



WEST VIRGINIA DIVISION OF HOMELAND
SECURITY AND EMERGENCY MANAGEMENT
Request for Public Assistance (State)



NAME OF APPLICANT _____ (Government or Private Non-Profit Organization)
COMPLETE MAILING ADDRESS: _____ _____
DATA UNIVERSAL NUMBERING SYSTEM (DUNS#) _____
TELEPHONE NO. () _____ FEDERAL ID NO: _____
NAME OF APPLICANTS AGENT: _____ COUNTY _____

Subgrant Conditions

1. In the event that the applicant fails to expend or is over advanced Federal and or State disaster funds in accordance with Federal or State disaster assistance laws or programs, the Governor's Authorized Representative reserves the right to recapture funds in accordance with Federal or State laws and requirements.
2. The emergency or disaster relief work therein describes for which Federal/State assistance is requested hereunder does not or will not duplicate benefits received for the same loss from any other source.
3. The applicant will operate and maintain the facility (repaired/replaced) in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operations of such facilities.
4. The applicant will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation, and in conformity with applicable codes, specifications and standards, and will evaluate the hazards in areas in which the appropriate action to mitigate such hazards, including safe land use and construction practices.
5. The applicant will comply with the insurance requirements of P.L. 93-288 as amended, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.

6. The applicant will comply with the provisions of the Hatch Act which limits the political activity of employees.
7. The applicant will prohibit employees, contractors, subcontractors for a purpose that is or gives the appearance of using their positions for personal gain of themselves or those with whom they have family, business or other ties.
8. The applicant will not enter into a contract with a contractor who is on the debarred contractors list.
9. The applicant will prohibit any employee, governing body, contractor, subcontractor, organizations of participating in a conflict of interest or kickbacks.
10. The applicant will comply with minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act.
11. The applicant shall comply with all Federal and State laws against discrimination.
12. The applicant, and its employees, contractor and subcontractors shall hold harmless the United States, and its agents and employees, the State and its agents and employees from and against all;
 - a. claims,
 - b. damages,
 - c. losses and
 - d. expenses arising out of or resulting from the approval of work,
 - e. regardless of whether or not such claim, damage, loss or expense is caused entirely or in part by the United States or the State of West Virginia.
13. The applicant shall certify that;
 - a. 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 Congress, or an employee of a Member of Congress in connection with awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontractors, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
 - c. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code.
 - d. 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.
14. First-tier Subawards
 - a. All subrecipients, unless exempt as provided in item 16(b) (Below), must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery

funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity. Recipients must report the information about each obligating action in accordance with the submission instructions posted at [http:// www.fsrcs.gov](http://www.fsrcs.gov) specify.

15. Total Compensation of Subrecipient Executives

- a. All recipients unless exempt as provided in paragraph d. of this award term, for each first-tier subrecipient. Recipients must report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if
 - i. in the subrecipient's preceding fiscal year, the subrecipient received—
 1. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 2. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.
- b. Exemptions. All recipients' gross income, from all sources of the previous tax year, under \$300,000, are exempt from the requirements to report:
 - i. Subawards, and
 - ii. The total compensation of the five most highly compensated executives of any subrecipient.

16. Performance Reports

- a. The subrecipient will submit performance/progress reports in compliance with the WVDHSEM (West Virginia Division of Homeland Security & Emergency Management) Public Assistance policies starting 60 days from receipt of subgrant award and 30 days after the end of the first federal quarter following the initial subgrant award. The Governor's Authorized Representative (GAR) or designee may waive the initial report. The subrecipient will submit quarterly performance/progress status reports thereafter to WVDHSEM until the grant performance period ends. Reports are due on January 30, April 30, July 30, and October 30.
- b. The subrecipient will include in its quarterly performance/progress reports a status of project/subaward completion, amount of expenditures, and amount of payment for advancement or reimbursement of costs for each project/subaward funded under each of the programs authorized under this Agreement, including small projects authorized under the PA program.
- c. Final Performance Report: By program, when the subrecipient has submitted all outstanding payment of claim information and certifications as required in 44 CFR § 206.438(d) for HMGP and § 206.205 for PA for a particular subgrant related to this Disaster, it will indicate in the quarterly performance/progress report that the report reflects total costs and work completion of the subrecipient for the Disaster. This report is the final expenditure report for a subrecipient's final expenditures for the program for the Disaster for the purposes of Section 705(a) of the Stafford Act.

17. Construction Requirements

- a. Prior to the start of any construction activity, the subrecipient will ensure that all applicable federal, State, and local permits and approvals are obtained, including FEMA and the National Environmental Policy Act, the National Historic Preservation Act, the

Endangered Species Act, and all other applicable environmental laws and executive orders.

18. Project Closeout

- a. Project Closeout Report: Within 90 days from the date a subrecipient completes each project, the subrecipient will submit to WVDHSEM all payment of claim information and certifications as required in 44 CFR § 206.205 for PA.
- b. Project Reporting: The State will indicate on the quarterly performance/progress report each time a subrecipient has completed a project, including a small project authorized under the PA program.

