

Pre-Award Condition Forms
For Non-Profit Agencies

- EEO Certification Form**
 - Complete either Section A, or Section B, or Section C, not all three.
 - Obtain signature from the appropriate official from either the implementing agency or subgrantee agency.

- Civil Rights and EEO Questions Part 1 Form**
 - Complete this form in its entirety.
 - The responses should be based on the implementing agency.
 - A signature is not required on this form.

- Standard Assurances Form**
 - This form should be reviewed in its entirety by the project director and authorizing officials for the implementing agency and subgrantee agency.

- Special Conditions Form**
 - This form should be reviewed in its entirety by the project director and authorizing officials for the implementing agency and subgrantee agency.

- System for Award Management Profile**
 - The System for Award Management is the official U.S. government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS. Your agency registration/profile is required to be active throughout the grant project period and renewed annually. The profile can be renewed at <https://www.sam.gov/portal/public/SAM>. Please provide proof that your agency is registered and currently designated as active by uploading a copy of the Entity Overview or Entity Record on the pre-award condition page within the online grants management system.

- Contact Information**
 - There is no form associated with this condition; however, all projects are responsible for keeping contact information current. Correspondence will often be sent through the online grants management system to the project director listed for the “organization”. This is not the same as the project director listed on the title page. For more information on the organization project director, please refer to the user guide. It is also the project director’s responsibility to ensure title page information is updated as well to keep records current. Please contact your grants coordinator with any questions.

- Fidelity Insurance/Surety Bond**
 - There is no form associated with this condition; however, all projects are responsible for safeguarding and securing federal grant funds awarded to their organization relative to employee theft or other offenses with the potential to cause financial ruin.

- Proof of Tax-Exempt Status**
 - All non-profit agencies need to demonstrate their non-profit status by uploading one of the following: (1) proof that the Internal Revenue Service recognizes the organization as being tax exempt under 501(c)(3) of the Internal Revenue Code, (2) statement from a state taxing body or state secretary of state certifying that the organization is a non-profit organization and that no part of the organization's net earnings benefit any private shareholder or individual; (3) a certified copy of a certificate of incorporation or similar document

establishing nonprofit status; or (4) any of the above, if it applies to a state or national

parent organization, with a statement by the state or national parent organization that the applicant is a local nonprofit affiliate.

Civil Rights Information Obligations

This form should be reviewed in its entirety by the project director and authorizing officials for the implementing agency and subgrantee agency.

By signing below, the project director, implementing agency authorized official and subgrantee authorized official acknowledge that they have read and understand the above information and attached forms.

Signature

_____ Project Director
Date

Signature

_____ Implementing Agency Authorized Official
Date

Signature

_____ Subgrantee Agency Authorized Official
Date

CERTIFICATION FORM

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three.

Recipient's Name:		DUNS Number:
Address:		
Grant Title:	Grant Number:	Award Amount:
Name and Title of Contact Person:		

Telephone Number:	E-Mail Address:
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Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

- Recipient has less than fifty employees.
- Recipient is an Indian tribe.
- Recipient is a medical institution.
- Recipient is a nonprofit organization.
- Recipient is an educational institution.
- Recipient is receiving an award less than \$25,000.

I, _____ [responsible official],
certify that _____ [recipient] is

not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.

I further certify that _____ [recipient]
will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Print or Type Name and Title _____ Signature _____ Date _____

Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, _____ [responsible official],
certify that _____ [recipient],

which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:

_____ [organization],
_____ [address].

Print or Type Name and Title _____ Signature _____ Date _____

Section C—Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, _____ [responsible official],
certify that _____ [recipient],

which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on _____ [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

Print or Type Name and Title _____ Signature _____ Date _____

OCJS
CIVIL RIGHTS & EEOP QUESTIONS
PART I

SECTION 1: BACKGROUND

- I. How many full-time and part time employees are employed by the agency? _____
2. If the agency uses volunteers, approximately how many does the agency have per year? (please count any volunteers separately from paid employees) _____

SECTION 2: EEOP QUESTIONS

- I. If the subrecipient is required to prepare an Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R. §§ 42.301-.308, does the subrecipient have an EEOP on file for review?

U Yes LI No

- a. If yes, on what date did the subrecipient prepare the EEOP? _____

2. Has the subrecipient submitted an EEOP Short Form to the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), if required by 28 C.F.R. §§ 42.301-.308? If the subrecipient is not required to submit an EEOP Short Form to the OCR, has it submitted a certification form to the OCR claiming a partial or complete exemption from the EEOP requirements?

