail removal, and disproportionate minority contact), as well as other juvenile issues in the state. In Indiana's Three Year Plan for 2015-2017, the Juvenile Justice State Advisory Group (JJSAG) identified the following purpose areas that will be given priority funding consideration to ensure the state remains in full compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP) of 2002.

Title II FY 2017 funding is competitive, therefore, ICJI will only give consideration to applications that fall under one of the following purpose areas **AND** that have the greatest statewide impact:

1. Diversion
2. Gender Specific
3. Mental Health Services
4. Mentoring, Counseling, and Training Programs
5. Rural

The Program Goals listed below provide additional details describing the types of evidence-based programs that will be considered.

## **Purpose Areas**

Applicants must select only one purpose area per application and all applications must fall under **ONLY** one (1) of the following Purpose Areas:

### **1) Diversion**

- a. **Program Goal:** Programs to divert youth from entering the juvenile justice system, including restorative justice programs such as youth or teen courts, victim-inmate mediation, and restorative circle.

### **2) Gender Specific**

- a. **Program Goal:** Services to address gender-specific needs, especially for female youth who commit offenses and become involved in the juvenile justice system.

### **3) Mental Health Services**

- a. **Program Goal:** Programs providing mental health services for youth in custody in need of such services, including, but not limited to, assessment, development of individualized treatment plans, and discharge plans.

### **4) Mentoring, Counseling, and Training Programs**

- a. **Program Goal:** Programs to develop and sustain a one-to-one supportive relationship between a responsible adult age 18 or older (a mentor) and an at-risk youth, a youth who has offended, or a youth who has contact with a parent or legal guardian who is or was incarcerated and contact is on a regular basis (a

mentee). These programs may support academic tutoring, vocational and technical training, and drug and violence prevention counseling.

**5) Rural**

- a. **Program Goal:** Prevention, intervention, and treatment services in an area located outside a metropolitan statistical area, as designated by the U.S. Census Bureau. The list of rural counties are as listed:

Adams	Jennings	Rush
Benton	LaGrange	Scott
Blackford	Lawrence	Shelby
Brown	Marshall	Spencer
Carroll	Martin	Starke
Clay	Montgomery	Steuben
Crawford	Newton	Sullivan
Daviess	Noble	Switzerland
Dearborn	Ohio	Tipton
Decatur	Orange	Union
Fountain	Owen	Vermillion
Franklin	Parke	Wabash
Fulton	Perry	Warren
Gibson	Pike	Washington
Greene	Posey	Wells
Harrison	Pulaski	White
Huntington	Putnam	Whitley
Jasper	Randolph	
Jay	Ripley	

**Eligibility Requirements**

Only state agencies, units of local government, and units of tribal governments are eligible to apply for Title II program funds. A local unit of government is defined as: a city, county, town, township, or other general purpose political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state entities, establish a budget and impose taxes; and includes Indian tribes which perform law enforcement functions as determined by the Secretary of the Interior. A city or county jurisdiction must be the recipient on behalf of city and county departments. **Please remember that this is a competitive process. Neither the invitation to submit a full application nor the use of ICJI staff for technical assistance implies that an applicant will receive a grant award. Continuation funding is not guaranteed from year to year. All awards are contingent upon availability of funds.**

## **Evidence-Based Programs**

The Office of Justice Programs (OPJ) strongly emphasizes the use of data and evidence in policymaking and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- Improving the quantity and quality of evidence OPJ generates.
- Integrating evidence into program, practice and policy decisions within OJP and the field.
- Improving the translation of evidence into practice.

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. Applicants may use the OJP CrimeSolutions.gov website and the OJJDP Model Programs Guide website to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

## **Deadlines: Registration and Application**

Applications will be submitted through Egrants at <http://egrants.cji.in.gov> by **11:59 P.M. EST on Thursday, November 9, 2017.** **No late or incomplete applications will be considered for funding.**

## **Egrants**

Egrants is an end-to-end solution for the administration of grants. Everything from the grant application, reporting, and fiscal drawdowns will occur online within Egrants. The three-step registration process can be started by visiting <http://egrants.in.gov> and clicking on “Register.” **Applicants must be registered in Egrants in order access the online application.** Registration may take several days for first time registrants. Failure to register will prevent applicants from accessing the system. ICJI recommends early registration in order to become familiar with the system. This will prevent delays with application submission. ICJI is not responsible for applicants who fail to submit a timely application due to technical difficulties that occur within 24 hours of the deadline. Late applications or applications submitted through any means other than Egrants will not be considered for funding.

