

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: October 22, 2013	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Regular
	<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Public Hearing

Department  
Submitted By: Community Services  
Submitted For: Farmworker Jobs & Education Program

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I. EXECUTIVE BRIEF



**Motion and Title: Staff recommends motion to ratify:** Signature of the Mayor on the Florida Department of Education 2013 General Assurances, Terms, and Conditions for Participation in Federal and State Programs form for the Farmworker Jobs & Education Program under Title I of the Workforce Investment Act.

**Summary:** The Farmworker Jobs & Education Program is funded by the Florida Department of Education to provide academic education and vocational training to farm workers and their dependents to get permanent employment outside of farm work. The 2013 General Assurances, Terms, and Conditions for Participation in Federal and State Programs form is part of the Florida Department of Education Grant Application which was approved by the Board on May 21, 2013 (R2013-0606). The grant application was submitted on April 30, 2013. This form was later requested by the Florida Department of Education with instructions to return as soon as possible. The emergency signature process was utilized because there was not sufficient time to submit this form through the regular agenda process. Countywide (TKF)

**Background and Justification:** The Farmworker Jobs & Education Program has been providing services to the farm worker population of Palm Beach Country for 36 years. The program is currently funded under the Workforce Investment Act, Title I, Section 167 through the Florida Department of Education.

**Attachments:** 2013 General Assurances, Terms, and Conditions for Participation in Federal and State Programs form

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Recommended By:		
	Department Director	Date 10/8/13
Approved By:		
	Assistant County Administrator	Date 10/16/13

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures					
Operating Costs					
External Revenue					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	<i>0</i>				

# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included In Current Budget? Yes  X  No \_\_\_\_\_

Budget Account No.:

Fund \_\_\_ Dept \_\_\_ Unit \_\_\_ Object \_\_\_ Program Code \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

C. Departmental Fiscal Review:  *pm*   
 Taruna Malhotra, Director, Financial & Support Svcs.

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

*Susan Neary* 10/10/13  
 OFMB *KN* *JS* *cc 10/10/13*  
*SC* 10/9 10/10

*Mr. J. Jacobson* 10/15/13  
 Contract Development and Control  
 10-15-13 *bid health*

**B. Legal Sufficiency:**

*[Signature]* 10-16-13  
 Chief Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

This summary is not to be used as a basis for payment.

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### **General Assurances, Terms, and Conditions for Participation in Federal and State Programs**

The Department of Education has developed a "General Assurances" document that must be signed by all agencies and organizations that receive federal or state funds. This is required by:

- Federal regulation 34 CFR 76.301 of the Education Department General Administrative Regulations (EDGAR), which requires a general application for subgrantees/subrecipients for participation in federal programs funded by the U.S. Department of Education that meets the requirements of Section 442 of the General Education Provisions Act (GEPA).
- Applicable federal statutes.
- Applicable regulations of other federal agencies.
- State laws and regulations pertaining to the expenditure of state funds.

**Return to:**

Florida Department of Education  
Bureau of the Comptroller  
914 Turlington Building  
325 West Gaines Street  
Tallahassee, FL 32399-0400

Community-based organizations, faith-based organizations, independent colleges, and other non-governmental agencies are required to submit the certification page of the General Assurances with an original signature along with each application submitted to the Department.

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## Florida Department of Education General Assurances, Terms, and Conditions for Participation in Federal and State Programs

**Authority for Data Collection:** 20 USC 1232e(a)

**Planned Use of Data:** The requirements established in United States Code Annotated, Title 20, Education, Chapter 31, Subchapter III, Section 1232(e), stipulate that "[e]ach local education agency which participates in an applicable program under which federal funds are made available to such agency through a state agency shall submit, to such an agency, a general application containing the assurances set forth in subsection [1232e](b)." The application shall cover the participation by the local education agency and all other organizations participating in state and federal programs administered by the Florida Department of Education. These assurances are set forth below in the "General Assurances" section.


**Instructions:** These general assurances will be in effect for the duration of the project it covers. The state agencies or boards administering the projects covered by the application shall not require the submission or amendment of such an application unless required by changes in federal or state law, or by other significant change in the circumstances affecting an assurance in such application. The superintendent, agency head, or other authorized officer must sign the certification and return it to the following address. No payment for project/grant awards will be made by this agency without a current signed General Assurances form on file. For further information, contact the Florida Department of Education, Bureau of the Comptroller, at (850) 245-0401.

### Certification:

I, the undersigned authorized official for the named agency/organization of the State of Florida, hereby apply for participation in federally funded and/or state-funded education programs on behalf of the named agency/organization below. I certify that the agency will adhere to and comply with the General Assurances and all requirements outlined in the "Project Application and Amendment Procedures for Federal and State Programs" (Green Book).

