



## Iowa Homeland Security and Emergency Management Department

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# FEDERAL COMPLIANCE POLICIES FOR GRANTS AND COOPERATIVE AGREEMENTS

### UNIFORM ADMINISTRATIVE REQUIREMENTS

TITLE 2 CFR, CHAPTER II, OMB GUIDANCE PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

All non-Federal entities must adhere to federal legislation passed by Congress as well as codified regulations implemented through administrative requirements. The following language must be included in any non-Federal entities' agreement articles, contracts, MOUs, and LOAs.

### ACKNOWLEDGEMENTS AND ASSURANCES

- Non-Federal entities are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at 2 CFR, Part 200.
- All Non-Federal entities using federal financial assistance must acknowledge and agree and require any non-Federal entities including contractors, successors, transferees, and assignees to acknowledge and agree to comply with applicable provisions governing access to records, accounts, documents, information, facilities, and staff.
- Non-Federal entities must cooperate with any compliance review or complaint investigation conducted by federal agency.
- Non-Federal entities must give federal agencies access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by federal agencies' regulations and other applicable laws or program guidance. Non-Federal entities must submit timely, complete, and accurate reports to the appropriate federal agencies' officials and maintain appropriate backup documentation to support the reports.
- Non-Federal entities must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
- If, during the past three years, the non-Federal entities have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the non-Federal entities must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the federal agency awarding office and the Federal Office of Civil Rights and Civil Liberties.
- In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the non-Federal entity, or the Non-Federal entity settles a case or matter alleging such discrimination, the non-Federal entity must forward a copy of the complaint and findings to the federal agencies' component and/or awarding office. The United States has the right to seek judicial enforcement of these obligations.

### ACKNOWLEDGEMENT OF FEDERAL FUNDING FROM FEDERAL AGENCIES

- All non-Federal entities using Federal financial assistance will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid

invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

#### **ACTIVITIES CONDUCTED ABROAD**

- All non-Federal entities using financial assistance will comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

#### **AGE DISCRIMINATION ACT OF 1975**

- All non-Federal entities using financial assistance will comply with the requirements of the Age Discrimination Act of 1975 (42 USC. § 6101et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

#### **AMERICANS WITH DISABILITIES ACT OF 1990**

- All non-Federal entities using federal financial assistance will comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits non-Federal entities from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 USC. §§ 12101-12213).

#### **ANIMAL WELFARE ACT OF 1966**

- All non-Federal entities using federal financial assistance will comply with the requirements of the Animal Welfare Act, as amended (7 USC. § 2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Non-Federal entities s must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.

#### **BEST PRACTICES FOR COLLECTION AND USE OF PERSONALLY IDENTIFIABLE INFORMATION (PII)**

- Federal agencies define personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All non-Federal entities s who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Non-Federal entities may also find as a useful resource the Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

#### **BYRD ANTI-LOBBYING AMENDMENT (31 USC. 1352)**

- Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 USC. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

#### **CLEAN AIR ACT OF 1970, CLEAN WATER ACT OF 1977, FEDERAL WATER POLLUTION CONTROL ACT**

- Clean Air Act (42 USC. 7401-7671q.) and the Federal Water Pollution Control Act (33 USC. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 USC. 7401-7671q) and the Federal Water Pollution Control Act

as amended (33 USC. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

- All non-Federal entities using federal financial assistance will comply with the requirements of 42 USC. § 7401 et seq. and Executive Order 11738, which provides for the protection and enhancement of the quality of the nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters is considered research for other purposes.

#### **COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT OF 1990**

- All non-Federal entities using federal financial assistance will comply with the requirements of Executive Order 11990, which provides that federally funded construction and improvements minimize the destruction, loss, or degradation of wetlands. The Executive Order provides that, in furtherance of Section 101(b) (3) of NEPA (42 USC. § 4331(b) (3)), Federal and non-federal agencies, to the extent permitted by law, must avoid undertaking or assisting with new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. The public disclosure requirement described above also pertains to early public review of any plans or proposals for new construction in wetlands. This is codified at 44 CFR Part 9.

#### **CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 USC. 3701-3708).**

- Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 USC. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 USC. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 USC. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

#### **CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS**

- The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. See §200.326 Contract provisions
  - a. Contracts for more than the simplified acquisition threshold set at \$150,000.
    - i. All Non-Federal entities who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by [41 USC. §1908](#), must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

b. Contracts in excess of \$10,000.