## **DUNS Number**

All applicants must include a Data Universal Numbering System (DUNS) number in their application. Applications without a DUNS number are incomplete.

The DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds and to validate address and point of contact information for federal assistance applicants. Obtaining a DUNS number is a free,

one-time activity. Obtain one by calling 866-705-5711 or apply online at <http://fedgov.dnb.com/webform/displayHomePage.do>.

### **SAM Registration**

OJP now requires all applicants for federal financial assistance maintain current registrations in the System for Award Management (SAM) database. The SAM database is the repository for standard information about federal financial assistance applicants, recipients, and sub-recipients. Organizations that have previously submitted applications via Grants.gov are already registered with SAM. Applicants must update or renew their SAM registration at least once a year to maintain active status. For assistance, please see the SAM website located at <https://www.sam.gov>.

### **Unallowable Costs for All Federal Grants**

Federal law prohibits the use of federal funds from certain activities irrespective of the federal funding source or the specifics of the grant program. These prohibitions include:

1. Lobbying, including attempts to influence legislation or the outcome of any federal, state, or local elections. Recent changes to the law have expanded the prohibition to any federally appropriated funding used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government, without the express written approval of OJP. Violations of this prohibition are now subject to civil fines of up to \$100,000 per violation.
2. Fundraising (including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions).
3. The direct or indirect support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
4. The Applicant understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of victims who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such victims.

### **Supplanting**

Federal funds must be used to supplement existing funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose.

### **Application Requirements**

1. Enter into a Memorandum of Understanding between the Indiana Criminal Justice Institute and the applicant agency and agree to abide by all provisions of the Memorandum of Understanding.
2. Enter into agreement to abide by all Special Conditions detailed in the Indiana Criminal Justice Institute Certified Assurances and Special Conditions.

3. Submit performance data, performance reports, and financial reports **in the prescribed format and time frames as determined by the Indiana Criminal Justice Institute.**

**Failure to submit the required reports by the stated due date will result in reimbursement of grant funds being withheld until the report(s) is received.**

### **Special Requirements**

1. Special Requirements will be stated in the Certified Assurances and Special Conditions and Memorandum of Agreement.
2. Specific performance measures will be required according to individual program objectives.

### **Selection and Award Notification Process**

ICJI staff will conduct an initial screening of the proposal to check for completeness of the application. ICJI staff conduct a risk assessment of all applicants; the proposed applications will be scored and eligible applications presented to the Youth Subcommittee of the ICJI Board of Trustees for consideration. **Incomplete applications will not be scored or considered for review.** The subcommittee will make recommendations for funding and present recommendations to the ICJI Board of Trustees.

### **Award Notification**

Applicants awarded Title II grants will be notified electronically of the funding decision.

### **Grant Amendments, Modifications & Exemptions**

Grantees may be asked to adjust proposed budgets or plans to comply with the grant award from the ICJI Board of Trustees. Modifications must be submitted via Egrants and approved by the Youth Division staff. Upon approval, grant agreements will be sent within thirty (30) days. The grant agreement, with original signatures, must be returned to ICJI as instructed. Upon the approval of the grant agreement, the award will be approved for funding in Egrants.

An amendment would include any modification to the grant agreement or any of its terms or conditions. Any amendment to the grant agreement must be submitted in writing and approved by the State prior to the implementation of the amendment. Amendments include, but are not limited to, changes to the project budget or scope of the project, extensions to the period of performance, and changes concerning an authorized official. Amendments require strong justification and supporting documentation. Furthermore, the amendment must comply with all federal and state laws, rules, and regulations.