Palm Beach County	760-4054A-4CFJ1	Steven L. Abrams, Mayor
Typed Agency Name	Agency Number	Typed Name and Title of Authorized Official (Agency Head)

I certify that the agency will adhere to each of the assurances contained in this set of *General Assurances, Terms, and Conditions for Participation in Federal and State Programs* as applicable to the project(s) for which this agency is responsible.

		
Signature (must be original)	Date	Area Code/Telephone Number

Florida Department of Education – 2013

APPROVED AS TO TERMS AND CONDITIONS

BY:   
DEPARTMENT HEAD

APPROVED BY 2510 FORM AND LEGAL SUFFICIENCY

  
COUNTY ATTORNEY

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Return original to: Florida Department of Education  
Bureau of the Comptroller  
914 Turlington Building  
325 West Gaines Street  
Tallahassee, FL 32399-0400

School districts, state colleges, state universities, and governmental entities are required to have a signed certification page of the General Assurances on file with the Department's Bureau of the Comptroller, bearing the original signature of the current superintendent for school districts or the current agency head/president for other agencies.

Community-based organizations, faith-based organizations, independent colleges, and other non-governmental entities are required to submit the certification page of the General Assurances with an original signature along with each application submitted to the Department.

### General Assurances

Assurance is hereby given that, to the extent applicable:

- The recipient has the legal authority to apply for the federal/state funding, and the instructional, managerial, and financial capability (including funds sufficient to pay non-federal share of project costs, as applicable) to ensure proper planning, management, and completion of the project described in this/all applications submitted.
- The recipient will administer each program covered by the application in accordance with all applicable laws, regulations, statutes, rules, policies, procedures, and program requirements.
- The recipient will comply with the Department's *Project Application and Amendment Procedures for Federal and State Programs* (Green Book).
- The control of funds provided to the recipient under each program, and title to property acquired with those funds, will be in a public agency, and a public agency will administer those funds and property.
- The recipient will have/establish a proper accounting system in accordance with generally accepted accounting standards.
- The recipient will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, federal and state funds paid to that agency under each program. Access to such records shall be made available to authorized representatives of U.S. governmental agencies, the Florida Department of Education, the Florida Department of Financial Services, and the Auditor General of the State of Florida for the purpose of program and fiscal auditing and monitoring.
- The recipient will submit such reports to the Florida Department of Education and to the U.S. Department of Education as may reasonably be required to enable the Florida Department of

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Education and the U.S. Department of Education to perform their duties. The recipient will maintain such fiscal and programmatic records, including those required under 20 U.S.C. 1234f, and provide access to those records, as necessary, for those Departments to perform their duties.

- The recipient will provide reasonable opportunities for systematic consultation with and participation of teachers, parents, and other interested agencies, organizations, and individuals, including education-related community groups and non-profit organizations, in the planning for and operation of each program.
- Any application, evaluation, periodic program plan, or report relating to each program will be made readily available to parents and other members of the general public.
- For projects involving construction:
  - The project is not inconsistent with the Florida Department of Education's overall plans for the construction of school facilities.
  - In developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary of Education under Section 794 of Title 28 in order to ensure that facilities constructed with the use of federal funds are accessible to and usable by individuals with disabilities.
  - When required by federal program legislation, all construction contracts awarded by the recipients and subrecipients in excess of \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a et seq.), as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction").
- The recipient has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program, significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects. Such procedures shall ensure compliance with applicable federal laws and requirements.
- The recipient will not expend funds under the applicable program to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.
- The recipient 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.
- The recipient will initiate and complete the work within the applicable time frame after receipt of approval from the awarding agency.
- The recipient will comply with all federal statutes relating to nondiscrimination. (These include but are not limited to Title VI of the Civil Rights Act of 1964 [P.L. 88-352], which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972, as amended [20 U.S.C. 1681-1683 and 1685-1686], which prohibits

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discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973, as amended [29 U.S.C. 794], which prohibits discrimination on the basis of handicaps; and the Age Discrimination Act of 1975, as amended [42 U.S.C. 6101-6107], which prohibits discrimination on the basis of age.)

- The recipient 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.
- The recipient will comply with the requirements of the Gun-Free Schools Act of 1994.
- The recipient will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations" and/or Section 215.97, Florida Statutes, "Florida Single Audit Act" as applicable.
- The recipient assures that no federally appropriated funds have been paid or will be paid by or on behalf of the recipient 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 the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- The recipient will comply with the requirements in 34 CFR Part 85, Governmentwide Debarment and Suspension (Nonprocurement).
- The recipient certifies that neither it nor its officers is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal Department or agency.
- The recipient certifies that it will maintain a drug-free workplace and will comply with the requirements of the Drug-Free Workplace Act of 1988.
- The recipient will comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing each program funded.
- If applicable, the recipient will conduct assessments that are consistent with Section 1111(b)(3) of the No Child Left Behind Act.
- If applicable, the recipient will annually assess students who have been in the United States for three or more consecutive years, and the recipient will annually assess the English proficiency of all participating limited English proficient children, consistent with Section 1111(b)(7) of the No Child Left Behind Act.
- If applicable, after timely and meaningful consultation, the recipient will provide the opportunity for children enrolled in private, non-profit schools, and the educational personnel of such schools, equitable participation in the activities and services provided by these federal funds, and will notify the officials of the private schools of said opportunity. (Educational services or other benefits provided, including materials and equipment, shall be secular, neutral, and non-

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ideological. Expenditures for such services or other benefits shall be equal [consistent with the number of children to be served] to expenditures for programs of children enrolled in the public schools of the local educational agency.)

