

GENERAL GRANT CONDITIONS AND ASSURANCES

The applicant for state funds administered by the Office of the Executive Secretary (OES), gives assurances and certifies with respect to the grant that it will comply with the following requirements:

1. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the OES shall prescribe shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this grant.
2. **REPORTS:** Each applicant shall submit such reports as the OES shall reasonably request. Financial and progress reports shall be submitted to the OES on the **12th working day** following the close of each quarter. Late reports will be charged 10% of one quarter of the full grant award amount.
3. **INSPECTION AND AUDIT:** The applicant agrees to comply with the organizational audit requirements of OMB Circular A-128, "Audits of State and Local Governments." In conjunction with the beginning date of the award, the audit report period of the local government entity to be audited under the single audit requirement is the start-date of the project through the end-date of the project as noted on the Statement of Grant Award/Acceptance. The audit report shall be submitted no later than one (1) year from the end-date of the grant award as stated on the Statement of Grant Award/Acceptance, and for each audit cycle thereafter covering the entire award period as originally approved or amended. The management letter must be submitted with the audit report. A copy of all audits must be forwarded to the OES.
4. The applicant will comply, where applicable, with the following:
 - The Fair Labor Standards Act, if applicable.
5. **POLITICAL ACTIVITY:** The restrictions of the Hatch Act, Pub. L. 93-433, 5 USC Chapter III, (as amended), concerning the political activity of government employees are applicable to applicant staff members and other state and local government employees whose principal employment is because of activities financed, in whole or in part, by grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns except they may not be candidates for office.
6. **DISCRIMINATION PROHIBITED:** No person shall, on the grounds of race, religion, color, national origin, sex, or handicap be excluded from participation in, be denied the benefits or be otherwise subjected to discrimination under or denied employment because of, grants awarded pursuant to the Justice Assistance Act of 1984, and the implementing regulations 28 CFR Part 42, Subparts C, D, E, and G, or any project, program, activity, or sub-recipient supported or benefiting from the grant. The applicant must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and its implementing regulations 28 CFR 41.101 et. seq.. The applicant must further comply with Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations; the Age Discrimination Act of 1973, as amended, and its implementing regulations and Title IX of the Education Amendments of 1972; Title 11 of the Americans with Disabilities Act (ADA)(1990); (42 USC. 12131-12134 & 28 CFR 35)
7. **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM:** Each applicant certifies, that it has executed and has on file, an Equal Employment Opportunity Program which

conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E, or that in conformity with the foregoing regulation, no Equal Employment Opportunity Program is required. For continuation grant funding that exceed \$500,000 in any fiscal year the applicant must submit a statistical update from the previous year's plan.

8. The applicant assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the OES.

9. RELEASE OF INFORMATION: All records, papers and other documents kept by recipients of OES funds, and their contractors, relating to the receipt and disposition of such funds, are required to be made available to the OES. These records and other documents submitted to OES and its applicants pursuant to other provisions of the Act, including plans and application for funds, are required to be made available to OES under the terms and conditions of the Federal Freedom of Information Act, 5 USC 552.

10. INFORMATION SYSTEMS: With respect to programs related to criminal justice information systems, the applicant agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of the integrity and accuracy of data collection.

COV §18.2-154.1.N. requires the Office of the Executive Secretary to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment courts. A report of these evaluations shall be submitted to the General Assembly by December 1 of each year. Each local drug treatment court advisory committee shall submit evaluative reports to the Office of the Executive Secretary as requested. To support this mandate the applicant further agrees:

- To comply with Drug Treatment Court Standard X, Practice 4, the drug treatment court must use and maintain current data in an information technology system as prescribed by the Office of the Executive Secretary.
- That all computer programs (software) developed with funds provided by this grant will be made available to the OES for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- To provide a complete copy of the computer programs and documentation, upon request, to the OES. The documentation will include but not be limited to system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- That whenever possible all application programs will be written in standardized programming languages for use on general operating systems that can be utilized on at least three different manufacturers computers of similar size and configuration.
- To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Office of the Executive Secretary should be contacted to determine availability of software prior to any development effort.

11. CONFIDENTIALITY OF RESEARCH INFORMATION - Research information identifiable to an individual, which was obtained through a project funded wholly or in part with OES grant funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).

12. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES: The applicant agrees to be in compliance with all policies as expressed under the Code of Federal Regulations, 28 CFR 23, concerning the operation of criminal intelligence systems funded with OES funds.

13. COPYRIGHT: Except as otherwise provided in the conditions of the award, the author is free to arrange for copyright without approval when publication or similar materials are developed from work under a OES supported project. Any such copyright materials shall be subject to the OES's right to reproduce them, translate them, publish them, use and dispose of them, and to authorize others to do so for government purposes. In addition, communications in primary scientific or professional journals publishing initial reports or research or other activities and supported in whole or in part by the OES project funds may be copyrighted by the journal with the understanding that individuals are authorized to make or have made by any means available to them, without regard to the copyright of the journal, and without royalty, a single copy of any such article for their own use. State employees who develop copyrights during work hours, or within the scope of their employment, or when using state-owned or state-controlled facilities, the copyrights vest in the Commonwealth.

14. PATENTS: If any discovery or invention arises or is developed in course of or as a result of work performed under this grant, the applicant shall refer the discovery or invention to OES. The applicant hereby agrees that determination of rights to inventions made under this grant shall be made by the OES or its duly authorized official representative, who shall have the sole and exclusive powers to determine whether or not and where patent application should be filed and to determine the disposition of all rights in such inventions, including title which may issue thereon. The determination of the OES, or its duly authorized representative shall be accepted as final. In addition, the applicant hereby agrees and otherwise recognizes that the OES shall acquire at least an irrevocable non-exclusive royalty-free license to practice and have practiced throughout the world for governmental purposes any invention made in the course of or under this grant. The grant shall include provisions appropriate of effectuating the purpose of this condition in all contract of employment, consultant's agreements, or contracts.

15. The applicant assures that funds made available under this grant will not be used to supplant other state or local funds, but will be used to increase the amounts of such funds that would be, in the absence of these funds, made available for these activities.

16. Confidential expenditures for services, evidence and/or information must comply with the requirements stated in the Administrative Guide and Application Procedures Manual.

17. BIO MEDICAL EXPERIMENTATION: The applicant assures that no grant funds will be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation.

18. The applicant must state the percentage of the total cost of this program supported by federal funds and the dollar amount of federal funds for this program. This statement shall be on all quarterly grant reports, requests for proposals, bid solicitation and other documents describing the program whether funded in-whole or in-part with state or federal funds.

20. The grantee agrees that any publication (written, visual, or sound, but excluding press releases newsletters, and issue analyses) issued by the grantee or by any Applicant describing programs or projects funded in-whole or in-part with these Funds, shall contain the following statement:

This project was supported by Office of the Executive Secretary (OES) with funds made available to Virginia Drug Treatment Court Programs from Virginia General Funds.

Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of OES or the Commonwealth of Virginia.

The applicant also agrees that one copy of any such publication will be submitted to the OES to be placed on file and distributed as appropriate to other potential applicants or interested parties. OES may waive the requirement for submission of any specific publication upon submission of a request providing justification from the applicant.

CERTIFICATION

I certify that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with the provisions of all other federal and state laws and rules and regulations that apply to this award.

Authorized Official
(Project Administrator)

Date