If the applicant wishes to seek an exemption to a federal or state law, regulation, or rule, such request must be submitted in writing and approved by the State prior to the applicant obligating or expending any grant funds related to the desired exemption. For example, if the applicant wishes to hire a consultant at a rate in excess of \$650 per day, a detailed justification must be submitted to and approved by the State prior to obligation or expenditure of such funds.

## **Monitoring and Programmatic Reporting**

All grant awards will be monitored by a program manager utilizing desk reviews and site visits. **Risk Assessments will be conducted of all programs throughout the grant period and will be used in consideration of grant monitoring.** Additionally, the program manager will review all submitted reports for timeliness and accuracy. Delinquencies and report content will be addressed as needed, which may include change requests.

### **Monitoring**

2 C.F.R. Part 200 sets forth monitoring requirements whereby the State must establish and carry out a process of assessing the progress of projects and programs that are funded, in whole or in part, by federal funds. This monitoring function measures both financial and programmatic progress. It also provides an opportunity for technical assistance to the Applicant, measures compliance, builds partnerships for success, and provides results based feedback to the Applicant. The State will monitor all grant awards via an ICJI Program Manager and/or ICJI Compliance Monitoring Team. As part of the monitoring process, the ICJI Program Manager will review all reports submitted by the grantee for accuracy, timeliness, completeness, etc. The State will conduct on-site or off-site monitoring reviews of the Project during the term of the grant agreement and for up to three (3) years after it expires or is otherwise terminated. At the request of the State, any and all documentation related to the grant shall be provided at no cost. If the Applicant fails to cooperate with the State's monitoring process, the State may consider such non-cooperation as a material breach.

Delinquent, inaccurate, incomplete, or fraudulent reports will be addressed by ICJI. ICJI's remedies include, but are not limited to, identifying the grantee as high risk, de-obligated funding, or disqualification from future funding, and referral to the federal Office of Inspector General. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the State determines that the recipient is a high-risk Applicant or Grantee pursuant to 28 C.F.R. parts 66, 70.

### **Reporting**

Reporting requirements are included in both 2 C.F.R and 28 C.F.R. Reporting to the State shall be completed on a quarterly basis via E-grants. In addition, Applicant is required to submit reports to the U.S. Department of Justice, Office of Justice Programs' Performance Measurement Platform in the OJJDP reporting system, DCTAT. Failure to submit any report in a timely fashion may be considered a material breach, at the discretion of the State.

- **Egrants Reporting**

Title II subgrantees are required to submit quarterly programmatic and fiscal reports via the Egrants system. Your Grant Manager will then approve or deny these reports; each programmatic and fiscal report must be approved to initiate reimbursement.

- **DCTAT Reporting**

Title II subgrantees are required to submit quarterly programmatic reports via the OJJDP's Performance Reporting Tool (DCTAT). As a result of the OJJDP's efforts to

provide more streamlined and meaningful reporting, **NEW accountability measures will be utilized during the 2018 grant period.** Additional information and assistance on the updated measures may be found at <https://www.ojjdp.gov/grantees/pm/faq.html>. The DCTAT reporting system can be accessed at <https://ojpssso.ojp.gov/>. Additional quarterly performance measures, narrative reports, and financial reports should be submitted as directed into Egrants. Additional report requirements are subject to change at any time.

### **Reporting Schedule (Egrants and DCTAT)**

<b>January 1, 2018</b>	<b>Beginning of Award Period</b>	
<b>April 15, 2018</b>	First quarter fiscal/program reports due	January 1, 2018 – March 31, 2018
<b>July 15, 2018</b>	Second quarter fiscal/program reports due	April 1, 2018 – June 30, 2018
<b>October 15, 2018</b>	Third quarter fiscal/program reports due	July 1, 2018 – September 30, 2018
<b>December 31, 2018</b>	<b>Project End Date</b>	All grant funds must be expended.
<b>January 15, 2019</b>	Final (fourth) quarter fiscal/program reports due	October 1, 2018 – December 31, 2018

The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs website at <http://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

### **Applicable Law and Mandatory Requirements**

#### **General**

This award is governed by 2 C.F.R. Part 200 and the 2015 DOJ Grants Financial Guide. All applicants must adhere to all provisions set forth in federal and state statute, regulation, or rule. Failure to abide by the federal and state mandates may, at the discretion of the State, be

considered to be a material breach. The consequences of a material breach include, but are not limited, to:

- The Applicant becoming ineligible for this grant funding opportunity;
- Requiring repayment of any grant funds already received;
- The de-obligation of grant funds; and
- The material breach becoming a factor in the scoring process for future grant applications.