- Failure to comply with the General Assurances or any aspect of the *Project Application and Amendment Procedures for Federal and State Programs* (Green Book) may result in more restrictive conditions or project termination.

### Terms

**Applicant** - A school district or other entity seeking a project award from the Florida Department of Education.

**Budget** - The applicant's financial plan, in terms of accounts and amounts, showing use of funds for carrying out project objectives, services, or activities as found on the budget narrative form (DOE 101) and on other budget documents required by the Florida Department of Education.

**Budget Period** - The interval of time into which a project period is divided for budgetary purposes.

**Capital Outlay** - Equipment, fixtures, and other tangible personal property of a non-consumable and non-expendable nature, the value or cost of which is \$1,000 or more and the normal expected life of which is one year or more (Sections 216.011 and 273.02, Florida Statutes).

**Disbursement** - Payment made in cash, by check, or via other electronic means.

**Data Universal Numbering System (DUNS)** - Nine-digit number issued by the Dun and Bradstreet Company. This company provides business information for credit, marketing, and purchasing decisions. The federal government's Office of Management & Budget has adopted the use of the DUNS numbers to keep track of how federal grant money is awarded and disbursed.

**Equipment** - A material item of a non-expendable nature, such as a built-in facility, a movable or fixed unit of furniture or furnishings, an instrument or apparatus, a machine (including attachments), instructional skill-training device, or a set of small articles whose parts are replaceable or repairable, the whole retaining its identity and utility over a period of time which is characteristic for items of its class, with a useful life of more than one year.

**Monitoring** - Actions, activities, and practices used by the Florida Department of Education to determine that funds are used and programs are operated in accordance with applicable federal and state statutes, rules, and regulations.

**More Restrictive Conditions** - Special requirements or restrictions imposed on a project recipient as a condition of project approval by the Florida Department of Education.

**Obligations** - The amounts for orders placed, contracts awarded, services received, or for similar transactions during the stipulated project period, which will require payment during the same or a future period.

**Private, Non-profit Organization** - An agency, organization, or institution not under federal or



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public supervision or control, which is owned by one or more corporations or associations whose net earnings do not benefit and cannot lawfully benefit any private shareholder or entity.

**Private, For-Profit Organization** - An agency, organization, or institution not under federal or public supervision or control, which is owned by one or more individuals, partnerships, corporations, or associations whose net earnings do or can benefit any private shareholder or entity.

**Project** - The services, activities, or program that an entity agrees to provide for a specified period of time using state or federal funds awarded to a project recipient.

**Project Application** - An entity's request for a project award under state or federal education programs administered by the Florida Department of Education.

**Project Award** - The approval of a project application as stated in the project award notification sent to project recipients that specifies the amount of funds awarded, the project period, and any special requirements or restrictions to be imposed by the Florida Department of Education.

**Project Period** - The length of time for which a project has been authorized/awarded.

**Project Recipient** - The school district, a local education agency (LEA), public agency [including faith-based organizations (FBOs) and community-based organizations (CBOs)], or non-public agency that has been awarded a project to provide services or activities described in a project application approved by the Florida Department of Education.

**Roll-Forward** - Unobligated balances of an award or project that are allowed to be continued in subsequent funding periods.

**Supplies** - All personal property (excluding equipment, intangible property, and debt instruments) items of expendable nature that are consumed, worn out, or deteriorated in use or that lose their identity through fabrication or incorporation into a different or more complex unit or substance.

### **Explanation of Grants Management Requirements**

The following section elaborates on certain requirements included in legislation or regulations referred to in the "General Assurances" section. This section also explains the broad requirements that apply to federal program funds.

#### **Accounts and Records**

The recipient shall maintain all accounts, records, and other supporting documentation pertaining to all costs incurred and revenues or other applicable credits acquired under each approved project for a minimum of five years (see Section C, Fiscal and Program Accountability, Record Retention, for additional information).

#### **Allowable Costs**

In accounting for and expending project/grant funds, a recipient and/or sub-recipient may only charge expenditures to the project award if they are: (a) in payment of obligations incurred during the

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approved project period; (b) in conformance with the approved project; (c) in compliance with all applicable statutes and regulatory provisions; (d) costs that are allocable to a particular cost objective; (e) spent only for reasonable and necessary costs of the program; and (f) not used for general expenses required to carry out other responsibilities of the recipient and/or sub-recipient.

