

STANDARD TERMS OF AWARD FISCAL YEAR 2016

Failure to comply with the remarks, terms, conditions, or reporting requirements may result in a draw down restriction being placed on your Payment Management System account, award termination, or denial of future funding.

Acceptance of the Terms of an Award: By drawing or otherwise obtaining funds from the grant payment management system, the recipient acknowledges acceptance of the terms and conditions of the award and is obligated to perform in accordance with the requirements of the award. If the recipient cannot accept the terms, the recipient should notify the Grants Management Officer (GMO) within thirty (30) days of receipt of this award notice. Once an award is accepted by a recipient, the contents of the Notice of Award (NoA) are binding on the recipient unless and until modified by a revised NoA signed by the GMO.

Certification Statement: By drawing down funds, the recipient certifies that proper financial management controls and accounting systems, to include personnel policies and procedures, have been established to adequately administer federal awards and funds drawn down.

Recipients of Department of Health and Human Services' (DHHS) grants or cooperative agreement awards must comply with all terms and conditions of their awards, including: (a) terms and conditions included in the HHS Grants Policy Statement in effect at the time of a new, non-competing continuation, or renewal award (<http://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgps107.pdf>), including the requirements of HHS grants administration regulations; (b) requirements of the authorizing statutes and implementing regulations for the program under which the award is funded; (c) applicable requirements or limitations in appropriations acts; and (d) any requirements specific to the particular award.

1. **Uniform Guidance:** The NoA issued is subject to the administrative requirements, cost principles, and audit requirements that govern federal monies associated with this award, as applicable, in the Uniform Guidance 2 CFR Part 200 as codified by HHS at 45 CFR Part 75 (<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=0ddb69baec587e66a4ab7e6a68c4acb0&mc=true&r=PART&n=pt45.1.75>).

2. **Executive Pay:** For FY 2016, the Consolidated Appropriations Act, 2016 (Pub. L. 113-76) signed into law on January 10, 2016, restricts the amount of direct salary to Executive Level II of the Federal Executive Pay scale. The Executive Level II annual salary is \$185,100.
3. **Data Collection and Performance Measurement:** All SAMHSA grantees are required to collect and report certain data so that SAMHSA can meet its obligations under the Government Performance and Results (GPRA) Modernization Act of 2010. All requirements specified around performance data collection must be followed. Grantees are required to submit data via SAMHSA's data-entry and reporting system. Recipients must comply with the performance goals, milestones, and expected outcomes as reflected in the Funding Opportunity Announcement (FOA).
4. **Non-Supplant:** Federal award funds must supplement, not replace (supplant) non-federal funds. All recipients who receive awards under programs that prohibit supplanting by law must ensure that federal funds do not supplant funds that have been budgeted for the same purpose through non-federal sources. Applicants or award 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.
5. **Future Funding:** If indicated in the NoA, recommended future support reflects TOTAL costs (direct plus indirect). Funding is subject to the availability of federal funds, and that matching funds, (if applicable), are verifiable, and progress of the grant is documented and acceptable.
6. **Reporting Program Income:** Program income accrued under the award must be accounted for in accordance with 45 CFR Part 75.307, as applicable. Program income must be reported on the Federal Financial Report (FFR), Standard Form (SF) 425.
7. **Expanded Authority:** Federal administrative requirements allow agencies to waive certain cost-related and administrative prior approvals; these are known as expanded authorities. SAMHSA's extended expanded authorities allow grantees that have not been designated high risk to carry over unobligated balances (UOB) of 10 percent or less from one budget period to any subsequent period without prior approval. Grantees MUST report an intention to carry over an UOB in the remarks section of the annual FFR.

UOB carryover requests that exceed 10 percent of the grantee's current approved budget, or any carryover requests by a grantee that are designated high risk, require prior approval from the SAMHSA GMO. Prior approval requests must be submitted in writing to the GMO using the procedures at:

<http://www.samhsa.gov/grants/grants-management/post-award-changes/carryover->

[requests](#). Only responses to prior approval requests signed by the GMO in an amended NoA are considered valid.

This authority may be overridden by a special term or condition of the award. Grantees must carefully review the NoA to determine if a particular authority is withheld for a specific grant.

Grantees must exercise proper stewardship over federal funds and ensure that costs charged to awards are allowable, allocable, reasonable, necessary, and consistently applied regardless of the source of funds. SAMHSA may disallow the costs if it is determined, through audit or otherwise, that the costs do not meet the tests of allowability, allocability, reasonableness, necessity, and consistency.