- i. All Non-Federal entities that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

#### **CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS §200.321**

- The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of section Title 2: Grants and Agreements Part 200—Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards Subpart D—Post Federal Award Requirements

#### **CONTRACT COST AND PRICE §200.323**

- The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals. The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

#### **CONTRACT PROVISIONS §200.326**

- The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

#### **CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. 3701-3708).**

- Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40

U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

#### **COPYRIGHT**

- All non-Federal entities using federal financial assistance will comply with requirements that publications or other exercise of copyright for any work first produced under federal financial assistance awards hereto related unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this award, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the non-Federal entities grants the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works. The non-Federal entities shall affix the applicable copyright notices of 17 USC. § 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under an award.

#### **DAVIS-BACON ACT**

- Non-Federal entities, as applicable, with the provisions of the Davis-Bacon Act (40 USC. §§ 276a to 276a-7), the Copeland Act (40 USC. § 276c and 18 USC. § 874), and the Contract Work Hours and Safety Standards Act (40 USC. §§ 327 - 333) regarding labor standards for federally-assisted construction sub-agreements. The Davis-Bacon and Related Acts, apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act, as amended (40 USC. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 USC. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 USC. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that contractors or subcontractor must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency

#### **DEBARMENT AND SUSPENSION EXECUTIVE ORDERS 12549 AND 12689**

- All non-Federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible

for participation in federal assistance programs or activities. These are discretionary actions that agencies implement to protect the federal government by excluding contractors who commit fraud, behave unethically, or willfully fail to perform or have a history of failure to perform according to the terms of a contract from conducting business with the federal government. Prior performance on a state contract may cause a vendor to be disqualified or prevent the vendor from being considered a qualified bidder. A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

#### **FEDERAL AGENCIES SEAL, LOGO AND FLAGS**

- All non-Federal entities using federal financial assistance must obtain federal approval prior to using the federal agencies’ seal(s), logos, crests or reproductions of flags or likenesses of federal agencies, agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

#### **DRUG-FREE WORKPLACE REGULATIONS**

- All non-Federal entities using federal financial assistance will comply with the requirements of the Drug-Free Workplace Act of 1988 (41 USC. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The Non-Federal entity must notify the awarding office if an employee of the non-Federal entity is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at 2 CFR 3001.

#### **DUPLICATION OF BENEFITS**

- Any cost allocable to a particular Federal award provided for in 2 CFR Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude a Non-Federal entities form shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal award.

#### **EQUAL EMPLOYMENT OPPORTUNITY.**

- Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

#### **ENERGY POLICY AND CONSERVATION ACT**

- All non-Federal entities must comply with the requirements of 42 USC. Â¿ 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

#### **ENVIRONMENTAL PLANNING AND HISTORIC PRESERVATION (EHP) REQUIREMENT**

- Non-Federal entities proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must

participate in the EHP review process. The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process must be completed before funds are released to carry out the proposed project.

#### **FALSE CLAIMS ACT AND PROGRAM FRAUD CIVIL REMEDIES**

- The False Claims Act imposes liability on persons and companies who defraud governmental programs. The law includes provision that allows people who are not affiliated with the government to file on behalf of the government (informally called whistle blowing). All Non-Federal entities must comply with the requirements of 31 USC. § 3729 which set forth that no non-Federal entities of federal payments shall submit a false claim for payment. See also 38 USC. § 3801-3812 which details the administrative remedies for false claims and statements made.

#### **FEDERAL ACQUISITION REGULATIONS (FAR)**

- FAR requires non-federal agencies to solicit offers from, award contracts to, and consent to sub-contracts only with responsible contractors. Suspensions and debarments are discretionary actions that agencies implement to protect the federal government by excluding contractors who commit fraud, behave unethically, or willfully fail to perform or have a history of failure to perform according to the terms of a contract from conducting business with the federal government.

#### **FEDERAL DEBT STATUS OMB CIRCULAR A-129 AND FORM SF-424B, ITEM NUMBER 17**

- All non-Federal entities are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments.

#### **FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006**

- The Federal Funding Accountability and Transparency Act (FFATA) ensures that the public can access information on all entities and organizations receiving Federal funds. Central to the law was the development of [www.USASpending.gov](http://www.USASpending.gov), a publically available website with searchable information on each Federal grant. Prime non-Federal entities are responsible for reporting contract information over \$25,000 and the compensation of an organization's top five executive officers when more than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000 annually is required.

#### **FEDERAL LEADERSHIP ON REDUCING TEXT MESSAGING WHILE DRIVING**

- All non-Federal entities are encouraged to adopt and enforce policies that ban text messaging while driving as described in [E.O. 13513](#), including conducting initiatives described in Section 3(a) of the Order when on official Government business or when performing any work for or on behalf of the federal government.