### Amendments

Unless otherwise stated, all project recipients shall use the project amendment requirements and procedures described in the *Project Application and Amendment Procedures for Federal and State Programs* administered by the Florida Department of Education (Green Book), Section B, Project Amendments.

### Audits

This part is applicable if the recipient is a state or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$500,000 or more in federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. In determining the federal awards expended in its fiscal year, the recipient shall consider all sources of federal awards, including federal resources received from the Department. The determination of amounts of federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements, the recipient shall also fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$500,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from non-federal entities).

### Audits – State-Funded Programs

This part is applicable if the project recipient is a non-state entity as defined by Section 215.97(2), Florida Statutes.

1. In the event that the project recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year, the recipient must have a state single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (non-profit and for-profit organizations), Rules of the

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Auditor General. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department, other state agencies, and other non-state entities. State financial assistance does not include federal direct or pass-through awards and resources received by a non-state entity for federal program matching requirements.

2. In connection with the audit requirements above, the project recipient shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (non-profit and for-profit organizations), Rules of the Auditor General.
3. If the project recipient expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the project recipient's resources obtained from non-state entities).

Pursuant to Section 215.97(8), Florida Statutes, state agencies may conduct or arrange for audits of state financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the state awarding agency must arrange for funding the full cost of such additional audits.

### Reports to be Submitted

Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, shall be submitted, when required by OMB Circular A-133, Subpart C, § \_\_\_.320(d), as revised, by or on behalf of the recipient directly to each of the following:

- Florida Department of Education  
Bureau of Contracts, Grants, and Procurement Management Services  
344 Turlington Building  
325 West Gaines Street  
Tallahassee, FL 32399-0400
- Florida Department of Education's program office at the address stated on the Project Award Notification

The Federal Audit Clearinghouse designated in OMB Circular A-133 (the number of copies required by Sections \_\_\_.320(d), should be submitted to the Federal Audit Clearinghouse), at the following address:

- Federal Audit Clearinghouse  
Bureau of the Census  
1201 East 10<sup>th</sup> Street  
Jeffersonville, IN 47132

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- Other federal agencies and pass-through entities in accordance with OMB Circular A-133, Subpart C, Sections \_\_\_\_ .320(e) and (f).

Copies of financial reporting packages shall be submitted by or on behalf of the recipient directly to each of the following:

- Florida Department of Education  
Bureau of Contracts, Grants, and Procurement Management Services  
344 Turlington Building  
325 West Gaines Street  
Tallahassee, FL 32399-0400
- Florida Department of Education's program office at the address stated on the Project Award Notification
- Auditor General's Office  
401 Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Copies of reports or the management letter shall be submitted by or on behalf of the recipient directly to:

- Florida Department of Education  
Bureau of Contracts, Grants, and Procurement Management Services  
344 Turlington Building  
325 West Gaines Street  
Tallahassee, FL 32399-0400
- Florida Department of Education's program office at the address stated on the Project Award Notification

Any reports, management letters, or other information required to be submitted to the Department pursuant to this agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (non-profit and for-profit organizations), Rules of the Auditor General, as applicable.

Recipients, when submitting financial reporting packages to the Department for audits completed in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (non-profit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

### **Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.)**

When required by federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a et seq.), as supplemented by Department of Labor (DOL) regulations (29 CFR

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Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the DOL in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the federal awarding agency. DOL regulations, rules, and instructions concerning implementation of the Davis-Bacon Act and other labor laws can be found at Title 29 CFR Parts 1, 3, 5, 6, and 7.

### **Debarment, Suspension, and Other Responsibility Matters**

As required by Executive Orders (E.O.) 12549 and 12689, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined in 34 CFR Part 85, Sections 85.105, 85.110, and 85.200, no contract shall be made to parties identified on the General Services Administration's *Excluded Parties List System* as excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding their exclusion status and that of their principal employees.

The federal government imposes this requirement in order to protect the public interest, and to ensure that only responsible organizations and individuals do business with the government and receive and spend government grant funds. Failure to adhere to these requirements may have serious consequences – for example, disallowance of cost, termination of project, or debarment. To assure that this requirement is met, there are four options for obtaining satisfaction that subgrantees and contractors are not suspended, debarred, or disqualified. They are:

The applicant certifies that it and its principals:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal Department or agency.
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement; theft, forgery, bribery, falsification, or destruction of records; making false statements; or receiving stolen property.
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in this certification.
- Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

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Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### **Drug-Free Workplace (Grantees Other Than Individual)**

As required by the Drug-Free Workplace Act of 1988 and implemented in 34 CFR 84.200 and 84.610, the applicant certifies that it will continue to provide a drug-free workplace by:

- Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- Establishing, as required by 34 CFR Part 215, an ongoing drug-free awareness program to inform employees about:
  - The dangers of drug abuse in the workplace.
  - The grantee's policy of maintaining a drug-free workplace.
  - Any available drug counseling, rehabilitation, and employee assistance programs.
  - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- Requiring that each employee engaged in the performance of the project be given a copy of this statement.
- Notifying the employee in the statement that, as a condition of employment under the project, the employee will:
  - Abide by the terms of the statement.
  - Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- Notifying the agency in writing within 10 calendar days after receiving notice of an employee's conviction of a violation of a criminal drug statute in the workplace, as required by 34 CFR 84.205(c)(2), from an employee or otherwise receiving actual notice of employee's conviction. Employers of convicted employees must provide notice, including position title to:

Director, Grants and Contracts Service  
U.S. Department of Education  
400 Maryland Avenue, S.W. [Room 3124, GSA – Regional Office Building  
No. 3]  
Washington, D.C. 20202-4571

(Notice shall include the identification number[s] of each affected grant).
- Taking one of the following actions, as stated in 34 CFR 84.225(5)(b), within 30 calendar days of receiving the required notice with respect to any employee who is convicted of a violation of a criminal drug statute in the workplace.

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- Taking appropriate personnel action against such an employee, up to and including termination consistent with the requirements of the Rehabilitation Act of 1973, as amended.
- Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Making a good-faith effort to maintain a drug-free workplace through implementation of requirements stated above.

### **DUNS Number - Data Universal Numbering System**

The federal government requires organizations to provide a DUNS number as part of their grant applications and proposals. The Office of Management & Budget (OMB) has adopted the use of DUNS numbers to keep track of how federal grant money is awarded and dispersed. The DUNS number is a nine-digit number issued by the Dun and Bradstreet Company. This company provides business information for credit, marketing, and purchasing decisions. Some entities will also have what is known as "DUNS + 4," which is used to identify specific units within a larger entity.

Registering for a DUNS number is free of charge with no obligation to purchase any products from the Dun and Bradstreet Company. An authorizing official of the organization should request the number. Generally, it only takes a day to obtain a DUNS number by phone (1-866-705-5711), while applications through the Dun and Bradstreet website can take up to 30 days.

All recipients and sub-recipients funded with federal funds must obtain a DUNS number prior to receiving a Project Award.

### **General Education Provisions Act (GEPA) Requirements - Section 427 (Federal Requirement) Equity for Students, Teachers, and Other Program Beneficiaries**

The purpose of Section 427 of GEPA is to ensure equal access to education and to promote educational excellence by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in proposed projects, and to promote the ability of such students, teachers, and beneficiaries to meet high standards. Further, when designing their projects, grant applicants must address the special needs and equity concerns that might affect the ability of students, teachers, and other program beneficiaries to participate fully in the proposed project.

Program staff within the granting institution must ensure that information required by Section 427 of GEPA is included in each application that the Department funds. *(There may be a few cases, such as research grants, in which Section 427 may not be applicable because the projects do not have individual project beneficiaries. Contact the Government Printing Office staff should you believe a situation of this kind exists.)* In addition, all application packages for discretionary grants and cooperative agreements must include the "Notice To All Applicants"(attached) that explains the requirements of Section 427.

The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, and age. Based on local circumstances, the

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applicant can determine whether these or other barriers may prevent participants from access and participation in the federally assisted project, and how the applicant would overcome these barriers.

These descriptions may be provided in a single narrative or, if appropriate, may be described in connection with other related topics in the application. Applicants should be asked to state in the table of contents where this requirement is met.

Department program staff members are responsible for screening each application to ensure that the requirements of this section are met before making an award. If this condition is not met, after the application has been selected for funding the program staff should contact the applicant to find out why this information is missing. Documentation must be in the project file indicating that this review was completed before the award was made. See the Education Department General Administrative Regulations (EDGAR), 34 CFR § 75.231 for federal requirements relating to grant selection criteria. If an oversight occurred, the program staff may give the applicant another opportunity to satisfy this requirement, but must receive the missing information before making the award.

All applicants for new awards must satisfy this provision to receive funding. Those seeking *continuation* awards do not need to submit information beyond the descriptions included in their original applications.

### **Gun Possession**

As required by Title XIV, Part F, Section 14601 (Gun-Free Schools Act of 1994) of the Improving America's Schools Act:

- The applicant certifies that in compliance with Section 1006.13(3)(a), Florida Statutes, any student who is determined to have brought a firearm, as defined in 18 U.S.C. s. 921, to school, any school function, or on any school-sponsored transportation will be expelled, with or without continuing educational services, from the student's regular school for a period of no less than one full year, and referred to the criminal justice or juvenile justice system.
- School boards may assign the student to a disciplinary program or second-chance school for the purpose of continuing educational services during the period of expulsion.
- Superintendents may consider the one-year expulsion requirement on a case-by-case basis and request that the school board modify the requirement if determined to be in the best interest of the student and the school system.