IJ Yes-- submitted an EEOP Short Form
IJ Yes – submitted a cetiification
UNo

- a. If the subrecipient prepared an EEOP Short Fonn, on what date did the subrecipient prepare it? _____

SECTION 3: CIVIL RIGHTS COMPLAINTS, LAWSUITS\ OR FINDINGS

***ANY COMPLAINTS, LAWSUITS, OR FINDINGS THAT HAVE OCCURRED AGAINST THE GRANTEE WITHIN THE 3 YEARS PRIOR TO THE AWARD DATE MUST BE REPORTED**

If more than one complaint or lawsuit has been filed or more than one finding has been issued, the information requested in questions 1. through 1.d below must be provided for EACH complaint, lawsuit, or finding. Several forms may be needed depending on the volume of complaints.

¹ *Please note: Any lawsuit brought against a police department that alleges violations of civil rights under color of state law (often referred to as§ 1983 Actions) MUST be reported in addition to any other complaints, lawsuits or findings. Subrecipient must include the party names, case number, and a short synopsis of the facts and the alleged civil rights violations.

I. Has the agency had any civil rights complaints or civil rights *lawsuits or findings from any state or federal comi OR investigative or administrative agency such as the Ohio Civil Rights Commission, Equal Employment Opportunity Commission, or any other administrative agency? (If the answer is yes, please proceed to a- d below. If the answer is no, skip to "Posting Notification" and the questions that follow it.)

U Yes U No

If yes, circle whichever applicable: **complaint** **lawsuit** **finding**

a. Was the complaint/lawsuit/finding filed or brought by employee(s) of the agency or beneficiaries of services you provide?

Employees _____ **Beneficiaries**

b. Does the complaint/violation/lawsuit involve discrimination based on *{indicate all that apply}*:

- race
- color
- national origin
- religion _____
- gender _____
- disability _____
- age _____
- sexual preference _____
- gender identity _____
- limited English proficiency (LEP) _____
- other (please explain) _____

c. What is the current status of the complaint/lawsuit/*finding?
{swmmarize in the space helm-tj}

***If there is a finding by an administrative or investigative agency, what were the recommendations of the agency overseeing the investigation and have those recommendations been met? If not yet met, what is the timeline for meeting those recommendations?**

d. Has the subrecipient complied with the requirement to submit to the OCR any findings of discrimination against the subrecipient issued by a federal or state court or federal or state administrative agency on the grounds of race, color, national origin, religion, gender, disability, or age?

IJ Yes IJ No

If no, notify the grantee that they are required to notify OCR and that they must do so immediately as OCJS is required to report the subrecipient.

POSTING NOTIFICATION:

2. Does the agency notify beneficiaries and employees that the agency does not discriminate on the basis of race, color, national origin, religion, gender, disability, and age *in the delivery of services* (e.g. posters, inclusion in brochures or other program materials, etc.)?

U Yes L No

If yes, briefly describe how this notification occurs:

3. Does the agency notify employees and beneficiaries through agency brochures, publications, posters, etc. that the agency does not discriminate on the basis of race, color, national origin, religion, gender, disability, and age *in employment practices*?

LJ Yes IJ No

If yes, briefly describe how this notification occurs:

4. Does the subrecipient have written policies or procedures in place for notifying program beneficiaries how to file complaints alleging discrimination by the subrecipient with the Ohio Civil Rights Commission or the federal Office of Justice Programs-Office of Civil Rights?

IJ Yes LJ No

If yes, provide an explanation of these policies and procedures:

5. Does the subrecipient conduct any training for its employees on the requirements of complying with federal civil rights laws?

U Yes IJ No

SECTION 4: REQUIREMENTS RELATED TO PERSONS WITH HANDICAP²

THE REQUIREMENTS IN SECTION 4 ONLY APPLY TO GRANTEES THAT HAVE
50(+) EMPLOYEES & AWARD AMOUNT OF \$25,000(+)
IF THIS DOES NOT APPLY SKIP TO SECTION 5

If the subrecipient has 50 or more employees and receives DOJ funding of \$25,000 or more, has the subrecipient taken the following actions:

GRIEVANCE PROCEDURES:

- I. Adopted grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Section 504 of the Rehabilitation Act of 1973? (This Act can be found at 28 C.P.R. Part 42, Subpmi G; it prohibits discrimination on the basis of a disability' in employment practices and the delivery of services.]