19. Enforcement

- a. WVDHSEM, in coordination with FEMA, may suspend drawdowns or provide other special conditions pursuant to 2 CFR § 200.338 (Remedies for Noncompliance) if the subrecipient does not submit accurate and timely reports.

20. Records Retention

- a. Subrecipient Requirement. Subrecipients are required to retain records for 3 years from the date that the State submits to FEMA the final expenditure report for the program in question in compliance with 2 CFR § 200.333, notwithstanding the time period prescribed for subrecipients.

21. Assurances, Administrative Requirements and Cost Principles

- a. Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances – Non-Construction Programs. Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions. The administrative, cost principles and audit requirements that apply to DHS award recipients originate from:
- b. 2 CFR Part 200, Section 3002, Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards.

22. Acknowledgement of Federal Funding from DHS

- a. All recipients must acknowledge their use of federal funding when issuing statements, press releases, and requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

23. Activities Conducted Abroad

- a. All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

24. Age Discrimination Act of 1975

- a. All recipients must comply with the requirements of the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

25. Americans with Disabilities Act of 1990

- a. All recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

26. Best Practices for Collection and Use of Personally Identifiable Information (PII)
 - a. All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.
 - b. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

27. Title VI of the Civil Rights Act of 1964
 - a. All recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), codified at 6 CFR Part 21 and 44 CFR Part 7, which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

28. Civil Rights Act of 1968
 - a. All recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 CFR § 100.201).

29. Copyright
 - a. All recipients must affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

30. Debarment and Suspension
 - a. All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

31. Drug-Free Workplace Regulations
 - a. All recipients must comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. These regulations are codified at 2 CFR 3001.

32. Duplication of Benefits
 - a. State, Local and Tribal Recipients must comply with 2 CFR Part §225, Appendix A, paragraph (C)(3)(c), which provides that any cost allocable to a particular Federal award or cost objective under the principles provided for in this authority may not be charged to other Federal awards to overcome fund deficiencies.

33. Energy Policy and Conservation Act
 - a. All recipients must comply with the requirements of 42 U.S.C. §6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

34. False Claims Act and Program Fraud Civil Remedies
 - a. All recipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

35. Federal Debt Status
 - a. All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.

36. Fly America Act of 1974
 - a. All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

37. Hotel and Motel Fire Safety Act of 1990
 - a. In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. §2225a, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. §2225.

38. Limited English Proficiency (Civil Rights Act of 1964, Title VI)
 - a. All recipients must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

39. Non-supplanting Requirement

- a. All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.
40. Patents and Intellectual Property Rights
- a. Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Publ. L. No 96-517, as amended, and codified in 35 U.S.C. section 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. section 401.14.
41. Procurement of Recovered Materials
- a. All recipients must comply with section 6002 of the Solid Waste Disposal act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
42. Contract Provisions for Non-federal Entity Contracts under Federal Awards
- a. Contracts for more than the simplified acquisition threshold set at \$150,000.
 - b. All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. §1908, must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.
43. Contracts in excess of \$10,000
- a. All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
44. SAFECOM
- a. All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.
45. Terrorist Financing E.O. 13224
- a. All recipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

46. Title IX of the Education Amendments of 1975 (Equal Opportunity in Education Act)
 - a. All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 6 CFR Part 17 and 44 CFR Part 19

47. Trafficking Victims Protection Act of 2000
 - a. All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104), located at 2 CFR Part 175. This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007. Full text of the award term is provided at 2 CFR § 175.15.

48. Rehabilitation Act of 1973
 - a. All recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

49. USA Patriot Act of 2001
 - a. All recipients must comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

50. Use of DHS Seal, Logo and Flags
 - a. All recipients must obtain DHS’s approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

51. Whistleblower Protection Act
 - a. All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C. 2409, 41 U.S.C. 4712, and 10 U.S.C. 2324, 41 U.S.C. 4304 and 4310.

52. DHS Specific Acknowledgements and Assurances
 - a. All recipients must acknowledge and agree—and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.
 - b. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
 - c. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.

- d. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- e. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
- f. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
- g. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.
- h. The United States has the right to seek judicial enforcement of these obligations.

The applicant hereby assures and certifies that they will comply with the State of West Virginia (State) and Federal Emergency Management Agency (FEMA) rules & regulations. The subrecipient gives assurance and certifies that as a minimum they will comply with all applicable laws, regulations and policies. Specific compliance rules are included in this document however this list is not exhaustive in nature and more specific information can be found within the following list of governing documentation;

- West Virginia State Code, Chapter 15 (Public Safety)
- Robert T. Stafford Act (PL93-288), as amended
- Code of Federal Regulations
 - Title 2 (Grants & Agreements) and
 - Title 44 (Emergency Management & Assistance)
- Public Assistance 9500 series Disaster Assistance Policies

This application will service as the basis for a grant agreement between the State and the applicant (subrecipient). Supplemental approvals shall be amendments to the contract.

Signature of Authorized Representative_____

Title_____

Applicant
Organization_____

Date Submitted_____