

SUBAWARD SPECIAL CONDITIONS FROM OFFICE FOR VICTIMS OF CRIME

Applicable to Subrecipients

Appendix (9)

The Sub-award Agreement is subject to certain Special Conditions (SC) contained in the Cooperative Agreement 2019-V3-GX-K033 between Equal Justice Works and the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime.

1. APPLICABILITY OF PART 200 UNIFORM REQUIREMENTS (SC 2)

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award.

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

2. COMPLIANCE WITH DOJ GRANTS FINANCIAL GUIDE (SC 3)

Subrecipients will comply with the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf), including any updated version that may be posted during the period of performance.

3. REQUIREMENTS RELATED TO SYSTEM FOR AWARD MANAGEMENT AND UNIVERSAL IDENTIFIER REQUIREMENTS (SC 8)

Subrecipients must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

Subrecipients also must comply with any applicable restrictions on sub awards ("sub-awards"), including restrictions on sub awards to entities that do not acquire and provide (to the Subrecipient) the unique entity identifier required for SAM registration.

The details of the Subrecipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award



condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award 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).

25. EMPLOYMENT ELIGIBILITY VERIFICATION (SC 9)

Subrecipients must ensure that as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, to properly verify the employment eligibility of the individual being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

1. In accepting this award, the Subrecipient:

a. represents that it will comply with the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking make it unlawful in the United States, to hire (or recruit for employment) certain aliens.

b. represents that it will provide training(to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

c. certifies that as part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

5. REQUIREMENTS TO REPORT ACTUAL OR IMMIMENT BREACH OF PERSONALLY IDENTIFIABLE INFORMATION (PII) (SC10)

Subrecipient, and any subrecipient ("Subrecipient") at any tier, must have written procedures in place to respond to the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)

---(1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or

---(2) uses or operates a "Federal information system" (OMB Circular A-130).

Equal Justice Works is required to notify OJP within 24 hours of any data breach. The subrecipient's breach procedures must include a requirement to report actual or imminent breach of PII to **Equal Justice Works** no later than 12 hours after an occurrence of an actual breach, or the detection of an imminent breach.



4. ALL SUB AWARDS ("SUB-AWARDS") MUST HAVE SPECIFIC PRIOR APPROVAL FROM EQUAL JUSTICE WORKS (SC 11)

Subrecipients must comply with all applicable requirements for authorization of any sub award including prior approval from Equal Justice Works. This condition applies to agreements that for purposes of federal grants administrative requirements Equal Justice Works considers a "sub award" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any sub award are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All sub awards ("sub-awards") must have specific federal authorization), and are incorporated by reference here.

8. OJP TRAINING GUIDING PRINCIPLES (SC 18)

Any training or training materials that Subrecipient develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subrecipients, available at <https://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

9. FAILURE TO ADDRESS AUDIT ISSUES (SC 19)

Subrecipient understands that the project sponsor or Equal Justice Works may withhold award funds, or may impose other related requirements, if the Subrecipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations or reviews of

10. POTENTIAL IMPOSITION OF ADDITIONAL REQUIREMENTS (SC 20)

Subrecipient agrees to comply with any additional requirements that may be imposed by the project Sponsor or Equal Justice Works during the period of performance of this award, if the Subrecipient is designated as high risk by either Equal Justice Works or the project sponsor.

11. COMPLIANCE WITH DOJ REGULATIONS PERTAINING TO CIVIL RIGHTS AND NONDISCRIMINATION - 28 C.F.R. Part 42 (SC 21)

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

12. COMPLIANCE WITH DOJ REGULATIONS PERTAINING TO CIVIL RIGHTS AND NONDISCRIMINATION - 28 C.F.R. PART 54 (SC 22)

Subrecipient must comply with all applicable requirements of 28 C.F.R. Part 54, which

relates to nondiscrimination on the basis of sex in certain "education programs."

13 COMPLIANCE WITH DOJ REGULATIONS PERTAINING TO CIVIL RIGHTS AND NONDISCRIMINATION - 28 C.F.R. PART 38 (SC 23)

Subrecipient must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to Subrecipient organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to Subrecipient and subrecipients that are faith-based or religious organizations.

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

14. RESTRICTIONS ON "LOBBYING" (SC 24)

In general, as a matter of federal law, federal funds awarded by OJP may not be used by Subrecipient, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by Subrecipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, sub-award, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by Subrecipient (or subrecipient) would or might fall within the scope of these prohibitions, the Subrecipient is to contact Equal Justice Works for guidance, and may not proceed without the express prior written approval of Equal Justice Works.

15. COMPLIANCE WITH GENERAL APPROPRIATIONS-LAW RESTRICTIONS ON THE USE OF FEDERAL FUNDS (FY 2017) (SC 25)

Subrecipient must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2017, are set out at <https://ojp.gov/funding/Explore/FY19AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by Subrecipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction Subrecipient is to contact Equal Justice Works for guidance, and may not proceed without the express prior written approval of Equal Justice Works.