Furthermore, the Applicant may not obligate, expend or draw down grant funds until the Federal Office of the Chief Financial Officer notifies the State that the grant has been awarded to Indiana. The State shall not reimburse an Applicant for expenditures outside the grant period of performance.

Pursuant to 2 C.F.R. Part 200, all applicants are required to establish and maintain grant accounting systems and financial records to accurately account for funds awarded to them.

The Applicant understands and agrees that it cannot use federal funds from different funding sources for one or more of the identical cost items, in whole or in part. If this scenario presents itself, the Applicant must contact the ICJI program manager in writing and refrain from the expenditure, obligation, or drawn down of any federal funds awarded from ICJI concerning the identical cost items.

### **Civil Rights Laws and Requirements**

Recipients of federal grants are required to adhere to all federal and state laws concerning civil rights including, but not limited to, the laws set forth below.

#### *Nondiscrimination*

Pursuant to the Indiana Civil Rights Law, specifically including IC §22-9-1-10, and in keeping with the purposes of the federal Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, the Applicant covenants that it shall not discriminate against any employee or applicant for employment relating to this grant with respect to the hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of the employee or applicant's race, color, national origin, religion, sex, age, disability, ancestry, status as a veteran, or any other characteristic protected by federal, state, or local law ("Protected Characteristics"). Furthermore, Applicant certifies compliance with applicable federal laws, regulations, and executive orders prohibiting discrimination based on the Protected Characteristics in the provision of services.

Applicant covenants that it shall not discriminate against any individual based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity as outlined in the Violence Against Women Act Reauthorization Act of 2013.

The Applicant understands that the State is a recipient of federal funds, and therefore, where applicable, Applicant and any subcontractors shall comply with requisite affirmative action requirements, including reporting, pursuant to 41 C.F.R. Chapter 60, as amended, and Section 202 of Executive Order 11246 as amended by Executive Order 13672.

### *Services to Limited English Proficiency (LEP) Individuals*

In accordance with Department of Justice (DOJ) guidance 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). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41, 455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

### *Ensuring Equal Treatment for Faith-Based Organizations*

Faith-based organizations are prohibited from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by this grant, and recipients cannot compel beneficiaries to participate in these activities. The Equal Treatment Regulation also makes it clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of the beneficiary's religion. For more information on the regulation, please see the Office of Civil Rights (OCR) website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

Faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and the Violence Against Women Act Reauthorization Act of 2013, Pub. L. no. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funding while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

### *Using Arrest and Conviction Records in Making Employment Decisions*

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj//about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj//about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the advisory, recipients should consult local counsel in reviewing their employment practices. If warranted,

recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Opportunity Plans (EEOs).

#### *Complying with the Safe Streets Act*

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 EEO (see 28 C.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)).

#### *Meeting the EEO Requirement*

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEO requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

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

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

To comply with the EEO requirements, you may request technical assistance from an EEO specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOSubmission@usdoj.gov](mailto:EEOSubmission@usdoj.gov).

#### *Ensuring Access to Federally Assisted Programs*

Federal laws that apply to recipients of federal grant awards prohibit discrimination on the basis of actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity in funded programs or activities, not only in employment but also in the delivery of services or benefits. Federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

#### *Enforcing Civil Rights Laws*

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

#### *Meeting the Requirement to Submit Findings of Discrimination*

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to OCR. A copy must also be sent to the State.

### **State Laws and Requirements**

Recipients of grant funds from the State are required to adhere to all state laws concerning the receipt and use of grant funds from federal and state funding sources. Those laws include, but are not limited to, the laws set forth below.

