

## Directions for Completion of Agreement and Assurances by Applicant for Award or Sub-Award:

1. Type into or select the appropriate box that is highlighted blue and gray.
2. Please note that paragraphs 27-34 apply only to sub-awards funded in whole or part with federal funds, including federal block grant funds, paragraph 35 applies only to sub-awards funded in whole or part with Community Mental Health Block Grant (CMHBG) funds, paragraphs 36-44 apply only to sub-awards funded in whole or part with Substance Abuse Prevention and Treatment Block Grant (SAPTBG) funds, and paragraphs 45-48 apply only to sub-awards to programs serving women funded in whole or part with SAPTBG funds.
3. Sign the signature page.
4. Read and Sign Attachment 2: "Certifications," Attachment 3: "Non Construction Programs" for sub-awards funded in whole or part with federal funds and Attachment 4: "Standard Affirmation and Disclosure—Executive Order 2011-12K" for all sub-awards.
5. IF necessary, add other documents and incorporate into Attachment 5.
6. Attachments 7 and 8 apply only to Family and Children First Councils and their administrative agents

***NOTE: Changes and/or modifications to the Agreement and Assurance will not be accepted by OhioMHAS.***



## AGREEMENT and ASSURANCES (Attachment 1)

In accepting an award or sub-award from the Ohio Department of Mental Health and Addiction Services, hereinafter "DEPARTMENT", \_\_\_\_\_ ("SUB-AWARDEE"),  
located at: \_\_\_\_\_

### Agrees and makes the following assurances:

1. SUB-AWARDEE has received an allocation or applied for an award or sub-award ("sub-award") from one or more of the following fund sources:
  - Community Mental Health Block Grant (CMHBG) (CFDA 93.958)
  - Substance Abuse Prevention and Treatment Block Grant (SAPTBG) (CFDA 93.959)
  - Title IV-B, Part 1 Child and Family Services Grant (CFDA No. 93.645, Federal Award No. 0701OH00FP)
  - Title IV-B Part 2 Family Support Grant (CFDA No. 93-556, Federal Award No. 0701OH1400)
  - 5AU Rotary; ODMHAS Account for Receipt of federal funds
  - Projects for Assistance in Transition from Homelessness (PATH) Grant (CFDA No. 93.150)
  - GRF Allocation Line Item (ALI) Grant
  - Probate Court reimbursement for costs, fees, and expenses pursuant to ORC 5122.43
  - Title XX (CFDA No. 93.667)
  - Child Care Quality (CFDA No. 93.713)
  - Other: [include CFDA # for federal funds]
  - Other: [include CFDA # for federal funds]
  - Other: [include CFDA # for federal funds]

administered by the DEPARTMENT for the purpose(s) designated in the allocation or described in the Request for Proposal (RFP)/final accepted Proposal, or the final approved version of the Application(s) for Funding (each hereinafter referenced as "APPLICATION"). The APPLICATION includes goals, objectives, activities, performance indicators, budget and budget narrative. APPLICATION also includes requests for reimbursement of probate court costs in accordance with Revised Code § 5122.43, any rules adopted thereunder and communications from the DEPARTMENT detailing the process and requirements for reimbursement of probate court costs, or an Interagency Agreement.

2. If applicable, the Notice of Sub-Award (NOSA) or Intrastate Transfer Voucher (ISTV) (included as Attachment 6) is incorporated by reference as an integral part of this agreement.

