



GRANT ASSURANCES TRAINING

KANSAS GOVERNOR'S GRANTS PROGRAM
GRANT ASSURANCES TRAINING

FEBRUARY 2024



General Grant Assurances

PRESENTED BY
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Kansas Open Records Act

- K.S.A. 45-215 through 45-223
- Once grant awards are announced, grant applications and related documents are subject to the Kansas Open Records Act.
- Department of Administration's Open Records Request Policy and the Kansas Open Records Act.
<https://www.admin.ks.gov/offices/chief-counsel/kansas-open-records-act>

What are Grant Assurances?

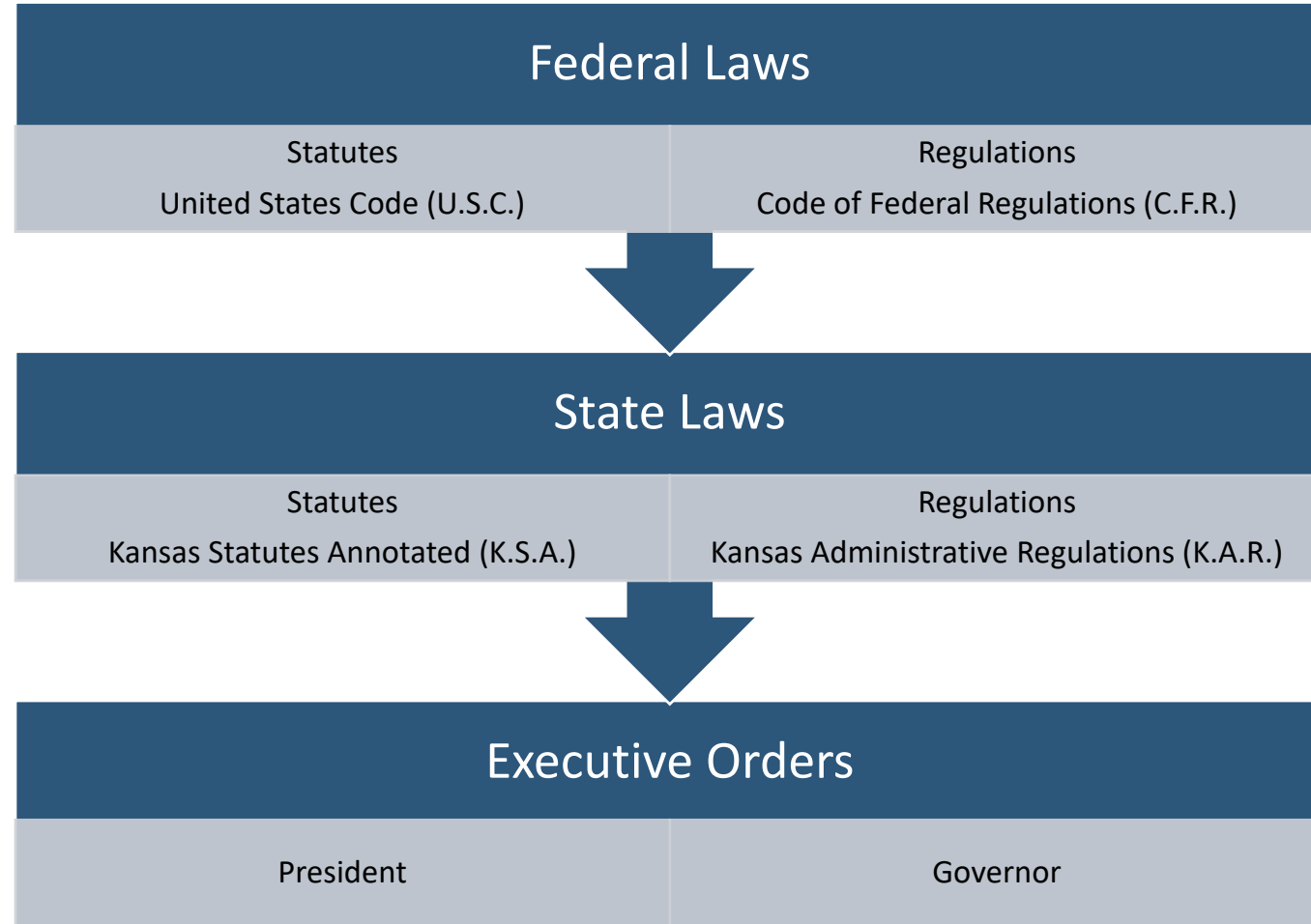
- Grant Assurances are specific requirements set forth by awarding agencies that must be followed by the grant recipient to be eligible for and in compliance with a federal grant award
- Terms of the Award are Non-Negotiable by the Grantee and the Subgrantee