8. **Prior Approval:** Items that require prior approval from the awarding office, as indicated in 45 CFR Part 75, must be submitted in writing to the GMO. Only responses to prior approval requests signed by the GMO are considered valid. Recipients who take action based on verbal or written responses from other officials do so at their own risk. Such responses will not be considered binding by SAMHSA. Post Award Changes and instructions may be found at <http://www.samhsa.gov/grants/grants-management/post-award-changes>.
9. **Changes in Key Personnel:** The recipient is required to notify the Government Program Official (GPO) in writing if the Project Director (PD) or key personnel specifically named in the NoA will withdraw from the project entirely, be absent from the project during any continuous period of three months or more, or reduce time devoted to the project by 25 percent or more from the level that was approved at the time of award (for example, a proposed change from 40 percent effort to 30 percent or less effort). SAMHSA must approve any alternate arrangement proposed by the recipient, including any replacement of the PD or key personnel named in the NoA.
10. **Acknowledgement of Federal Funding:** As required by HHS appropriations acts, all HHS recipients must acknowledge federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds. Recipients are required to state: (1) the percentage and dollar amounts of the total program or project costs financed with federal funds; and (2) the percentage and dollar amount of the total costs financed by nongovernmental sources.
11. **Conferences:** When a conference is funded by a grant or cooperative agreement, the recipient must include the following statement on all conference materials (including promotional materials, agenda, and Internet sites):

Funding for this conference was made possible (in part) by (insert grant or cooperative agreement award number) from SAMHSA. The views expressed in written conference materials or publications and by speakers and moderators do not

necessarily reflect the official policies of the Department of Health and Human Services; nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government.

- 12. Mandatory disclosures:** Consistent with 45 CFR 75.113, applicants and recipients must disclose in a timely manner, in writing to the HHS awarding agency with a copy to the HHS Office of Inspector General (OIG), all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Subrecipients must disclose, in a timely manner, in writing to the prime recipient (pass through entity) and the HHS OIG, all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Disclosures must be sent in writing to the awarding agency and to the HHS OIG at the following addresses:

SAMHSA
Attention: Office of Financial Advisory Services
5600 Fishers Lane
Rockville, MD 20857

AND

U.S. Department of Health and Human Services Office of Inspector General
ATTN: Mandatory Grant Disclosures, Intake Coordinator 330 Independence Avenue,
SW, Cohen Building
Room 5527
Washington, DC 20201

Fax: (202) 205-0604 (Include "Mandatory Grant Disclosures" in subject line) or
email: MandatoryGranteeDisclosures@oig.hhs.gov

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 remedies for noncompliance, including suspension or debarment (see 2 CFR parts 180 & 376 and 31 U.S.C. 3321).

- 13. Confidentiality of Alcohol and Drug Abuse Patient Records:** The regulations (42 CFR 2) are applicable to any information about alcohol and other drug abuse patients obtained by a "program" (42 CFR 2.11), if the program is federally assisted in any manner (42 CFR 2.12b). Accordingly, all project patient records are confidential and may be disclosed and used only in accordance with 42 CFR 2. The recipient is responsible for assuring compliance with these regulations and principles, including responsibility for assuring the security and confidentiality of all electronically transmitted patient material.

14. THIS AWARD IS SUBJECT TO REQUIREMENTS AS SET FORTH IN 2 CFR 25.110 CENTRAL CONTRACTOR REGISTRATION (CCR) (NOW SAM) AND DATA UNIVERSAL NUMBER SYSTEM (DUNS) NUMBERS. 2 CFR Part 25 - Appendix A

- 15. Administrative and National Policy Requirements:** Awards issued through SAMHSA Funding Opportunity Announcements are subject to the uniform administrative requirements and cost principles of 45 CFR Part 75 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards.

The recipient is responsible for complying with all requirements of the federal award. For all federal awards, this includes the provisions of FFATA, which includes requirements on executive compensation, and also requirements implementing the Act for the non-federal entity at 2 CFR part 25 and 2 CFR part 170. See also statutory requirements for whistleblower protections at 10 U.S.C. 2324 and 2409, and 41 U.S.C. 4304, 4310, and 4712.

An application funded with the release of federal funds through a grant award does not constitute or imply compliance with federal regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable federal regulations.

- 16. Drug-free workplace:** You, as the recipient, must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of part 382, which adopts the government-wide implementation (2 CFR part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701-707).

- 17. THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000 (22 U.S.C. 7104(G)), AS AMENDED, AND THE IMPLEMENTING REGULATIONS AT 2 C.F.R. PART 175:** The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the federal government, if the recipient or subrecipient engages in certain activities related to trafficking in persons. CPSC hereby incorporates the following award term required by 2 C.F.R. § 175.15(b). See <http://www.gpo.gov/fdsys/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-sec175-15.pdf>.
Award Term from 2 C.F.R. § 175.15(b): Trafficking in persons.

