

## **LSTA Subgrant Assurances and Certifications**

- 1) **Internet Safety (CIPA)** The duly authorized representative of the Applicant library certifies the following,
  - a. Compliance with the Children's Internet Protection Act (CIPA) and has complied with the requirements of 20 U.S.C. Section 9134(f)(1) of LSTA; or
  - b. CIPA requirements do not apply because LSTA funds are not being used to purchase computers to access the Internet or to pay for direct costs associated with accessing the Internet.
- 2) **Nondiscrimination:** The Applicant shall comply with all applicable statutory and regulatory requirements. These requirements include, but are not limited to, applicable provisions of:
  - a. Title VI of the Civil Rights Act of 1964 [45 U.S.C. 2000d through 2000d-4], which prohibits discrimination based on race, color, or national origin.
  - b. Title IX of the Education Amendments of 1972 [20 U.S.C. 1681-1683], which prohibits discrimination on the basis of sex in education programs,
  - c. Section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], which prohibits discrimination based on disability,
  - d. The Age Discrimination Act [42 U.S.C. 6101 et seq.], which prohibits discrimination based on age.
- 3) **Limited English Proficiency:** Federal regulations require that subrecipients take reasonable steps to ensure meaningful access to the information, program, and services they provide to people with limited English proficiency (LEP). Subrecipients should consider language assistance services, if appropriate, when designing projects and requesting funds [Presidential Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency, August 11, 2000].
- 4) **Debarment and Suspension:** As required by 2 CFR Part 180 and Part 3185, the undersigned, on behalf of the Applicant, certifies to the best of his or her knowledge and belief that neither the Applicant nor its principals:
  - a. Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency; [\[2 CFR 200.332\]](#)
  - b. Have within three years preceding this proposal been convicted of or had a civil judgment rendered against them for the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, or in connection with a violation of federal or state antitrust statutes or commissions of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with the commission of any of the offenses enumerated in paragraph (b) of this certification;
  - d. Have, within three years preceding this application/proposal, had one or more public transactions (federal, state, or local) terminated for cause or default. Where the Applicant is unable to certify any of the statements in this certification, he or she shall attach an explanation to this application.
- 5) **Federal and State Debt Status:** The authorized representative, on behalf of the Applicant, certifies to the best of his or her knowledge and belief that the Applicant is not delinquent in the repayment of any federal or state debt.

- 6) **Drug-Free Workplace:** The Applicant will or will continue to provide a drug-free workplace by complying with the requirements in 2 CFR part 3186 (Requirements for Drug-Free Workplace (Financial Assistance)). In particular, the recipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of [2 C.F.R. part 3186](#), which adopts the Government-wide implementation (2 CFR part 182) of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106). This includes, but is not limited to: making a good faith effort, continuingly, to maintain a drug-free workplace; publishing a drug-free workplace statement; establishing a drug-free awareness program for employees; taking actions concerning employees who are convicted of violating drug statutes in the workplace; and identifying (either at the time of application or upon award, or in documents kept on file in the recipient's offices) all known workplaces under federal award
- 7) **Trafficking in Persons:** The authorized representative, on behalf of the Applicant, certifies that the Applicant and the Applicant's employees will not:
- Engage in trafficking in persons during the period that the award is in effect,
  - Procure a commercial sex act during the period that the award is in effect, or
  - Use forced labor in the performance of the subawards under the award.
- Subrecipients will fully cooperate with any federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons. The federal agency may unilaterally terminate this award, without penalty, if an Applicant is determined to have violated this condition [\[2 CFR §175.10\]](#).
- 8) **Lobbying:** As required by Section 1352, Title 31 of the United States Code, and implemented for persons entering into a grant or cooperative agreement over \$100,000, the Applicant certifies to the best of his or her knowledge and belief that:
- No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of a federal contract, the making of a federal grant, the making of a federal loan, the entering into of a cooperative agreement, or the extension, continuation, renewal, amendment, or modification of a federal contract, grant, loan, or cooperative agreement.
  - If any funds other than appropriated federal funds have been paid or will be paid to any person (other than a regularly employed officer or employee of the Applicant) for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall request, complete, and submit Standard Form LLL. "Disclosure of Lobbying Activities", per its instructions.
- 9) **Conflict of Interest:** The Applicant must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, agent, or board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract. An employee, officer, agent, and board member of the Applicant may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors. However, the Applicant may set standards for situations where the financial interest is not substantial, or a gift is an unsolicited item of nominal value. The Applicant's standards of conduct must also provide for disciplinary actions to be applied for violations by its employees, officers, agents, or board members. [\[2 CFR 200:318\(c\)\]](#)

