

NOFA for 2027 CSBG Discretionary Funds for Native American and MSFW Populations

Attachment G – Applicant Certifications

Applicant Name

The completed form *must* be signed by the head of the organization. Handwritten or electronic signatures are acceptable. Typed signatures will not be accepted. If any of the certifications cannot be attested, then upload a document to this form explaining why.

I am authorized to act on behalf of the applicant listed above to certify:

Legal Authority - The applicant organization possesses legal authority to apply for and receive funds and carry out activities authorized by the Community Services Block Grant program.

Confidentiality – If this application is funded, the Subrecipient will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided services under any project assisted under the CSBG program.

No Violation of Federal Law – The applicant certifies that this application does not include proposed financial participation by a person who, during the five-year period preceding the date of the application, has been convicted of violating a federal law or assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government as a result of Hurricane Rita, Hurricane Katrina, or any other disaster occurring after September 24, 2005. Applicant acknowledges that any award by the Texas Department of Housing and Community Affairs pursuant to this application may be terminated and payment withheld if this certification is inaccurate.

Drug-Free Workplace – If this application is funded, each project receiving CSBG funding will, in good faith, ensure compliance with the Drug-Free Workplace Act of 1988.

Compliance with All Applicable Laws – All CSBG-funded activities will be carried out in accordance with all applicable laws and regulations of the U.S. Department of Health and Human Services and the Texas Department of Housing and Community Affairs.

Certification Regarding Lobbying –

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the State, to any person or organization 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 any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid 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 this Federal contract, grant, loan, or cooperative agreement, the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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2. The State shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose according to the Government-wide Guidance for New Restrictions on Lobbying (Fed. Reg. December 20, 1989; 52306).

Certification requiring Pro Children Act of 1994 – Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity by signing the Applicant certifies that it will comply with the requirements of the Act.

The Applicant further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Compliance with Laws, Rules, and Requirements – Applicant represents and warrants that it will comply, and assure the compliance of all its subrecipients and contractors, with all applicable federal and state laws, rules, regulations, and policies in effect or hereafter established. In addition, Applicant represents and warrants that it will comply with all requirements imposed by the awarding agency concerning special requirements of law, program requirements, and other administrative requirements. In instances where multiple requirements apply to Applicant, the more restrictive requirement applies.

Cybersecurity Training Program (Local Government System) – If applicable, Applicant represents and warrants its compliance with Section 2054.5191 of the Texas Government Code relating to the cybersecurity training program for local government employees who have access to a local government computer system or database.

Debarment and Suspension – Applicant certifies that it and its principals are not suspended or debarred from doing business with the state or federal government as listed on the State of Texas Debarred Vendor List maintained by the Texas Comptroller of Public Accounts, the Texas Department of Housing and Community Affairs, and the System for Award Management (SAM) maintained by the General Services Administration.

Disaster Recovery Plan – Upon request of Agency, Applicant shall provide copies of its most recent business continuity and disaster recovery plans.

Disclosure of Violations of Federal Criminal Law – Applicant represents and warrants its compliance with 2 CFR § 200.113 which requires the disclosure in writing of violations of federal criminal law involving fraud, bribery, and gratuity and the reporting of certain civil, criminal, or administrative proceedings to SAM.

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Disclosure Protections for Certain Charitable Organizations, Charitable Trusts, and Private Foundations – Applicant represents and warrants that it will comply with Section 2252.906 of the Texas Government Code relating to disclosure protections for certain charitable organizations, charitable trusts, and private foundations.

Discrimination Prohibited – In accordance with Section 2105.004 of the Texas Government Code, Applicant represents and warrants that it will not use block grant funds in a manner that discriminates on the basis of race, color, national origin, sex, or religion.

Dispute Resolution – The dispute resolution process provided in Chapter 2009 of the Texas Government Code is available to the parties to resolve any dispute arising under the agreement.

Excluded Parties – Applicant certifies that it is not listed in the prohibited vendors list authorized by Executive Order No. 13224, “Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism”, published by the United States Department of the Treasury, Office of Foreign Assets Control.

Executive Head of a State Agency Affirmation – In accordance with Section 669.003 of the Texas Government Code, relating to contracting with the executive head of a state agency, Applicant certifies that it is not (1) the executive head of the Agency, (2) a person who at any time during the four years before the date of the contract or grant was the executive head of the Agency, or (3) a person who employs a current or former executive head of the Agency.

Federal Solid Waste Disposal Act – Applicant represents and warrants that it will comply with the requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.

Funding Limitation – Applicant understands that all obligations of Agency under the contract are subject to the availability of grant funds. The contract is subject to termination or cancellation, either in whole or in part, without penalty to Agency if such funds are not appropriated or become unavailable.