#### **FLOOD DISASTER PROTECTION ACT OF 1973**

- All non-Federal entities of financial assistance will comply with the requirements of the Flood Disaster Protection Act of 1973, as amended (42 USC. § 4001 et seq.), which provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one year of the identification. The flood insurance purchase requirement applies to both public and private applicants for federal support. Lists of flood prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

#### **FLY AMERICA ACT OF 1974**

- All non-Federal entities of financial assistance must comply with the requirements of the preference for U.S. Flag Air Carriers. Travel supported by U.S. Government funds requirement, which states preference for the use of U.S. flag air carriers (air carriers holding certificates under 49 USC. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 USC. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

#### **HATCH ACT**

- All non-Federal entities must comply with the Hatch Act (5 USC. 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or part with federal funds (Coverage is not dependent on the source of an employee's salary, nor is it dependent upon whether the employee actually administers the funds or has policy duties with respect to them). State and local employees subject to the Hatch Act continue to be covered while on vacation leave, annual leave, sick leave, leave without pay, administrative leave, or furlough.

#### **HOTEL AND MOTEL FIRE SAFETY ACT OF 1990**

- In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 USC. §2225(a), all non-Federal entities must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, 15 USC. §2225.

#### **IMPROVING ACCESS TO SERVICES LIMITED ENGLISH PROFICIENCY EXECUTIVE ORDER 13166**

- The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that Non-Federal entities of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

#### **INDEMNIFICATION**

- The non-Federal entities must agree that grant funds are solely for the benefit of the parties to the grant award and gives no right to any other party. No joint venture or partnership may be formed as a result of these Grant Terms and Conditions.
- The non-Federal entities must agree to protect, save and hold harmless HSEMD, the State of Iowa, and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the negligent acts, errors, or omissions of the non-Federal entities. This likewise applies to the non-Federal entities' authorized representative(s), its contractors, subcontractors, agents, licensees, or other such person associated with the non-Federal entities in connection with the Terms and Conditions of any federal grant.
- The non-Federal entity and its sub-contractors agrees to defend HSEMD, the State of Iowa, and their authorized agents and employees against any claim or cause of action, or to pay reasonable attorney's fees incurred in the defense of any such claim or cause of action, as to which the non-Federal entities is required to protect, save or hold harmless.

#### **LOBBYING PROHIBITIONS**

- None of the funds provided under an award may be expended by the non-Federal entities to pay any person to influence, or attempt 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 any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement.

#### **NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1969**

- All non-Federal entities of financial assistance will comply with the requirements of the National Environmental Policy Act (NEPA), as amended, 42 USC. § 4331 et seq., which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for its grant-supported activities, federal agencies require the environmental aspects of construction grants (and certain non-construction projects as specified by the Component and awarding office) to be reviewed and evaluated before final action on the application.

#### **NATIONAL FLOOD INSURANCE ACT OF 1968**

- All non-Federal entities using federal financial assistance will comply with the requirements of Section 1306(c) of the National Flood Insurance Act, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at 44 CFR Part 63.

#### **NON-SUPPLANTING REQUIREMENT**

- All non-Federal entities must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Applicants or award non-Federal entities may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

#### **PATENTS AND INTELLECTUAL PROPERTY RIGHTS**

- Unless otherwise provided by law, non-Federal entities are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 USC. Â¿ 200 et seq. All non-Federal entities are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 CFR Part 401 and the standard patent rights clause located at 37 CFR Â¿ 401.14.

#### **PROCUREMENT STANDARDS**

- When procuring property and services under a grant, a non-Federal entity will follow the same policies and procedures it uses for procurements from its non-Federal funds. Non-Federal entities must ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Contracting and procurement standards must be in accordance with the written adopted procedures of non-Federal entities, as long as the procurement standards conform to applicable State and Federal law.
- Non-Federal entities shall ensure that every purchase order or contract includes all clauses required by Federal statutes, executive orders, and other regulations.
- Non-Federal entities shall submit bid and contracts greater than \$5,000 to HSEMD, prior to awarding or executing the contracts. HSEMD will review and comment regarding compliance with federal/state guidelines and procedures. Failure to submit for review may result in denial of request for payment if contract/procurement procedures are deemed non-compliant.