#### *State Ethical Requirements*

The Applicant and its agents shall abide by all ethical requirements that apply to persons who have a business relationship with the State as set forth in IC §4-2-6, *et seq.*, IC §4-2-7, *et seq.* and the regulations promulgated thereunder. If the Applicant has knowledge, or would have acquired knowledge with reasonable inquiry, that a state officer, employee, or special state appointee, as those terms are defined in IC § 4-2-6-1, has a financial interest in the grant, the Applicant shall ensure compliance with the disclosure requirements in IC § 4-2-6-10.5 prior to the execution of this grant. If the Applicant is not familiar with these ethical requirements, the Applicant should refer any questions to the Indiana State Ethics Commission or visit the Inspector General's website at <http://www.in.gov/ig/>. If the Applicant or its agents violate any applicable ethical standards, the State may, in its sole discretion, terminate this grant immediately upon notice to the Applicant. In addition, the Applicant may be subject to penalties under IC §§4-2-6, 4-2-7, 35-44.1-1-4, and under any other applicable laws.

#### *Indiana Secretary of State*

Pursuant to Indiana Code Title 23, applicant must be properly registered and owes no outstanding reports to the Indiana Secretary of State.

#### *Telephone Solicitation of Consumers; Automatic Dialing Solicitations*

As required by Indiana Code §5-22-3-7,

- (1) the Applicant and any principals of the Applicant certify that
  - (A) except for de minimis and nonsystematic violations, it has not violated the terms of:
    - (i) IC §24-4.7 [Telephone Solicitation Of Consumers];
    - (ii) IC §24-5-12 [Telephone Solicitations]; or

(iii) IC §24-5-14 [Regulation of Automatic Dialing Machines];  
in the previous three hundred sixty-five (365) days, even if IC § 24-4.7 is preempted by federal law; and

(B) the Applicant will not violate the terms of IC §24-4.7 for the duration of this Grant Agreement, even if IC §24-4.7 is preempted by federal law.

(2)The Applicant and any principals of the Applicant certify that an affiliate or principal of the Applicant and any agent acting on behalf of the Applicant or on behalf of an affiliate or principal of the Applicant, except for de minimis and nonsystematic violations,

(A) has not violated the terms of IC §24-4.7 in the previous three hundred sixty-five (365) days, even if IC §24-4.7 is preempted by federal law; and

(B) will not violate the terms of IC §24-4.7 for the duration of the grant agreement even if IC §24-4.7 is preempted by federal law.

#### *Drug-Free Workplace Certification*

Applicant hereby covenants and agrees to make a good faith effort to provide and maintain a drug-free workplace as required by Executive Order 90-5, April 12, 1990. Executive Order 90-5 applies to all individuals and private legal entities who receive grants or contracts from State agencies. This clause was modified in 2005 to apply only to Contractor's employees within the State of Indiana and cannot be further modified, altered or changed. Applicant will give written notice to the State within ten (10) days after receiving actual notice that the Applicant, or an employee of the Applicant in the State of Indiana, has been convicted of a criminal drug violation occurring in the workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of grant payments, termination of the grant and/or debarment of grant opportunities with the State of Indiana for up to three (3) years.

In addition to the provisions of the above paragraphs, if the total amount set forth in this Grant Agreement is in excess of \$25,000.00, the Applicant certifies and agrees that it will provide a drug-free workplace by:

- A. Publishing and providing to all of its employees a statement notifying them that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violations of such prohibition; and
- B. Establishing a drug-free awareness program to inform its employees of (1) the dangers of drug abuse in the workplace; (2) the Applicant's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace; and
- C. Notifying all employees in the statement required by subparagraph (A) above that as a condition of continued employment the employee will (1) abide by the terms of the statement; and (2) notify the Applicant of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction; and

- D. Notifying in writing the State within ten (10) days after receiving notice from an employee under subdivision (C)(2) above, or otherwise receiving actual notice of such conviction; and
- E. Within thirty (30) days after receiving notice under subdivision (C)(2) above of a conviction, imposing the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace: (1) take appropriate personnel action against the employee, up to and including termination; or (2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; and
- F. Making a good faith effort to maintain a drug-free workplace through the implementation of subparagraphs (A) through (E) above.