The Importance of Grant Assurances

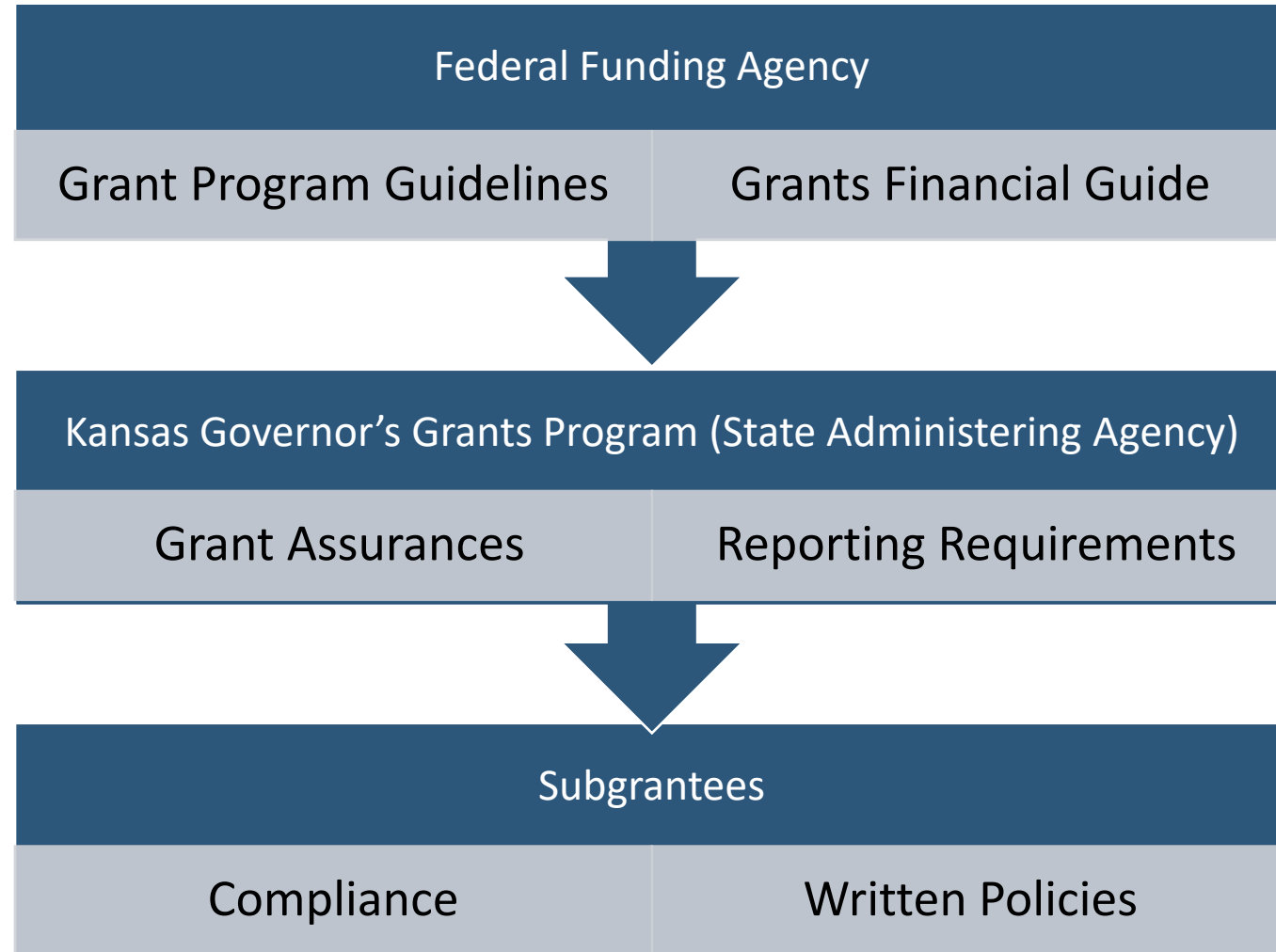
- If Grantees (KGGP) do not comply with federal grant assurances, the federal awarding agency can withdraw the grant funding
- If Subgrantees do not comply with federal and state grant assurances, the federal and/or state awarding agency can withdraw the grant funding