### **Indirect Cost and Administrative Fees**

**School District** - The Department has been given authority by the U. S. Department of Education to negotiate indirect cost proposals and to approve indirect cost rates for school districts. School districts are required to develop an indirect cost proposal and, if they fail to do so, they will not be allowed to recover any indirect costs. Amounts from zero to the maximum negotiated rate may be approved for a program or project by the Department's Comptroller. Indirect costs shall only apply to federal projects.



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**State Agencies, Universities, and State Colleges** - The Department will allow other state agencies including state universities and state colleges, to charge an indirect cost (administrative and/or overhead) up to five percent or the agency's rate approved by the appropriate cognizant agency, **whichever is lower**. This rate may be charged on the total direct costs disbursed less the amounts of subcontracts in excess of \$25,000, items of equipment, alterations, renovations, and flow-through funds ("pass through" to another entity) on projects issued by the Department. This rate is intended to be all-inclusive of typical administrative and overhead costs, including but not limited to, rental of office space, bookkeeping and accounting services, and utilities. In the alternative, the Department will approve an indirect cost rate of five percent plus the direct charges for typical administrative and overhead costs such as office space rental when such costs can be directly and appropriately allocated to the program.

**Other Agency** - To be allowed to recover indirect costs, agencies other than school districts must furnish to the DOE's Comptroller's Office a copy of their current negotiated indirect cost plan that has been approved by the appropriate cognizant agency. Amounts from zero to the maximum negotiated rate may be approved for a program or project by the Department's Comptroller. Indirect costs shall only apply to federal projects.

### **Restrictions on Funds for Administration**

Restrictions on the amount or percentage that can be charged to a project's administration (which includes indirect cost) will be reflected in the RFP or RFA and/or in the approved Project Award notification or amendment, where applicable.

### **Administrative Fee for Non-Federal Funds**

An administrative fee may be approved by the Department for non-federal projects not to exceed five percent of the total cost of the project.

### **Interest Income**

Based on Section 216.181(16)(b), Florida Statutes, and 34 CFR § 80.21(i), project/grant recipients shall promptly (at least quarterly) remit all interest earned on cash advanced by the Department.

### **Lobbying**

In accordance with Section 216.347, Florida Statutes, the disbursement of grants and aids appropriations for lobbying is prohibited. The Department may not authorize or make any disbursement of grants and aids appropriations pursuant to a contract or grant to any person or organization unless the terms of the grant or contract prohibit the expenditure of funds for the purpose of lobbying the Legislature, the judicial branch, or a state agency. The provisions of this section are supplemental to the provisions of Section 11.062, Florida Statutes, and any other law prohibiting the use of state funds for lobbying purposes.

As required by Section 1352, Title 31, of the U.S. Code, and implemented in 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined in 34 CFR 82.105 and 82.110, the applicant certifies that:

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- No federally appropriated funds have been paid or will be paid by or on behalf of the undersigned 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 the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- If any funds other than federally 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, contracts under grants, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

### **Monitoring**

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, Florida Statutes, monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement (Project/Grant), the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department. In the event the Department determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by Department staff to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

### **More Restrictive Conditions**

Project recipients found to be in noncompliance with fund source requirements or determined to be "high risk" shall be subject to the imposition of more restrictive conditions. (See Section G, Conditions for the Approval of Project Applications and Project Amendments, or the Termination of a Project for additional information.)

### **Obligations by Project Recipients**

Obligations will be considered to have been incurred by project recipients on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been obligated at the time such services were rendered, such travel was performed, and/or when facilities are used.

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### **Ownership of Products—Intellectual Property**

The ownership of products resulting from a project, which are subject to intellectual property rights, shall remain with the Department unless such ownership is explicitly waived. The following terms and conditions apply to all grants and project recipients, unless explicitly waived:

- With respect to all products created by the grantee for this project, said materials will be the property of the Department.
- To the extent that any product constitutes a “work” within the meaning of U.S. copyright laws, 17 U.S.C.S. 101, et seq., it shall be a “work for hire.” In the event that a court of competent jurisdiction determines that a product or material is not a work for hire as a matter of law, the contractor shall assign and convey to the Department all right, title, and interest in the product or material and require its employees and subcontractors to do the same.
- The grantee agrees that its employees will not assert any ownership of the product produced under the project. The grantee shall be responsible for acquiring necessary releases or establishing appropriate contract provisions in its dealings with employees and subcontractors in order to secure the Department’s rights.
- Any claim by the grantee of ownership of pre-existing copyrights should be explicitly stated in the project documentation.
- The grantee agrees that if it hires any third party to perform any work on the project, the work shall be on a “work for hire” basis and shall not in any way infringe upon the Department’s ownership of the product.
- The grantee agrees not to convey any rights in the product to a third party.
- If the grantee hires a third party to perform any work that involves the use of pre-existing intellectual content owned by the third party, the third party shall expressly assert its ownership of the content and shall grant the grantee and the Department the non-exclusive license to use the product.
- A licensing agreement or other agreement regarding the use of intellectual property developed under the project may be developed between the Department and grantee in order to further the use of the products in the educational community.