- a. Provisions applicable to a recipient that is a private entity.
- 1) You, as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not:
 - a) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

- b) Procure a commercial sex act during the period of time that the award is in effect; or
 - c) Use forced labor in the performance of the award or subawards under the award.
- 2) We as the federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity:
- a) Is determined to have violated a prohibition in paragraph a.1 of this award term; or
 - b) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either:
 - i. Associated with performance under this award; or
 - ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on and Suspension (Nonprocurement)."
- b. Provision applicable to a recipient other than a private entity. We as the federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity:
- 1) Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
 - 2) Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either:
 - a) Associated with performance under this award; or
 - b) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 1125.
- c. Provisions applicable to any recipient.
- 1) You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
 - 2) Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - a) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)); and
 - b) Is in addition to all other remedies for noncompliance that are available to us under this award.
 - 3) You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

- d. Definitions. For purposes of this award term:
- 1) "Employee" means either:
 - An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 - 2) "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 - 3) "Private entity":
 - Means any entity other than a state, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - Includes:
 - A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - A for-profit organization.
 - 4) "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

18. Accessibility Provisions for All Grant Application Packages and Funding

Opportunity Announcements: Recipients of federal financial assistance (FFA) from HHS must administer their programs in compliance with federal civil rights law. This means that recipients of HHS funds must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age, and in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency. HHS provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency. Please see

<http://www.hhs.gov/ocr/civilrights/resources/laws/revisedlep.html>.

The HHS Office for Civil Rights also provides guidance on complying with civil rights laws enforced by HHS. Please see

<http://www.hhs.gov/ocr/civilrights/understanding/section1557/index.html>; and

<http://www.hhs.gov/ocr/civilrights/understanding/index.html>.

Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see

<http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html>.

Please contact the HHS Office for Civil Rights for more information about obligations and prohibitions under federal civil rights laws at <http://www.hhs.gov/ocr/office/about/rgn-hqaddresses.html> or call 1-800-368-1019 or TDD 1-800-537-7697. Also note that it is an HHS Departmental goal to ensure access to quality, culturally competent care, including long-term services and supports, for vulnerable populations.

For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at <http://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53>.

19. **HEALTHY PEOPLE 2020:** Healthy People 2020 is a national initiative led by HHS that set priorities for all SAMHSA programs. The initiative has two major goals: (1) increase the quality and years of a healthy life; and (2) eliminate our country's health disparities. The program consists of 28 focus areas and 467 objectives. SAMHSA has actively participated in the work groups of all the focus areas and is committed to the achievement of the Healthy People 2020 goals. Healthy People 2010 and the conceptual framework for the forthcoming Healthy People 2020 process can be found online at <http://www.healthypeople.gov/>.

STANDARD REPORTING REQUIREMENTS:

1. **Annual Federal Financial Report (FFR): Due within 90 days after the end of the budget period**
(SF 425) is required on an annual basis and must be submitted no later than 90 days after the end of the budget period. The FFR should only include those funds authorized and disbursed during the timeframe covered by the report. The SF-425 is available at (https://www.whitehouse.gov/sites/default/files/omb/assets/grants_forms/SF-425.pdf).
2. **Final Federal Financial Report (FFR): Due within 90 days of the end of the award project period.**
The grantee must submit a Federal Financial Report (FFR). The report should reflect cumulative actual federal funds, unliquidated obligations incurred, and the unobligated balance of federal funds for the award.
3. **Performance Progress Reports: Due within the timeframes specified on the award.**
The recipient must submit Programmatic Reports (annual, semi-annual or quarterly) no later than the dates (i.e., January 1, 2017, January 1, 2018, etc.) as follows:

1st Report – [date]; 2nd Report – [date]; 3rd Report - [date]; 4th Report - [date]

[Date] **Please submit your Programmatic (annual, semi-annual or quarterly) Report to your Program Official.**
(HARD COPY SUBMISSION IS NOT REQUIRED)

The recipient must comply with the GPRA requirements that include the collection and periodic reporting of performance data as specified in the FOA or by the Program Official. This information is needed in order to comply with PL 102-62 which requires that SAMHSA report evaluation data to ensure the effectiveness and efficiency of its programs. Please contact your Program Official for additional submission information.

4. Ad Hoc Submissions

Throughout the project period, SAMHSA may determine that a grant requires submission of additional information beyond the standard deliverables. This information may include, but is not limited to, the following:

- Payroll
- Purchase orders
- Contract documentation
- Proof of project implementation

Submitting Responses to Conditions and Reporting Requirements:

All responses to special terms and conditions of award and post award requests must be sent to the Division of Grants Management Specialist and to the Grants Program Official as identified in the Notice of Award. **The Grant Number MUST be included in the SUBJECT line of the email.**