#### **PROCUREMENT OF RECOVERED MATERIALS**

- All non-Federal entities must comply with Section 6002 of the *Solid Waste Disposal Act*, as amended by the *Resource Conservation and Recovery Act*. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that

contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

#### **PROTECTION OF HUMAN SUBJECTS**

- All non-Federal entities using federal financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that non-Federal entities comply with applicable provisions/law for the protection of human subjects for purposes of research. Non-Federal entities must also comply with the requirements in federal Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

#### **REHABILITATION ACT OF 1973**

- All non-Federal entities using federal financial assistance must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 USC. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

#### **REPORTING OF MATTERS RELATED TO NON-FEDERAL ENTITIES INTEGRITY AND PERFORMANCE**

- If the total value of the current active grant and procurement contracts from all Federal assistance office exceeds \$10,000,000 for any period of time during the period of performance of the Federal award, the non-Federal entities must comply with the requirements set forth in the government-wide Award Term and Condition for non-Federal entities, Integrity and Performance Matters located at 2 CFR Part 200, Appendix XII, the full text of which is incorporated by reference in the terms and conditions of grant award.

#### **REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION**

- All non-Federal entities are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at [2 CFR Part 170, Appendix A](#), the full text of which is incorporated here by reference in the terms and conditions of the grant award.

#### **RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT**

- If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the non-Federal entities wish to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the Non-Federal entities must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

#### **SAFECOM REQUIREMENTS**

- Non-Federal entities which receive awards that wholly or partially provide funding for emergency communication projects and related activities must comply with the most recent version of the *SAFECOM Guidance on Emergency Communications Grants*. The guidance is intended to ensure that

Federally-funded investments are compatible, interoperable, and support the national goals and objectives for improving emergency communications nationwide. Non-Federal investing in broadband-related investments must review IB 386: Clarification on Use of Federal Agencies/FEMA Public Safety Grant Funds for Broadband-Related Expenditures and Investments must consult FEMA headquarters Program Analyst on such Investments before developing applications.

#### **SINGLE AUDIT CERTIFICATION AND ASSURANCE**

- Non-Federal entities must comply with the Office of Management and Budget Circular A-133, the "Single Audit Act, as amended," and the "Single Audit Act Amendments of 1996, as amended," Audit requirements for non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single audit conducted. A program specific audit may be conducted in place of a single audit if the auditee meets the terms specified in Office of Management and Budget Circular A-133 Subpart B § \_\_.200, paragraph C. The Single Audit Act provides that the audit shall be made by an independent auditor and in addition to the financial audit, requires that the independent auditor determine and report on whether the organization has internal control systems to provide reasonable assurance that it is managing Federal assistance programs in compliance with applicable laws and regulations. In order to provide this assurance the auditor must make a study and evaluation of internal control systems used in administering Federal assistance programs. The study and evaluation must be made whether or not the auditor intends to place reliance on such systems.

#### **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 LIMITED ENGLISH PROFICIENCY**

- All non-Federal entities using federal financial assistance will comply with the requirements of Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, Non-Federal entities s must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Non-Federal entities s are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. Non-Federal entities s of financial assistance will comply with the requirements of (42 USC. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

#### **TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968 (FAIR HOUSING)**

- All non-Federal entities using federal financial assistance must comply with Title VIII of the Civil Rights Act of 1968, which prohibits non-Federal entities from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 USC. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features (see 24 CFR § 100.201).

#### **TITLE IX OF EDUCATION AMENDMENTS OF 1972**

- All non-Federal entities using federal financial assistance will comply with the requirements of Title IX of the Education Amendments of 1972 (20 USC. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or

be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part 19.

#### **TRAFFICKING VICTIMS PROTECTION ACT OF 2000**

- All non-Federal entities using federal financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 USC. § 7104), located at 2 CFR Part 175. This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007 In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the Non-Federal entities or a sub Non-Federal entities - (a) Engages in severe forms of trafficking in persons during the period of time that the award is in effect; (b) Procures a commercial sex act during the period of time that the award is in effect; or (c) Uses forced labor in the performance of the award or sub awards under the award. Full text of the award term is provided at 2 CFR § 175.15.

#### **TERRORIST FINANCING**

- All non-Federal entities must comply with E.O. 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of Non-Federal entities to ensure compliance with the Order and laws

#### **UNIVERSAL IDENTIFIER AND SYSTEM OF AWARD MANAGEMENT (SAM)**

- All non-Federal entities are required to comply with the requirements set forth in the government-wide Award Term regarding the System for Award Management and Universal Identifier Requirements located at 2 CFR Part 25, Appendix A.

#### **USA PATRIOT ACT OF 2001**

- All non-Federal entities using federal financial assistance will comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 USC. §§ 175-175c.

#### **WHISTLEBLOWER PROTECTION ACT**

- All non-Federal entities must comply with the statutory requirements for whistleblower protections (if applicable) at 10 USC § 2409, 41 USC. 4712, and 10 USC. § 2324, 41 USC. § 4304 and 4310.