Authority for Grant Assurances

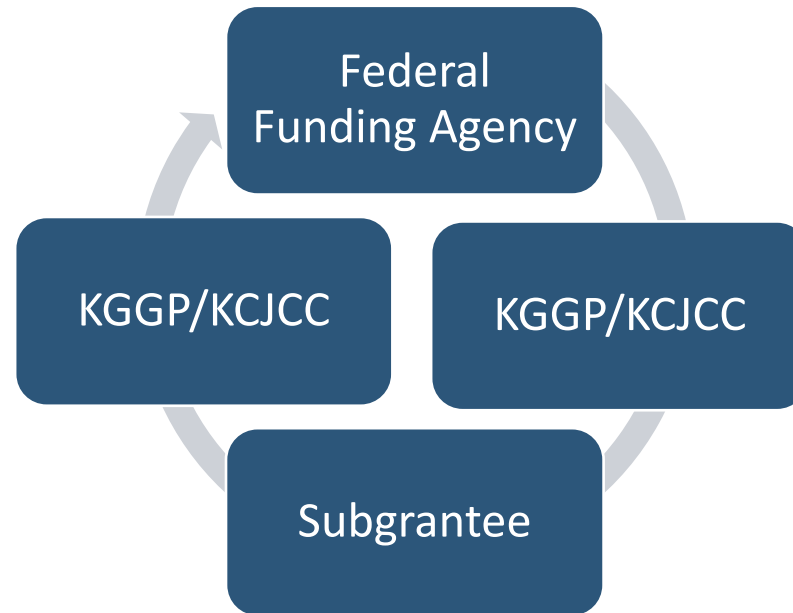
*Not negotiable



Authority for Grant Assurances



Subgrantee Compliance Grant Conditions



Subgrantee Compliance Audit

- KGGP and the Subgrantee must be able to understand and explain all Subgrantee activities
 - DOCUMENTATION
 - If it isn't documented, it didn't happen

General Provisions

- Award Period – Expenditures and activities are allowed only during grant award period
- All grant award obligations must be paid within 30 days following the end of the project period
- Expenditures and activities are allowed only for approved purposes
 - Allowable costs / activities and limitations
 - Activities articulated in Subgrantee grant application
- Solicitation
 - Allowable costs / activities and limitations of solicitation incorporated

Activities Not Allowed

- Supplanting
 - These federal funds cannot be used to replace any other funds used for the same activity due to the availability of this award
 - Utilize this award to ***Supplement*** activities
- Research
- Fundraising
- Construction, renovation, and/or purchase/lease of land/buildings
- Capital outlay
- Direct payments to program participants or their dependents
- Payment of debt



Laws and Regulations

Subgrantee Responsibilities

- Comply with all provisions of the Grant Assurances document.
- By signing the Grant Assurances, the Subgrantee documents compliance with all conditions as applicable to the project.
- Ensure that any partnering entity on this project also complies with all provisions of the Grant Assurances.

Breach of Personally Identifiable Information (PII)

Subgrantee Must Develop Written Procedures

Create, collect, processes, store, maintain, disseminate, disclose, or dispose or PII; OR

Use or operate a Federal information system

Response to an actual or imminent breach of PII

Report any actual or imminent breach of PII to the KGGP no later than 24 hours

Resources:
Refer to 2 C.F.R. 200.79, OMB M-17-12, and OMB Circular A-130

Integrity and Performance Matters

- Report civil, criminal, and administrative proceedings connected with the grant award
- <https://ojp.gov/funding/FAPIIS.htm>

Training and Technical Assistance

- Subgrantees must participate in KGGP sponsored training or technical assistance events as required

Other Training Opportunities:

- Crime Victims' Rights Conference (CVRC)
 - CVRC
- Kansas Academy for Victim Assistance (KAVA)
 - KAVA

Determination of Suitability to Interact with Minors (DOJ Grants Only)

The Subgrantee has or will, for any grant funded activity benefitting a set of individuals under 18 years of age, make written determinations of suitability based on current and appropriate information before certain individuals may interact with participating minors, regardless of an individual's employment status.

- Consultant, contractor, employee of a contractor, trainee, volunteer, or teacher



Determination of Suitability to Interact with Minors (DOJ Grants Only)

- **Covered Individual:** A Covered Individual is any individual (other than a participating minor) who is expected, or reasonably likely, to interact with any participating minor.
- Policies and Procedures should include how the Subgrantee determines who is a Covered Individual.

Subgrantee Responsibility

(DOJ Grants Only)

If Subgrantee's grant funded activity does NOT benefit a set of individuals under 18 years of age:

- Submit to the KGGP certification on agency letterhead.

If Subgrantee's grant funded activity DOES benefit a set of individuals under 18 years of age:

- Submit to KGGP written policies.