### **Participation of Private School Students and Staff in Federal Grants**

Students and staff of nonpublic schools shall be given an opportunity for equitable participation in activities or services conducted by school districts using federal funds. Appropriate personnel must be aware of, and consult, program-specific guidelines discussed in the applicable program statute, regulations, and guidance documents.

### **Personnel Costs – Time Distribution**

Charges to federal projects for personnel costs, whether treated as direct or indirect costs, will be

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based on payrolls documented in accordance with generally accepted practices of the local educational agency (LEA) and approved by a responsible official(s) of the LEA.

As required by OMB Circular A-87, when employees work solely on a single federal award or cost objective, charges for their salaries and wages must be supported by personnel activity reports (PARs), which are periodic certifications (at least semi-annually) that the employees worked solely on that program for the period covered by the certification. These certifications must be signed by the employee or a supervisory official having firsthand knowledge of the work performed by the employee.

When employees work on multiple activities or cost objectives (e.g., more than one federal project, a federal project and a non-federal project, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity), the distribution of their salaries or wages will be supported by personnel activity reports or equivalent documents that meet the following standards:

- Reflect an after-the-fact distribution of the actual activity of each employee
- Account for the total activity for which each employee is compensated
- Prepared at least monthly and must coincide with one or more pay periods
- Signed by the employee

The U.S. Department of Education has approved for use in Florida a substitute system for allocating salaries to federal projects. As part of this substitute system, the Personnel Activity Reporting System (PARS) may be implemented by school districts so long as it is implemented in accordance with the Department's approved substitute system. This document is available upon request from the Department's Bureau of Contracts, Grants, and Procurement Management Services. When school districts choose to use the substitute system, no variations are allowed without specific written authorization from the Department. School districts choosing not to use the approved substitute system must implement a system that meets all of the OMB Circular A-87 standards. School districts choosing to use the Department's substitute system must furnish to DOE's Comptroller's Office the district's policies and procedures, which specify the reporting months, as well as the actual time reporting instrument for approval. For each district given authorization to adopt a substitute system, a written approval/agreement will be in effect for the duration of the district's participation in the substitute system or until such time as the requirements change for the Department.

Note: This does not authorize school districts to consolidate administrative funds except as otherwise stated in the project award notification or to use "teams" as a basis for allocating personnel cost. These methods apply only to the Department.

### **Project Effective Dates**

For federal programs, funds shall be obligated no earlier than the date the project application was received by the Department and determined to be in substantially approvable form or the effective date of the federal grant award, whichever is later.

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For state programs, funds shall be obligated no earlier than the effective date of the legislative appropriation, usually July 1.

All project award notifications reflect the beginning and ending dates of the project period and the date for submission of the final expenditure report. All conditions stated in the award notification are considered binding on the project recipient.

### Property

Property purchased, in whole or in part, with federal funds shall be used for the purpose of that federal program and accounted for in accordance with applicable federal and state statutes, rules, and regulations, as follows.

**Disposition of Equipment** - Based on 34 CFR 80.32(e), Section 273.025, Florida Statutes, and Rule 69I-72.002, Florida Administrative Code, when original or replacement equipment acquired under a grant or sub-grant is no longer needed for the original project or program or for other activities currently or previously supported by a federal agency, disposition of the equipment will be made as follows:

- Items of equipment with an acquisition cost of less than \$1,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency. Income received from these sales will not be reported to the Department.
- Items of equipment with an acquisition cost in excess of \$1,000 and a useful life of one year or more may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.
- In cases where a grantee or sub-grantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or sub-grantee to take excess and disposition actions.

The Department's policy concerning proceeds received from the sale of property with a current per unit fair market value over \$1,000 is that the net amount received from such sales will remain at the sub-grantee level to be used in the same ongoing program. Funds from such sales will be treated as other program income in the same ongoing program(s). This type of income should be amended into a current year's project in which the sale occurred. It should then be reported on line 11 of the Project Disbursement Report (form DOE 399, DOE 499, or DOE 599) as a total for the fiscal year in which the sale(s) occurred. This identification of income is necessary to meet reporting requirements of the U.S. Department of Education. Complete documentation for this type of income and expenditures should be maintained for monitoring and auditing purposes. Income from the sale of this type of property should be recorded in the agency's special revenue account as other income and identified as such for the federal cash advance reconciliation at the end of each fiscal year. If the agency is no longer receiving funds for the particular project or program, the income from such equipment sales will be returned to the Florida Department of Education to be forwarded to the U.S. Department of Education.<sup>1</sup>

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<sup>1</sup> Upon termination of a project, and at the discretion of the Department, all equipment/property purchased with project funds will be transferred to the location(s) specified by the Department and all necessary actions to transfer the ownership records of the equipment/property to the Department or its designee, will be taken.