Governing Law and Venue – This agreement shall be governed by and construed in accordance with the laws of the State of Texas, without regard to the conflicts of law provisions. The venue of any suit arising under this agreement is fixed in any court of competent jurisdiction of Travis County, Texas, unless the specific venue is otherwise identified in a statute that directly names or otherwise identifies its applicability to the contracting state agency.

Indemnification – Applicant shall defend, indemnify and hold harmless the State of Texas and the Agency, and/or their officers, agents, employees, representative, contractors, assignees, and/or designees from any and all liability, actions, claims, demands, or suits, and all related costs, attorney fees, and expenses arising out of, or resulting from any acts or omissions of applicant or its agents, employees, subcontractors, order fulfillers, or suppliers of subcontractors in the execution or performance of the contract and any purchase orders issued under the contract. The defense shall be coordinated by applicant with the Office of the Texas Attorney General when Texas State Agencies are named defendants in any lawsuit and respondent may not agree to any settlement without first obtaining the concurrence from the Office of the Texas Attorney General. Applicant an Agency agree to furnish timely written notice to each other of any such claim.

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Legal Authority – Applicant represents that it possesses legal authority to apply for the grant. A resolution, motion or similar action has been duly adopted or passed as an official act of the Applicant's governing body, authorizing the filing of the Response, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative, or the designee of Applicant to act in connection with the Response and to provide such additional information as may be required.

Lobbying Expenditure Restriction – Applicant represents and warrants that Agency's payments to Applicant and Applicant's receipt of appropriated or other funds under the contract or grant are not prohibited by Sections 403.1067 or 556.0055 of the Texas Government Code which restrict lobbying expenditures.

No Conflicts of Interest (Federal) – Applicant represents and warrants its compliance with the Federal awarding agency's conflict of interest policies in accordance 2 CFR § 200.112.

No Conflicts of Interest (State) – Applicant represents and warrants that performance under the contract or grant will not constitute an actual or potential conflict of interest or reasonably create an appearance of impropriety. Further, Applicant represents and warrants that in the administration of the grant, it will comply with all conflict of interest prohibitions and disclosure requirements required by applicable law, rules, and policies, including Chapter 176 of the Texas Local Government Code. If circumstances change during the course of the contract or grant, Applicant shall promptly notify Agency.

No Waiver of Sovereign Immunity – The Parties expressly agree that no provision of the grant or contract is in any way intended to constitute a waiver by the Applicant or the State of Texas of any immunities from suit or from liability that the Applicant or the State of Texas may have by operation of law.

Open Meetings – Applicant represents and warrants its compliance with Chapter 551 of the Texas Government Code, which requires all regular, special or called meetings of a governmental body to be open to the public, except as otherwise provided by law.

Political Polling Prohibition – Applicant represents and warrants that it does not perform political polling and acknowledges that appropriated funds may not be granted to, or expended by, any entity that performs political polling.

Texas Public Information Act – Information, documentation, and other material in connection with this Solicitation or any resulting contract or grant may be subject to public disclosure pursuant to Chapter 552 of the Texas Government Code (the "Public Information Act"). In accordance with Section 2252.907 of the Texas Government Code, Applicant is required to make any information created or exchanged with the State pursuant to the contract or grant, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the State.

Reporting Compliance – Applicant represents and warrants that it will submit timely, complete, and accurate reports in accordance with the grant and maintain appropriate backup documentation to support the reports.

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Records Retention – Applicant represents and warrants its compliance with the records retention requirements of 2 CFR §200.333. Agency reserves the right to direct a Applicant to retain documents for a longer period of time or transfer certain records to Agency custody when it is determined the records possess longer term retention value. Applicant must include the substance of this clause in all subawards and subcontracts.

Reporting Suspected Fraud and Unlawful Conduct – Applicant represents and warrants that it will comply with Section 321.022 of the Texas Government Code which requires that suspected fraud and unlawful conduct be reported to the State Auditor’s Office.

Rights to Inventions Made Under a Contract or Agreement – Applicant represents and warrants that it will 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, if Federal award meets the definition of “funding agreement” under 37 CFR §401.2(a) and the Applicant wishes 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.”

State Auditor's Right to Audit – The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. The acceptance of funds directly under the contract or indirectly through a subcontract under the contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, an entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Subaward Monitoring – Applicant represents and warrant that it will monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with applicable statutes, regulations, and the terms and conditions of the subaward, and that subaward performance goals are achieved.

Personal Responsibility and Work Opportunity Act of 1996 (PRWORA) – Applicant represents that it will ensure they are operating in compliance with PRWORA which provides that an alien who is not a qualified alien is not eligible for federal public benefits. Applicant certifies it will verify eligibility status for each applicant ensuring that benefits are only provided to U.S. Citizens, U.S. Nationals, or Qualified Aliens.

Authorized Signature (handwritten or digital)	
Title	
Date	

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This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.