Subgrantee Written Policies

(DOJ Grants Only)

Determination timelines Initial:

- Within six months of required searches. Updates and Reexaminations:
 - At least every five years; and
 - Upon learning information that reasonably suggests unsuitability.

Subgrantee Written Policies

(DOJ Grants Only)

Interaction with Minors DOES include:

- Physical contact;
 - Communication, written or oral; or
 - Transmission of images or sound.
-
- Interaction does NOT include:
 - Brief unintentional contact; or
 - Personally-accompanied contact

Subgrantee Written Policies

(DOJ Grants Only)

Current and Appropriate Information - In addition to checks or screenings required by federal, state, tribal, or local law, and the Subgrantee's policies and procedures, the following searches must be conducted before a determination of suitability is made:

- Public sex offender and child abuse websites/registries:
 - Dru Sjodin National Sex Offender Public Website;
 - Public registries for each state (and/or tribe, if applicable) the individual has been connected to in the past five years;
 - Lived, worked, or attended school; and
- Public registries for each state (and/or tribe, if applicable) the individual will likely interact with a participating minor related to the grant award.

Subgrantee Written Policies

(DOJ Grants Only)

Current and Appropriate Information (continued) - In addition to checks or screenings required by federal, state, tribal, or local law, and the Subgrantee's policies and procedures, the following searches must be conducted before a determination of suitability is made:

- Criminal history registries:
 - Public registries for each state the individual has been connected to in the past five calendar years preceding the date of the search request;
 - Lived, worked, or attended school; and
 - Public registries for each state the individual will likely interact with a participating minor related to the grant award.

** Searches shall be conducted by using fingerprints when possible.

** Searches shall be conducted by current and previous names, including aliases.

Subgrantee Written Policies

(DOJ Grants Only)

- Determination of Suitability An individual cannot be determined suitable if the individual:
 - Withholds consent to a criminal history search;
 - Knowingly makes (or made) a false statement that affects, or is intended to affect any required search;
 - Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;

Subgrantee Written Policies

(DOJ Grants Only)

Determination of Suitability An individual cannot be determined suitable if the individual (continued):

- To the knowledge of the Subgrantee, has been convicted of any of the following crimes (or substantially equivalent criminal offense):
 - Sexual or physical abuse, neglect, or endangerment of a person under age 18;
 - Rape / sexual assault, including conspiracy;
 - Sexual exploitation;
 - Kidnapping;
 - Voyeurism; or
- Is determined by a federal, state, tribal, or local government not to be suitable

Review of Determinations

(DOJ Grants Only)

Subgrantee Responsibility

Provide to KGGP a list of covered individuals and the following information about each covered individual:

- Name
- Position/Role
- Format of Determination (form, letter, email etc. *Must be in writing)
- Date/s of Search Results
- Determination

**Subgrantee does NOT provide search results to KGGP

Review of Determinations (DOJ Grants Only)

KGGP Paraprofessional Responsibility

Select five or five percent (whichever is greater) of the covered individuals and review the following:

- Timely determination (made within six months of completed searches);
- Timely redetermination (every five years);
- Re-examinations (information becomes available to suggest unsuitability);
- Outcome; and
- Back up documentation.

Determination of Suitability to Interact with Minors

(DOJ Grants Only)

Resources

Checklist: [Suitability to Interact with Minors Checklist](#)

Details: U.S. Department of Justice, Office of Justice Programs:
<https://www.ojp.gov/funding/explore/interact-minors>

Funding: Grant funds may be obligated for the reasonable, necessary, and allocable costs to ensure compliance with this condition (supplanting restrictions still apply)

Training video: <https://www.youtube.com/watch?v=DIaj4xyBO2o>



DOCUMENT,

DOCUMENT,

DOCUMENT!

Publications and Materials and Training

Statements, publicity releases, or other documents
(written, web-based, audio-visual, or any other format)

Acknowledgment required (see grant assurance for specific language)

- Also applies to grant project-funded website services
- Website services must also meet Assurance #2 and not contain fundraising or soliciting information if maintained with grant funds
- *Media

One copy of all materials published or posted must be submitted to KGGP 10 days prior to publication or use

Any training or training materials must adhere to OJP Training Guiding Principles

<https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>

Debarment, Suspension, and Other Responsibility Matters

- Required by Executive Order 12549, Subgrantee certifies that it and its principles:
 - Are not presently debarred, suspended, proposed for debarment, declared ineligible, etc.
 - Have not within the preceding three-year period been convicted of or had a civil judgment rendered against them for commission of fraud, etc.
 - Are not presently indicted for or otherwise charged with any of these offenses
 - Have not within the preceding three-year period had one or more public transactions terminated for cause or default