16. REPORTING POTENTIAL FRAUD, WASTE, AND ABUSE, AND SIMILAR MISCONDUCT (SC 26)

Subrecipient must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Subrecipient must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

17. RESTRICTIONS AND CERTIFICATIONS REGARDING NON-DISCLOSURE AGREEMENTS AND RELATED MATTERS (SC 27)

No Subrecipient under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of

waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the Subrecipient

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If Subrecipient does or is authorized under this award to make subawards ("Sub-awards"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that Subrecipient's application proposes may or will receive award funds (whether through a subaward ("subaward"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by



that agency.

18. COMPLIANCE WITH 41 U.S.C. 4712 (INCLUDING PROHIBITIONS ON REPRISAL; NOTICE TO EMPLOYEES) (SC 28)

Subrecipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

Subrecipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the Subrecipient is to contact Equal Justice Works for guidance.

19. ENCOURAGEMENT OF POLICIES TO BAN TEXT MESSAGING WHILE DRIVING (SC 29)

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), Equal Justice Works encourages Subrecipient to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

20. REQUIREMENT TO DISCLOSE WHETHER SUBRECIPIENT IS DESIGNATED "HIGH-RISK" BY A FEDERAL GRANT MAKING AGENCY OUTSIDE OF DEPARTMENT OF JUSTICE (SC 30)

The Subrecipient must disclose if it is designated "high risk" by a federal grant making agency outside of the project sponsor (DOJ), currently or at any time during the course of the period of performance under this award. The subrecipient acknowledges that it must disclose this fact and any related information directly to Equal Justice Works upon classification of the designation. For purposes of disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the Subrecipients past performance, or other programmatic or financial concerns with the Subrecipient. The subrecipient must disclose the following:

- a. The federal agency that designates the Subrecipient a high risk.
- b. The date the Subrecipient was designated high risk.
- c. The point of contact at the federal agency (name, phone number, and email address)
- d. The reason for the high-risk status, as set out by the federal agency.

21. ADHERENCE TO OVC PUBLISHING GUIDELINES (SC 32)

Subrecipients developing and publishing any products (e.g. curricula, training materials, publications, reports, videos or any other written, web-based or audio-visual or other materials) for Subrecipient's independent release must follow the OVC Publishing Guidelines for placement of logos and include the following funding/disclaimer statement:

“This _____ [product] was produced by _____ [sub-awardee name] under 2019-V3-GX-K033, awarded by Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this _____ [product] are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.”

22. MAXIMUM EXPENDITURE OF \$650/DAY FOR CONSULTANTS (SC 40)

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by Equal Justice Works prior to obligation or expenditure of such funds.

23. PROVISION OF REASONABLE LEP RESOURCES (SC 51)

Subrecipients must certify that Limited English Proficiency persons have meaningful access to the services under Elder Justice Corps. National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, Subrecipient are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov.

24. CONFIDENTIALITY OF DATA (SC 48)

Subrecipients must certify compliance with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R Part 22 that are applicable to collection, use, and revelation of data or information. The Subrecipient further agrees, as a condition of award to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in Particular, 28 C.F.R. 22.23.

25. ORGANIZATIONAL CONFLICTS OF INTEREST (SC 50)

Subrecipient understands that it may not engage in activities constituting organizational conflicts of interest, such as awarding contracts to be paid in whole or part in part with grant funds to Department of Justice funded training and technical assistance (TTA) providers that guided project specifications as part of the training and technical assistance to Equal Justice Works or itself.

The Subrecipient shall review the Procurement Standards in 2 C.F.R. Part 200 and the DOJ Grants Financial Guide for information on actions that would or may give rise to organizational conflicts or other potential conflict of interest concerns under the sub-award agreement. The Subrecipient acknowledges that prior approval is required from Equal Justice Works and the project sponsor for any work with a Department of Justice funded TTA provider.

26. COPYRIGHT; DATA RIGHTS (SC 41)

The Subrecipient acknowledges that the project sponsor (DOJ) reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and authorize others to use (in whole or in part, including connection with derivative works) for Federal purposes:

- i. Any work subject to copyright developed under an award or subaward (at any tier); and
- ii. Any rights of copyright to which a recipient or subrecipient (at any tier) purchases ownership with Federal support.

The Subrecipient acknowledges that OJP has the right to:

- i. Obtain, reproduce, publish or otherwise use data first produced under any such award or subaward; and
- ii. Authorize others to receive, produce, publish, or otherwise use such data for Federal purpose. Wherein “Data” includes data as defined in the Federal Acquisition Regulation (FAR) provision 52.227-14 (Right in Data- General).