



**ASSURANCES REQUIRED OF GRANTEES OF NJ
COUNCIL ON DEVELOPMENTAL DISABILITIES**

**REQUIRED FEDERAL FORMS
FOR INFORMATION PURPOSES ONLY**

Forms included:

- Form #3: Certification Regarding Drug-Free Workplace Requirements (*Federal*)
- Form #4: Assurances – Non-construction Programs (*Federal*)
- Form #5: Habilitation Plan Assurance (*Federal*)
- Form #7: Certificate of Vote (*Federal*) * (*Submit*)
- Form #8: Certification of Legal Existence (*Federal*) * (*Submit*)
- Form #9: Financial Interest Disclosure (*Federal*) * (*Submit*)
- Form #10 Human Rights Assurances (*Federal*) * (*Submit*)
- Form #11: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Transactions (*Federal*)
- Form #12: Certification Regarding Lobbying for Grants, Loans, and Cooperative Agreements (*Federal*)
- Form #13: Compliance with the Americans with Disabilities Act (ADA) Requirements Assurances (*Federal*)
- Form #14: Affirmative Action Plan For Grants exceeding \$50,000.00 (*Federal*) * (*Submit*)
- Form #15: Compliance with Public Law 103-227, Part C The Pro Children Act of 1994 (*Federal*)

- **All grantees must submit these certificates in addition to signing this cover sheet. Signing this cover sheet certifies agreement with the statements and principles of the attached documents (listed).**

As the duly authorized representative of the grant recipient, I certify that the grant recipient assures compliance with each of the Required Forms listed above.	
Legal Name of Grant Recipient:	
Signature of Authorized Representative	Date
Print or Type Full Name	Title

FORM #3: CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS (GRANTEES OTHER THAN INDIVIDUALS)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) 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;
- (b) Establishing an ongoing drug-free awareness program to inform employees about-
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - (1) Abide by the terms of the statement; and
 - (2) 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;
- (e) Notifying the agency in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

Employers of convicted employees must provide notice, including position, title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-
 - (1) 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; or
 - (2) 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;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c),(d),(e) and (f).

The certification set out herein is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violated the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

FORM #4: ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the grant recipient, I certify that the grant recipient:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial; capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. 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.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) 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; (b) Title XI of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety

Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction agreements.

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 wetlands 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 the 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 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-l 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 the 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. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

As the duly authorized representative of the grant recipient, I certify that the grant recipient assures compliance with each of the Required Forms listed above.	
Legal Name of Grant Recipient:	
Signature of Authorized Representative SIGN COVER PAGE ONLY	Date
Print or Type Full Name	Title

FORM #5: HABILITATION PLAN ASSURANCE *

HEREBY AGREES THAT IT WILL assure that a habilitation plan is in place for each developmentally disabled person who receives services from, or under the project grant which meets the following requirements contained in 42 USC 6011:

- (1) The plan shall be in writing.
- (2) The plan shall be developed jointly by (A) a representative or representatives of the program primarily responsible for delivering or coordinating the delivery of services to the persons for whom the plan is established, (B) such person, and (C) where appropriate, such person's parents or guardian or other representative.
- (3) Such plan shall contain a statement of the long-term habilitation goals for the person and the intermediate habilitation objectives relating to the attainment of such goals. Such objectives shall be stated specifically and in sequence and shall be expressed in behavioral or other terms that provide measurable indices of progress. The plan shall (A) describe how the objectives will be achieved and the barriers that might interfere with the achievement of them, (B) state an objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (C) provide for a program coordinator who will be responsible for the implementation of the plan.
- (4) The plan shall contain a statement (in readily understandable form) of specific habilitation services to be provided, shall identify each agency which will deliver such services, shall describe the personnel (and their qualifications) necessary for the provision of such services, and shall specify the date of the initiation of each service to be provided and the anticipated duration of each such service.
- (5) The plan shall specify the role and objectives of all parties to the implementation of the plan.
- (6) Each habilitation plan shall be reviewed at least annually by the agency primarily responsible for the delivery of services to the person for whom the plan was established or responsible for the coordination of the delivery of services to such person. In the course of the review, such person and the person's parents or guardian or other representative shall be given an opportunity to review such plan and to participate in its revision.

The undersigned is authorized to make these assurances on behalf of the applicant and assures compliance by his/her signature.