The NOSA establishes the:

- a) Dollar amount awarded by the DEPARTMENT;
- b) Plan for drawing down funds;
- c) Specific terms and conditions or amendments to this Agreement;
- d) Frequency of required reporting and the persons at the DEPARTMENT to whom

- i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
  - ii. Is in addition to all other remedies for noncompliance that are available to DEPARTMENT under this award.
3. SUB-AWARDEE must include the requirements of paragraph 34.a.1 of this Agreement in any sub-award made to a private entity.
- d) Definitions. For purposes of this Agreement:
- 1. "Employee" means either:
    - i. An individual employed by SUB-AWARDEE or a SUB-RECIPIENT who is engaged in the performance of this sub-award; or
    - ii. Another person engaged in the performance of this sub-award who is not compensated by SUB-AWARDEE including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
  - 2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
  - 3. "Private entity":
    - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
    - ii. Includes:
      - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
      - B. A for-profit organization.
  - 4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).
34. SUB-AWARDEE assures DEPARTMENT that it or its parent organization holds permanent 501(c) non-profit status, or is a general or special purpose government entity. [CFDA 93.958; 42 USC 300x-5(a); OMB Guidance 0930-0168; 45 CFR 96.135] Check one:
- Non-profit 501 (c) program       Government entity

**Paragraph 35 applies only to the Community Mental Health Block Grant**

35. Use of Funds – Federal CMH Block Grant funds must be used for treatment and recovery supports for adults with serious mental illness and children with serious emotional disturbances, as well as the, planning, administration, educational, and evaluation activities related to providing these services described in the combined Mental Health and Substance Abuse Prevention and Treatment Block Grant Plan.



**Signature**

The Executive Officer signing below is authorized to obligate the SUB-AWARDEE and he/she represents that he/she has reviewed and approved this AGREEMENT and ASSURANCES including all attachments on behalf of the SUB-AWARDEE.

**For the SUB-AWARDEE:**

Type in Sub Awardee Name:

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Executive Officer or Authorized Signature	Date
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Type in Executive Officer Name Below Title



## **ATTACHMENT INSTRUCTIONS**

**If applicable, please SIGN and insert the following Attachments:**

**State of Ohio agencies or instrumentalities that have executed and submitted to the DEPARTMENT a set of Certifications and Assurances current through this sub-award period do not need to execute or attach Attachments 2, 3 and 4.**

**Attachment 2** is the “Certifications” document - **Signature Required**

**Attachment 3** is the “Assurances – Non-Construction Programs” – **Signature Required**

**Attachment 4** is the “Standard Affirmation and Disclosure—Executive Order 2011-12K”  
**Information & Signature Required**

### **Guidance in Completing Attachment 4**

Per guidance from the Office of Legal Services at the Ohio Department of Administrative Services, this attachment should include contracts that are entered into for services purchased for the State.

Based on this guidance, Boards should include all entities contracted with, regardless of funding source, under ORC 340.03 (8)(a): “Enter into contracts with public and private facilities for the operation of facility services and enter into contracts with public and private community addiction and mental health service providers for the provision of community addiction and mental health services.”

**Attachment 5** is the “List of Additional Sub-awardee(s) Documents,” if multiple documents are attached, designate as 5A, 5B, 5C, etc. – **Information Required as Appropriate**

**Attachment 6** is the Notice of Sub-Award (NOSA) or the Intrastate Transfer Voucher (ISTV) - **to be provided by DEPARTMENT upon award**

**Attachment 7** is the Ohio Family and Children First Council Operational Capacity Building Funds Assurance document.

**Attachment 8** is the Ohio Family and Children First Family Centered Services and Supports (FCSS) Assurance document.

for making or entering into this transaction imposed by section 1352, title 31, U.S.C. 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.

**4. Certification Regarding Program Fraud Civil Remedies Act (PFCRA)**

The undersigned (authorized official signing for the applicant organization) certifies that the statements herein are true, complete, and accurate to the best of his or her knowledge, and that he or she is aware that any false, fictitious, or fraudulent statements or claims may subject him or her to criminal, civil, or administrative penalties.

The undersigned agrees that the applicant organization will comply with the terms and conditions of this award.

**1. Certification Regarding Environmental Tobacco Services**

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, 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 also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such federal funds. The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable Federal funds is Medicare or Medicaid; or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing this certification, the offeror/contractor (for acquisitions) or applicant/SUB-AWARDEE (for grants certifies that the submitting organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

The submitting organization agrees that it will require that the language of this certification be included in any sub-awards which contain provisions for children's services and that all sub-recipients shall certify accordingly.