- 10) **Criminal disclosures and reporting of matters related to recipient integrity and performance.** As a non-federal entity, the Applicant must disclose, in a timely manner, in writing to KDLA, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award.
- 11) **Whistle Blower Protections:** An employee of an Applicant must not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. The Applicant must inform their employees in writing of employee whistleblower rights and protections under 41 U.S.C. 4712 [\[2 CFR 200.217\]](#).
- 12) **OMB Standard Form 424B:** The Applicant will comply with all applicable assurances in OMB Standard Form 424B (Assurances for Non-Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all applicable federal laws, executive orders, and regulations. [Y:\Pam\\_Ward\Grant.Gov\Originals\Batch 2 - SF424 Family - Core\SF424B- V1.1.xfd](#)

**Text Messaging and E-Mailing While Driving:** The Applicant and their personnel are prohibited from text messaging while driving a government-owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government-supplied electronic equipment to text message or e-mail when driving [\[Presidential Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009\]](#).

- 13) **Fiscal Control:** The Applicant will establish, document, and maintain effective internal control over the subaward that complies with Federal statutes, regulations, and the terms and conditions of the Federal subaward. These internal controls should align with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). [\[2CFR 200.303\]](#)
- 14) **Allowable Costs:** Costs incurred shall be allowable under the principles established in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule [\[2 CFR 200 Subpart E-Cost Principles\]](#).
- a. **Equipment:** The Applicant will not budget for or procure equipment over \$10,000, as defined in [2 CFR 200.313](#), without first requesting approval from the KDLA and obtaining written approval from the KDLA and IMLS. Subrecipients approved to purchase equipment must notify KDLA of any equipment loss, damage, or theft that would impact the program.
  - b. **Staff Compensation:** For costs to be allowable, compensation for personal services must adhere to the Standards for Documentation of Personnel Expenses as identified in [2 CFR 200.430](#). The Applicant must retain records that accurately reflect the work performed and be supported by a

system of internal control that provides reasonable assurance that the charges are accurate, allowable, and properly allocated.

- 15) **Indirect Costs:** If the fiscal agent intends to claim indirect costs, the total amount budgeted for indirect costs is limited to the federally negotiated rate for the fiscal agent's organization or the federally negotiated rate established for KDLA. Indirect costs cannot be charged against capital objects. [\[2CFR 200.414\]](#).
- 16) **Audit:** A non-Federal entity that expends less than \$1,000,000 in Federal awards during its fiscal year is exempt from Federal audit requirements for that year, except as noted in § 200.503. However, in all instances, the records of the non-Federal entity must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and the Government Accountability Office (GAO). [See 2 CFR 200.501\(e\)](#).
- 17) **Contracts and procurement:** The Applicant must maintain and use documented procedures for procurement transactions under a subaward, including for acquisition of property or services. These documented procurement procedures must be consistent with State, local, and tribal laws and regulations and the standards identified in 2 CFR 200.317 through 200.327 (General Procurement Standards)
- a. The Applicant must award contracts only to responsible contractors that possess the ability to perform successfully under the terms and conditions of a proposed contract. The Applicant must consider contractor integrity, public policy compliance, and proper classification of employees [\[2 CFR 200.318\(h\)\]](#). When possible, the Applicant should contract with small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms [\[2 CFR 200.321\]](#).
  - b. The Applicant should, to the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable [\[2 CFR 200.323\]](#).
- 18) **Copyright, Acknowledgement, and Publications:** The Applicant will comply with all copyright and materials acknowledgment requirements as addressed in the projects' grants guidelines. IMLS and KDLA reserve royalty-free, nonexclusive, and irrevocable licenses to reproduce, publish or otherwise use, and to authorize others to use, for their purposes. The copyright and any work developed under this subgrant or contract under this subgrant; and any rights of copyright to which the Applicant or a contractor purchases ownership with grant support, and content of any grant-funded publication or product may be reprinted in whole or in part, with credit to the IMLS acknowledged. However, reproduction of this product in whole or in part for resale must be authorized by the KDLA. When issuing statements, press releases, and other documents describing projects or programs funded in whole or in part with federal grant funds, the grant award recipient shall clearly acknowledge the receipt of federal funds in a statement. Subrecipients must acknowledge IMLS in all related publications and activities supported with LSTA award money.
- 19) **Programmatic Changes:** The Applicant will obtain the prior approval of the KDLA whenever any of the following actions is anticipated:
- a. Any revision of the scope or objectives of the project;  
Changes in key persons where specified in the application or grant award;