As the duly authorized representative of the grant recipient, I certify that the grant recipient assures compliance with each of the Required Forms listed above.	
Legal Name of Grant Recipient:	
Signature of Authorized Representative SIGN COVER PAGE ONLY	Date
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* The NJ DDD Habilitation Plans in place may or may not meet this requirement. It is the responsibility of the grant recipient to ensure that each participant has a compliant habilitation plan.

FORM #7: CERTIFICATION OF VOTE * (Submit)

The grant recipient shall submit a "Certificate of Vote," signed by the clerk/secretary of the organization, or an existing document such as current By-Laws, Organizational Procedures, or other official statement, which lists the specific officers who are authorized to execute contracts/agreements on behalf of the organization.

FORM #8: CERTIFICATION OF LEGAL EXISTENCE * (Submit)

If the grant recipient is a private agency, it shall submit a "Certificate of Legal Existence" as evidence of that agency's private, nonprofit status. A copy of the organization's 501(C)(3) approval document(s) will be acceptable.

* A "Certificate of Legal Existence " can be obtained from the Corporation Division of the Secretary of State's Office.

FORM #9: FINANCIAL INTEREST DISCLOSURE * (Submit existing or Complete)

The grant recipient certifies under the penalties of perjury that the following sets forth the names and addresses of **all persons having a financial interest** in this contract, not including, however, any person whose only financial interest consists of the holding of one percent or less of the capital stock of a corporation contracting to provide services, in accordance with the provisions of the General Laws, Chapter 7, Section 14A, as inserted by Chapter 844 of the Acts of 1963:

<u>NAME</u>	<u>ADDRESS</u>

As the duly authorized representative of the grant recipient, I certify that the grant recipient assures compliance with each of the Required Forms listed above.	
Legal Name of Grant Recipient:	
Signature of Authorized Representative SIGN COVER PAGE ONLY	Date
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FORM #10: HUMAN RIGHTS ASSURANCES * (Submit)

1. will comply **to the extent applicable** with the policy of the Developmental Disabilities Program for the protection of persons participating in activities supported by grants and contracts from the Department of Health and Human Services. This compliance will include a review by the grant recipient agency and/or their human rights committee to safeguard the rights and welfare of persons participating in the project, **as applicable**.

2. The grant recipient will be responsible for informing all staff of the conditions of this assurance.

3. An initial review of the application indicated the following. In the opinion of the grant recipient:

A. The risks to the rights and welfare of individuals affected by this project are:

B. The grant recipient states that the following safeguards against these risks have been provided:

C. The extent to which potential benefits of this project to outweigh any identified risk:

D. As applicable, the following existing or designed informed consent procedures will be adequate and appropriate:

E. The following existing or designed privacy and confidentiality procedures will be adequate and appropriate:

F. The grant recipient agrees to develop and implement a mechanism for the continuing exchange of information and advice between the project director and the project's human rights committee, particularly concerning proposed changes in project activity or design which might affect the persons participating in the project. This communication will be implemented as follows:

G. Minutes will be kept of all human rights committee or IRC meetings and submitted to the NJDDC.

H. The names, occupations, or titles of the members of the committee are attached.

Assurances are further provided that:

- a. After careful review of project activities, it was determined that no persons or human rights risks are involved for which a human rights committee is necessary.
- b. If no human rights committee is necessary, that notification of project changes affecting human rights of project participants will be reported to the NJCDD.
- c. A human rights committee will be convened and minutes submitted to the NJCDD within thirty days after grant award.

The undersigned is authorized to make these assurances and assures compliance by his/her signature.

As the duly authorized representative of the grant recipient, I certify that the grant recipient assures compliance with each of the Required Forms listed above.	
Legal Name of Grant Recipient:	
Signature of Authorized Representative SIGN COVER PAGE ONLY	Date
Print or Type Full Name	Title

FORM #11: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION—LOWER TIER TRANSACTIONS

1. The prospective/lower tier participant certifies, by submission of this proposal/receipt of this award, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective/lower tier participant is unable to certify to any of the statements in this certification, such prospective/ participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion -- Lower Tier Covered Transactions," without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

The undersigned is authorized to make these assurances on behalf of the grant recipient and assures compliance by his/her signature.

As the duly authorized representative of the grant recipient, I certify that the grant recipient assures compliance with each of the Required Forms listed above.	
Legal Name of Grant Recipient:	
Signature of Authorized Representative SIGN COVER PAGE ONLY	Date
Print or Type Full Name	Title

FORM #12: CERTIFICATION REGARDING LOBBYING FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief that:

1. No federal 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 an agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of the Congress or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete Standard Form LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. 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.