Political Activity

- Shall comply with all applicable federal and state statutes and regulations applicable to political activity restrictions and requirements
- Frequently asked questions regarding The Hatch Act can be found at
 - <https://osc.gov/Services/Pages/HatchAct-FAQ.aspx>

Lobbying Activities

- Subgrantees cannot, directly or indirectly, use federal funds to effect law, regulation, policy at any level of government
- If funds other than federal funds have been or will be used, a “Disclosure of Lobbying Activities” form must be completed and submitted to the federal funding agency and the KGGP

Text Messaging

- Encouraged to adopt and enforce policies banning employees from texting while driving any vehicle in the course of performing grant-funded work
- Should establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers
- Kansas law prohibits texting while driving
 - K.S.A. 8-15,111
- Sample company policy on texting while driving/distracted driving:
 - http://www.att.com/Common/about_us/txtng_driving/7_TW_DToolKit_Policy.pdf

Historic Preservation

- Compliance with Section 106 National Historic Preservation Act of 1966
- Compliance with Archeological and Historic Preservation Act of 1966
- Compliance with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of grant funded activities

National Environment Policy Act

- Subgrantees shall comply with the National Environmental Policy Act (NEPA) and other related federal environmental impact analysis requirements
- Activities covered by this provision:
 - New construction
 - Minor renovation or remodeling of a property in an environmentally or historically sensitive area
 - Renovation, lease, or proposed use of a building that will either result in a change in its basic prior use or significantly change its size
 - Implementation of a new program involving the use of chemicals other than chemicals that are purchased as an incidental and traditionally used in similar environments
 - Implementation of a program relating to clandestine methamphetamine laboratory operations

Trafficking of Persons

- Subgrantee, and their employees, may not engage in: Trafficking of persons;
- Procurement of a commercial sex act;
- Use of forced labor in the performance of the grant award; or
- Acts that directly support or advance trafficking of persons.
- <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm>



Liability Issues and Insurance

- Disclaimer of Liability
 - Tort Claims Act
- Insurance
 - KGGP does not purchase insurance against Subgrantee losses



Additional Requirements

- Subgrantee may be subject to additional requirements if KGGP determines that it is warranted

Misuse of Grant Funds

Misuse of grant funds may result in various penalties

- Suspension of current and/or future funds
- Debarment from state and/or federal grants
- Recoupment of monies
- Civil and/or criminal penalties



Fraud, Waste, and Abuse

(DOJ Grants Only)

The Subgrantee shall promptly refer to the U.S. Department of Justice Office of the Inspector General and the KGGP any credible evidence that any person has submitted a false claim for DOJ funds under the False Claims Act or committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.

Non-disclosure and Reprisal

- Subgrantees shall not require employees or contractors to sign internal confidentiality agreements or statements as it relates to reporting of waste, fraud, or abuse
- Subgrantees shall not discriminate against an employee as reprisal for disclosure of such information
- Shall comply with 41 U.S.C. §4712 and inform employees of rights and remedies

Unused Funds

- The Subgrantee shall return to the KGGP any unused grant funds on hand within 10 business days after the final Financial Status Report is due

Failure to Commence/ Right to Terminate

Failure to Commence Grant Project

- Process articulated to terminate grant if extended delay in commencement of grant activities

Right to Terminate

- Failure to comply with applicable laws, regulations, or terms of assurances
- Reimbursement of funds, equipment, etc.

Correspondence and Reports

- Grant Portal – subgrant management
- Signatures and initials on Grant Assurances, completed Civil Rights Compliance Form, including relevant civil rights related documents.
 - **Email signed Grant Assurances, and completed Civil Rights Compliance Form if a special condition, including attachments to kggp@ks.gov**

Special Conditions

Examples:

- Civil Rights Compliance Form
- New requirements and/or assurances
- Submission of delinquent reports
- Submission of requested documentation
- Budget adjustments when applicable
- Attendance at trainings
- Additional requirements if determined to be warranted

KGGP Website

Visit the KGGP website at
www.grants.ks.gov
for information on grant management.

- Grant Opportunities
- Resources – Managing a Grant Award*
- Resources – Civil Rights Information
- Kansas Academy for Victim Assistance (KAVA)



Kansas Governor's Grants Program

kggp@ks.gov

Voice: 785-291-3205

Fax: 785-291-3204

**Primary Contact: KGGP Analyst contact information in
grant award notice**

[General Grant Assurances Training Link](#)