- b. A disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director;
- c. Contracting out or otherwise obtaining services of a third party to perform activities central to the purpose of the award;
- d. Changes in the amount of approved cost-sharing or matching provided by the Applicant [\[2 CFR §200.308\(c\) and \(f\)\(1, 2, 3, 6, 7\)\]](#).

20) **Budget Modifications:** The Applicant will obtain an approved budget amendment when it is anticipated that claimed expenditures will vary significantly from the amount in the current approved budget. A significant variance is an increase of \$1,000 (summary of all line items) of the current total approved budget

21) **Grant evaluation:** The Applicant shall cooperate with program evaluations by the Kentucky Department for Libraries and Archives (KDLA), the Institute of Museum and Library Services (IMLS), or by their contractors. The Applicant shall ensure that all grant evaluation reporting will be timely, on a schedule established by KDLA. Grant evaluation information provided to KDLA staff shall accurately assess the completeness of grant goals, activities, benchmarks, and target dates [\[2 CFR § 200.329\]](#).

22) **Reporting:** The Applicant will ensure all required financial and program data is reported to the KDLA timely, on a schedule established by KDLA [\[2 CFR §200.302\(b\)\(2\)\]](#).

23) **Records Retention:** In accordance with [2 CFR §200.334\(b\)](#), the Applicant will ensure records are maintained for at least three years after the end of the project year. Should any legal action, claim, negotiation, audit, or other proceeding related to the records be initiated before the retention period ends, the records will be kept until the matter is fully resolved and all issues are settled.

**Information Security:** The Applicant will take reasonable cybersecurity and other measures to safeguard information, including protected personally identifiable information (PII) and other types of information. [\[2CFR 200.303\(e\)\]](#)

### **Signatures of Certifying Officials**

By signing the application form, the authorizing official, on behalf of the Applicant, assures and certifies that should a subgrant be awarded, it will comply with the statutes outlined and all related IMLS and KDLA regulations. These assurances shall obligate the Applicant for the period during which Federal financial assistance is extended. The Applicant recognizes and agrees that any such assistance will be extended in reliance on the representations and agreements made in these assurances, and that the United States government has the right to seek judicial enforcement of these assurances, which are binding on the Applicant, its successors, transferees, and assignees, and on the authorized official whose signature appears on the application form.

**I have examined this application, and I hereby certify on behalf of the Applicant organization that:**

1. All requirements for a complete LSTA Subgrant application have been fulfilled.
2. The Applicant is not suspended, debarred, or otherwise excluded from receiving Federal funds.
3. Should this organization receive a subgrant, the organization and its leaders will

- a) comply with all LSTA regulations, all statutes outlined, requirements as defined by the Kentucky Department for Libraries and Archives, and all applicable Federal statutes and regulations, and
- b) comply with all applicable payment, accounting, and reporting requirements.

*I, the undersigned, to the best of my knowledge and belief, that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812.*

| Library Information and Signature |                                  |                 |
|-----------------------------------|----------------------------------|-----------------|
| Name of Organization              | Grant Title                      | Submission Date |
|                                   |                                  |                 |
| Title of Authorized Official      | Signature of Authorized Official | Signature Date  |
|                                   |                                  |                 |

| KDLA USE ONLY            |                          |                                       |                |
|--------------------------|--------------------------|---------------------------------------|----------------|
| Approved                 | Not Approved             | Project Number                        | Amount Awarded |
| <input type="checkbox"/> | <input type="checkbox"/> |                                       |                |
| Date                     |                          | Signature of KDLA Certifying Official |                |
|                          |                          |                                       |                |