IJ Yes IJ No

COMPLIANCE COORDINATOR:

2. Designated a person to coordinate compliance with the prohibitions against disability discrimination contained in 28 C.P.R. Part 42, Subpmi G?

IJ Yes U No

- a. If yes, provide name of the designated person:

POSTING NOTIFICATION:

3. Notified participants, beneficiaries, employees, applicants, and others that the subrecipient does not discriminate on the basis of disability?

IJ Yes U No

- a. If yes, describe how (e.g. posters, inclusion in brochures or other program materials, etc.):

² Note: "handicap" is the term used in the legal definition in the Federal Code, which is why this term is being used rather than "disabled."

³ Disability or handicap under Section 504 of the Rehabilitation Act of 1973 means any person who: (1) has a physical or mental impairment which substantially limits one or more major life activities, or (2) has a record of such an impairment, or (3) is regarded as having such an impairment-- the perception of a disability.

SECTION 5: REQUIREMENTS FOR GRANTEES THAT OPERATE AN EDUCATION PROGRAM OR ACTIVITY
If the subrecipient operates an education program or activity, has the subrecipient taken the following actions:

GRIEVANCE PROCEDURES:

1. Adopted grievance procedures that provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Title IX of the Education Amendments of 1972? [This Act can be found at 28 C.F.R. Part 54; it prohibits discrimination on the basis of sex.]

IJ Yes IJ No

COMPLIANCE COORDINATOR:

2. Designated a person to coordinate compliance with the prohibitions against sex discrimination contained in 28 C.F.R. Part 54?

IJ Yes IJ No

- a. If yes, provide name of the designated person:

POSTING NOTIFICATION:

3. Notified applicants for admission and employment, employees, students, parents, and others that the subrecipient does not discriminate on the basis of sex in its educational programs or activities.

IJ Yes IJ No

- a. If yes, describe how (e.g. posters, inclusion in brochures or other program materials, etc.):

SECTION 6: LIMITED ENGLISH PROFICIENCY (LEP) REQUIREMENTS

1. What reasonable steps⁴ has the subrecipient taken to provide meaningful access to its programs and activities to persons who have limited English proficiency (LEP)?⁵
{summarize in the space below}

⁴ Reasonable steps in the context of LEP requires a four-factor analysis: (!)the number and proportion of LEP persons served/encountered in the eligible service population- what language groups and how frequently they are encountered in the service area (2) the frequency with which LEP individuals come in contact with the program (3) the nature and importance of the program services-- i.e. is the LEP individual asking for directions or looking for program area information (for example domestic violence); and (4) the resources available to the recipient.

⁵ Meaningful access in the context of LEP means effective and accurate communication between the grantee and the LEP individual.

2. Does the agency have an LEP policy or a procedure for language assistance services?
U Yes IJ No

SECTION 7: FAITH BASED ORGANIZATIONS

- I. Does the agency engage in inherently religious activities?
U Yes U No

2. If the subrecipient conducts religious activities as part of its programs or services, does the subrecipient do the following:

- a. Provide services to everyone regardless of religion or religious belief?

[[Yes I.I No

- b. Ensure that it does not use federal funds to conduct inherently religious activities, such as prayer, religious instruction, or proselytization, and that such activities are kept separate in time or place from federally-funded activities?

U Yes U No

- c. Ensure that participation in religious activities is voluntary for beneficiaries of federally-funded programs?

U Yes IJ No

3. Does the agency deny service to anyone on the basis of religion?

U Yes U No

Comments:

OMB APPROVAL NUMBER 1121-0140
As modified by the Office of Criminal Justice Services
Pursuant to request of the OJP Office of Civil Rights

STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which include:
 - Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d);
 - Victims of Crime Act (42 U.S.C. § 10604(e));

- The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b));
- Civil Rights Act of 1964 (42 U.S.C. § 2000d);
- Rehabilitation Act of 1973 (29 U.S.C. § 794);
- Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34);
- Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86);
- Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07);
- Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
- Equal Treatment for Faith-Based Organizations (28 C.F.R. pt. 38)
- Nondiscrimination; Equal Employment Opportunity; Policies and Procedures (28 C.F.R. pt. 42)

In accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

Additionally, all grant recipients (including subgrantees or contractors) agree to report any complaints, lawsuits, or findings from a federal or state court or a federal or state Administrative Agency regarding a civil rights finding.