The undersigned is authorized to make these assurances on behalf of the applicant and assures compliance by his/her signature.

As the duly authorized representative of the grant recipient, I certify that the grant recipient assures compliance with each of the Required Forms listed above.	
Legal Name of Grant Recipient:	
Signature of Authorized Representative SIGN COVER PAGE ONLY	Date
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FORM #13: COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS ASSURANCES

The Americans with Disabilities Act (ADA), Public Law 101-336 104 Stat. 327,.42 U.S.C. 12101-122213 and U.S.C. 12101-122213 and U.S.C. 225 and 611, extends Federal civil rights protection in several areas to people who are disabled. The law prohibits covered entities from excluding people with disabilities from jobs, services, activities, or benefits based on disability. The law provides fiscal penalties for discrimination.

The undersigned assures that at a minimum, the organization/ agency receiving Federal Developmental Disabilities (DD) funds will:

1. Not discriminate against qualified grant recipients and employees who are or become disabled. This assurance covers all aspects of employment, including the application process, hiring, on-the-job training, advancement and wages, benefits, and employer-sponsored social activities; and
2. Not deny goods, programs, and services to people based on their disabilities. This assurance includes providing physical accessibility, changing policies and practices, providing auxiliary aid/staff assistance, etc. to reasonably accommodate people with disabilities if this does not impose an undue burden.

The undersigned is authorized to make these assurances on behalf of the applicant and assures compliance by his/her signature.

As the duly authorized representative of the grant recipient, I certify that the grant recipient assures compliance with each of the Required Forms listed above.	
Legal Name of Grant Recipient:	
Signature of Authorized Representative SIGN COVER PAGE ONLY	Date
Print or Type Full Name	Title

FORM #14: AFFIRMATIVE ACTION PLAN FOR ORGANIZATIONS RECEIVING GRANTS EXCEEDING \$50,000 **(Submit)*

Federal law requires that the grantee shall not discriminate against any qualified applicant for employment because of race, national origin, ancestry, sex, color, age, marital status, military status, status as a Vietnam era veteran, and mental, physical and/or emotional disability. The grantee agrees to comply with all Federal and State statutes, rules, regulations, executive orders, and administrative procedures prohibiting discrimination in employment.

The grantee shall demonstrate that positive action will be implemented within the context of the existing law to ensure equitable participation in the project of people with disabilities, minorities, women and Vietnam-era veterans in all employment practices. The grantee shall demonstrate that a major effort will be made to employ qualified persons with disabilities.

All grantee organizations receiving over \$50,000 are required to make a good faith effort to subcontract with minority businesses for the purchase of certain goods and services included in the subsidiary accounts listed in the Minority Business Enterprise Purchasing Program (MBEPP), as well as its employment objectives, when appropriate and feasible.

All organizations applying for more than \$50,000 in DD funds must submit an organizational **Affirmative Action Plan** which shows a work force analysis of its current work force for the project receiving DD funds. The grantee should actively implement an equal opportunity policy and act affirmatively to provide such opportunity.

NOTE: My organization's affirmative action plan will be provided upon request and does or will comply with the conditions set herein.

The undersigned is authorized to make these assurances on behalf of the grant recipient and assures compliance by his/her signature.

As the duly authorized representative of the grant recipient, I certify that the grant recipient assures compliance with each of the Required Forms listed above.	
Legal Name of Grant Recipient:	
Signature of Authorized Representative SIGN COVER PAGE ONLY	Date
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FORM #15: COMPLIANCE WITH PUBLIC LAW 103-227, PART C THE PRO CHILDREN ACT OF 1994

Grantees must comply with Public Law 103-227, Part C - Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994. This act requires that smoking not be permitted in any portion of any indoor facility owned or leased by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments. Federal programs include grants, cooperative agreements, loans or loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug and alcohol treatment.

The undersigned is authorized to make these assurances on behalf of the grant recipient and assures compliance by his/her signature.

As the duly authorized representative of the grant recipient, I certify that the grant recipient assures compliance with each of the Required Forms listed above.	
Legal Name of Grant Recipient:	
Signature of Authorized Representative SIGN COVER PAGE ONLY	Date
Print or Type Full Name	Title