The federal awarding agency strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetland pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et. Seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et. Seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et. Seq.) Related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et. seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et. seq.) Pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4831 (b) et. seq.) Which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will comply with the Single Audit Act of 1984, as amended, and 45 CFR, Part 75, Subpart F. SUB-AWARDEES must submit to DEPARTMENT the communications specified in 45 CFR §75.512(a) within the earlier of 30 days after receipt of the auditor's report(s) or nine months after the end of the audit period. DEPARTMENT reserves the right to require SUB-AWARDEE's submission of copies of the audit reporting package described in 45 CFR §75.512(c) and any management letters issued by the auditor, in accordance with 45 CFR §75.512(e).
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

**Attachment 4**

**DEPARTMENT OF ADMINISTRATIVE SERVICES/  
OHIO DEPARTMENT OF MENTAL HEALTH & ADDICTION SERVICES  
STANDARD AFFIRMATION AND DISCLOSURE FORM  
EXECUTIVE ORDER 2011-12K  
Governing the Expenditure of Public Funds for Offshore Services**

All of the following provisions must be included in all invitations to bid, requests for proposals, state term schedules, multiple award contracts, requests for quotations, informal quotations, and statements of work. This information is to be submitted as part of the response to any of the procurement methods listed.

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**CONTRACTOR/SUBCONTRACTOR AFFIRMATION AND DISCLOSURE:**

By the signature affixed to this response, the Bidder/Offeror affirms, understands and will abide by the requirement of Executive Order 2011-12K. If awarded a contract, the Bidder/Offeror becomes the Contractor and affirms that both the Contractor and any of its subcontractors shall perform no services requested under this Contract outside of the United States. The Signee shall provide all the name(s) and location(s) where services under this Contract/Grant will be performed in the spaces provided below or by attachment. Failure to provide this information as part of the response will deem the signee not responsive and no further consideration will be given to the response. Signee's offering will not be considered. If the Signee will not be using subcontractors/subgrantees, indicate "Not Applicable" in the appropriate spaces.

1. Principle location of business of Contractor/Grantee:

\_\_\_\_\_  
(Address) (City, State, Zip)

Name/Principal location of business of Subcontractor(s)/Sub grantee(s):

\_\_\_\_\_  
(Name) (Address; City, State, Zip)

\_\_\_\_\_  
(Name) (Address; City, State, Zip)

2. Location where services will be performed by Contractor/Grantee:

\_\_\_\_\_  
(Address) (City, State, Zip)

Name/Principal location of business of Subcontractor(s)/Sub grantee(s):

\_\_\_\_\_  
(Name) (Address; City, State, Zip)

\_\_\_\_\_  
(Name) (Address; City, State, Zip)

3. Location where state data will be stored, accessed, tested, maintained or backed-up by Contractor/Grantee:

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip)

Name/Location(s) where state data will be stored, accessed, tested, maintained or backed-up by Subcontractor(s)/Sub grantee(s):

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address; City, State, Zip)

Contractor also affirms, understands and agrees that Contractor and its subcontractors are under a duty to disclose to the State any change or shift in location of services performed by Contractor or its subcontractors before, during and after execution of any Contract with the State. Contractor agrees it shall so notify the State immediately of any such change or shift in location of its services. The State has the right to immediately terminate the contract, unless a duly signed waiver from the State has been attained by the Contractor to perform the services outside the United States. On behalf of the Contractor, I acknowledge that I am duly authorized to execute the Affirmation and Disclosure form and have read and understand that this form is a part of any Contract that Contractor may enter into with the State and is incorporated therein.

**For the Contractor/Grantee:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Entity Name

\_\_\_\_\_  
Address (Principal Place of Business)

\_\_\_\_\_  
Printed name of individual authorized to sign on behalf of entity

\_\_\_\_\_  
City, State, Zip