7. If a governmental entity:
 - a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

CIVIL RIGHTS OBLIGATIONS

Civil Rights Obligations of Covered Entities

Nondiscrimination laws enforced by the Office for Civil Rights (OCR) prohibit discrimination and require covered entities to provide individuals an equal opportunity to participate in a program activity, regardless of race, color, national origin, age, disability, or (under certain conditions) religion or sex.

What is a Covered Entity?

A Covered Entity is any entity that receives federal financial assistance from the Department of Health and Human Services or is covered under Title II of the Americans with Disabilities Act as a program, service, or regulatory activity relating to the provision of health care or social services.

The following nondiscrimination regulations are enforced by OCR:

- **Title VI of the Civil Rights Act of 1964**, as amended ([42 USC § 2000d](#)), prohibits discrimination on the basis of race, color, or national origin [45 CFR 80](#).
- **Section 504 of the Rehabilitation Act of 1973**, as amended ([29 USC § 794](#)), prohibits discrimination against otherwise qualified individuals on the basis of disability in:
 - Programs and activities receiving financial assistance from HHS [45 CFR 84](#);
 - Notice of exercise of authority under regarding recipients with fewer than fifteen employees [45 CFR 84.52\(d\)\(2\)](#);
 - Admission or treatment against substance abusers suffering from medical conditions [45 CFR 84.53](#); and
 - Programs or activities conducted by [HHS 45 CFR 85](#).
- **The Age Discrimination Act of 1975**, as amended ([42 USC § 6101](#)), prohibits discrimination on the basis of age in:
 - Programs or activities receiving federal financial assistance [45 CFR 90](#); and
 - Programs or services receiving HHS financial assistance [45 CFR 91](#).
- **Titles VI and XVI of the Public Health Service Act** (42 USC §§ 291 and 300) require health facilities that received certain Federal funds (“Hill-Burton” funds) to provide certain services to members of its designated community [42 CFR 124, Subpart G](#).
- **Section 1557 of the Patient Protection and Affordable Care Act** (42 U.S.C. 18116), which provides that an individual shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the grounds prohibited under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. (race, color, national origin), Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq. (sex), the Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq. (age), or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (disability), under any health program or activity, any part of which is receiving federal financial assistance, or under any program or activity that is administered by an Executive Agency or any entity established under Title I of the Affordable Care

Act or its amendments. OCR has enforcement authority with respect to health programs and activities that receive Federal financial assistance from the Department of Health and Human Services (HHS) or are administered by HHS or any entity established under Title I of the Affordable Care Act or its amendments.

- **Title II of the Americans with Disabilities Act** [28 CFR Part 35: Nondiscrimination on the Basis of Disability in State and Local Government Services](#) and [2010 ADA Standards for Accessible Design](#)
- **Section 508 of the Rehabilitation Act of 1973**, as amended, (29 USC § 794) prohibits discrimination on the basis of disability in electronic information and technology as they relate to programs and activities conducted by HHS. See the [Accessibility Board 508 Homepage](#) for more information.
- **The Family Violence Prevention and Services Act** ([42 USC § 10406](#)) prohibits discrimination on the basis of age, race, color, national origin, disability, sex (gender), or religion in programs and activities funded under this Act.
- **The Low-Income Home Energy Assistance Act of 1981** ([42 USC § 8625](#)) prohibits discrimination on the basis of race, color, national origin, or sex (gender) in programs and activities funded under this Act.

LGBTQ Accessibility Policy

It is required that the needs of lesbian, gay, bisexual, transgender, and questioning program participants are taken into consideration in the applicant's program design. The applicant needs to consider how its program will be inclusive of and non-stigmatizing toward such participants. If not already in place sub-awardees must establish and publicize policies prohibiting harassment based on race, sexual orientation, gender, gender identity (or expression), religion, and national origin. The submission of an application and acceptance of a sub-award for this funding opportunity constitutes an assurance that applicants have or will put such policies in place within 12 months of the award. Sub-awardees should ensure that all staff members are trained to prevent and respond to harassment or bullying in all forms during the award period. Programs should be prepared to monitor claims, address them seriously, and document their corrective action(s) so all participants are assured that programs are safe, inclusive, and non-stigmatizing by design and in operation.