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**Disposition of Real Property** - Disposition of real property will be handled on an individual basis in accordance with 34 CFR 80.31(c). The local educational agency will also coordinate real property dispositions with the program coordinator responsible for the particular project or program from which the real property was purchased. Property purchased entirely with state funds shall meet the minimum requirements of the Auditor General as defined in the County and District Tangible Personal Property publication in addition to local procedures. (See Section F, Program Income, Interest Income, and the Disposition of Equipment, for additional information.)<sup>2</sup>

### **Protected Prayer in Public Elementary and Secondary Schools**

As required in Section 9524 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, school districts and other local education agencies must certify annually that they have no policy that prevents or otherwise denies participation in constitutionally protected prayer in public elementary and secondary schools.

### **Purchasing**

Recipients may use their own procurement policies provided that they meet the minimum requirements of federal and state statutes, rules, and regulations.

### **Reporting Requirements—Financial Disbursements**

Federal project recipients on cash advance are required to report disbursements using the Cash Advance and Reporting of Disbursements System (CARDS) and by submitting a Project Budget Summary and Disbursement Report (DOE 399, DOE 499, or DOE 599) annually for each active project. These reports must be received in the DOE's Comptroller's Office by the 20th of the month succeeding the final month in which the disbursements were made. Failure to submit these reports in a timely manner may result in a decrease or delay in the monthly cash advance or loss of funds. Other federal project recipients are required to report in accordance with instructions stated in the project award notification. State project recipients shall submit reports as required by the Department. Audit reports shall be sent in accordance with Section 215.97, Florida Statutes, to:

Florida Department of Education  
Bureau of Contracts, Grants, and Procurement Management Services  
344 Turlington Building  
325 W. Gaines Street  
Tallahassee, FL 32399-0400

### **Retention and Access to Records**

Requirements related to retention and access to project/grant records are determined by federal and state laws, rules, and regulations. Federal regulation 34 CFR 80.42 specifies the following related to the retention and access requirements for records:

- (a) (1)...applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are:

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<sup>2</sup> Ibid

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- (i) Required to be maintained by the terms of this part, program regulations or the grant agreement, or
- (ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement.

In Florida, the General Records Schedule GS1-SL for State and Local Government Agencies (available at <http://dhis.dos.state.fl.us/barm/genschedules/GS1-SL.pdf>) includes the following requirements related to grant files for recipients:

This record series documents activities relating to grant-funded projects conducted by the grant recipient, including the application process and the receipt and expenditure of grant funds. These files may include, but are not limited to, grant applications; contracts; agreements; grant status, narrative, and financial reports; and supporting documentation. Project completion has not occurred until all reporting requirements are satisfied and final payments have been received.

The length of retention for these records in Florida is five years after the completion of the project provided applicable audits have been released.

### Single Audit Act

- If a recipient expends **state** financial assistance equal to or in excess of \$500,000 in a fiscal year, that recipient is subject to the requirements of the Florida Single Audit Act (see Resources).
- If the recipient expends **federal** financial assistance equal to or in excess of \$500,000 in a fiscal year, the recipient is subject to the requirements of the Federal Single Audit Act.

**Projects/Grants awarded by the Florida Department of Education to subrecipients will be subject to audits and/or monitoring by the Department.**

### Supplement, Not Supplant

In accordance with program-specific authorizing laws and regulations implementing those laws, federal funds must generally be used to increase, to the extent practical, the level of nonfederal funds that would be available in the absence of federal funds, and in no case to replace these nonfederal funds.

### The Stevens Amendment

All federally funded projects must comply with the Stevens Amendment of the Department of Defense Appropriation Act, found in Section 8136, which provides:

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be

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financed with federal money, (2) the dollar amount of federal funds for the project or program, and (3) the percentage and dollar amount of the total costs of the project or program that will be funded by non-governmental sources.

### Travel

All travel performed in connection with approved project activities must be in compliance with the current Section 112.061, Florida Statutes, which covers per diem allowance and travel expenses. The Florida Department of Education's Travel Manual is available at:  
<http://www.fldoe.org/comptroller/forms.asp>.

Section 112.061(14), Florida Statutes, Applicability to Counties, County Officers, District School Boards, Special Districts, and Metropolitan Planning Organizations, establishes statutory authority allowing specified entities to establish travel reimbursement rates other than those established by Section 112.061(6)(a), (6)(b), and (7)(d), Florida Statutes. Each entity must comply in accordance with the statute, and include with the project application a copy of the applicable document, e.g., ordinance, resolution, policy, or rule, and have a detailed description on the project budget form.