#### *Employment Eligibility Verification*

As required by IC §22-5-1.7, the Applicant hereby swears or affirms under the penalties of perjury that:

- A. The Applicant has enrolled and is participating in the E-Verify program;
- B. The Applicant has provided documentation to the State that it has enrolled and is participating in the E-Verify program;
- C. The Applicant does not knowingly employ an unauthorized alien; and
- D. The Applicant shall require its contractors who perform work under this Grant Agreement to certify to Applicant that the contractor does not knowingly employ or contract with an unauthorized alien and that the contractor has enrolled and is participating in the E-Verify program. The Applicant shall maintain this certification throughout the duration of the term of a contract with a contractor.

The State may terminate for default if the Applicant fails to cure a breach of this provision no later than thirty (30) days after being notified by the State.

#### **Application Review**

Pursuant to 2 C.F.R. Part 200, the State will review and score all grant applications as part of the competitive bid process. The State will assess:

- The completeness of the grant application;
- The Applicant's eligibility;
- The Project's eligibility;
- Whether the grant application, the Applicant, and the Project are in compliance with all federal and state laws, regulations, and rules;
- Whether the proposed expenditures set forth in the Project Budget are allowable and allocable;

- Any potential conflicts of interest;
- Whether the Applicant has any federal and/or state debt delinquency;
- The Applicant's ability to successfully pass clearance checks from the Indiana Department of Workforce Development, Indiana Department of Revenue, and Indiana Secretary of State;
- Any and all risk associated with granting funds to the Applicant;
- Whether the Applicant is debarred or suspended by any federal or state department or agency; and
- Whether the Applicant maintains a current registration in the SAM (System for Award Management) and has an active DUNS (DATA Universal Number Systems) number.

Any item, factor, or circumstance that would adversely affect or contribute to the adverse effect of the Applicant's fitness to successfully complete the Project must be reported to the State prior to or contemporaneous with the grant application. Those items would include, but are not limited to, federal or state debt; conflicts of interest; federal or state debarments or suspensions; current, pending or outstanding criminal, civil, or enforcement actions initiated by the State; and whether the Applicant has been designated as high risk by any federal or state department or agency. If the Applicant has been designated as high risk, it must specifically disclose to the State:

- The federal or state agency that currently designated the Applicant as high risk.
- Date the Applicant was designed high risk.
- The high risk point of contact name, phone number, and email address, from the federal or state agency.
- Reason(s) for the high risk status.

The grant application shall include accurate and descriptive information detailing the Project thereby allowing the State to adequately assess and score the grant application. This documentation shall include, but is not limited to:

- The total budget for the Applicant's organization (including all sources of funds);
- Detailed information concerning Applicant's employees and/or contractors including, but not limited to, information regarding compensation, benefits, overtime, and travel.
- A sustainability plan detailing the Applicant's plan to succeed once the grant fund period expires;
- A timeline for the completion of the Project and/or expenditure of the grant funds; and
- Letters of endorsement evidencing community support for the (1) Applicant's program and mission and (1) value and need in its community.

### **Audit Requirements**

Pursuant to 2 C.F.R. Part 200, specifically, § 200.500 *et.seq*, recipients of federal funds are subject to annual audit requirements.

1. *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.

2. *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.
3. *Program-specific audit election.* When an entity expends Federal awards under only one Federal program (excluding research and development) 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 entity, the entity 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 research and development 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 subrecipient, approves in advance a program-specific audit.
4. *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).
5. *Federally Funded Research and Development Centers (FFRDC).* Management of an entity that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.
6. *Subrecipients and Contractors.* An entity may simultaneously be a recipient, a subrecipient, and a contractor. Federal awards expended as a recipient or a subrecipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Subrecipient and contractor determinations sets forth the considerations in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor.
7. *Compliance responsibility for contractors.* In most cases, the entity's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the entity is responsible for ensuring compliance for procurement transactions, which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.