

Federal Requirements, Assurances and Certifications

The Office of Library and Information Services (OLIS) is required to obtain from all institutions awarded funding through the Library of Rhode Island (LORI) Grant program, a subaward program supported with federal Library Services and Technology Act (LSTA) funds, certifications, including those regarding Nondiscrimination, Debarment and Suspension, Federal Debt Status, and Drug-Free Workplace. All applicants must comply with applicable statutes and regulations including but not limited to those cited below and must provide this signed Statement of Assurances and Certifications.

The undersigned authorized representative, on behalf of the Library, assures and certifies that, should an LSTA award be made, the Library will comply with the statutes outlined below and all related IMLS regulations. These assurances are given in connection with any and all LSTA financial assistance from OLIS after the date this form is signed but may include payments after this date for financial assistance approved prior to this date. These assurances shall obligate the applicant for the period during which the LSTA financial assistance is extended. The applicant recognizes and agrees that any such assistance will be extended in reliance on the representations and agreements made in these assurances and that the United States Government has the right to seek judicial enforcement of these assurances of these assurances, which are binding on the applicant, its successors, transferees, and assignees, and on the authorized representative whose signature appears on the application form.

A. Nondiscrimination

The authorized representative, on behalf of the Library, assures and certifies that, should an LSTA award be made, the Library will comply with the statutes and their implementing regulations:

1. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000 et seq.), which prohibits discrimination on the basis of race, color, or national origin (note: as clarified by Exec. Order No. 13166, the applicant must take reasonable steps to ensure that limited English proficient (LEP) persons have meaningful access to the applicant's programs (see IMLS guidance at 68 Federal Registrar 17679, April 10, 2003);
2. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 701 et seq., including §794), which prohibits discrimination on the basis of disability (note: IMLS applies the regulations in 45 C.F.R. part 1181 in determining compliance with Section 504 as it applies to recipients of Federal assistance);
3. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1689), which prohibits discrimination on the basis of sex in education programs;
4. The Age Discrimination in Employment Act of 1975, as amended (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age; and
5. The requirements of any other nondiscrimination statute(s) which may apply to the application.

B. Internet Safety

The Library will comply with the requirements of Section 9134 (f)(1) of the Library Services and Technology Act, as applicable.

C. Debarment and Suspension

The Library will comply with 2 C.F.R. part 3185 and 2 C.F.R. part 180, as applicable. The authorized representative, on behalf of the Library, certifies to the best of their knowledge and belief that neither the Library nor any of its principals:

1. are presently excluded or disqualified;
2. have been convicted within the preceding three years of any of the offenses listed in the 2 C.F.R. § 180.800 (a) or had a civil judgment rendered against it or them for one of those offenses within that time period;
3. are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in 2 C.F.R. § 180.800 (a);
or
4. have had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.

Where the Library is unable to certify to any of the statements in this certification, the authorized representative, on behalf of the applicant, shall attach an explanation to the application.

D. Federal Debt Status

The authorized representative, on behalf of the Library, certifies that to the best of their knowledge and belief that the applicant is not delinquent in the repayment of any Federal debt, including but not limited to unpaid Federal tax liability.

E. Drug-Free Workplace

The authorized representative, on behalf of the Library, certifies, as a condition of the award, that the Library will or will continue to provide a drug-free workplace by complying with the requirements in 2 C.F.R. part 3186 (Requirements for Drug-Free Workplace (Financial Assistance)). In particular, the Library must comply with drug-free workplace requirements in Subpart B of 2 C.F.R. part 3186, which adopts the Governmentwide implementation (2 C.F.R. part 182) of Sections 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106). This includes, but is not limited to: making a good faith effort, on a continuing basis, to maintain a drug-free workplace; publishing a drug-free workplace statement; establishing a drug-free awareness program for employees; taking actions concerning employees who are convicted of violating drug statutes in the workplace; and identifying (either at the time of application or upon award, or in documents kept on file in the recipient's offices) all known workplaces under Federal awards.

F. Trafficking in Persons

The authorized representative, on behalf of the Library, certifies, as a condition of the award, that the applicant will comply with the trafficking in persons requirements that are set out in Appendix A.

G. Prohibitions Against Lobbying, Publicity, and Propaganda

In accordance with Federal appropriations law, no IMLS funds may be used for publicity or propaganda purposes for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of



legislation before the Congress or any State or local legislature or legislative body or designed to support or defeat any proposed or pending regulation, administrative action, or order issues by the executive branch of any State or local government. No IMLS funds may be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body.

H. Certification Regarding Lobbying Activities

(Applies to Applicants Requesting Funds in Excess of \$100,000) (31 U.S.C. § 1352)

The authorized representative certifies, to the best of their knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by on or behalf of the authorized representative, 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, 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 (other than a regularly employed officer or employee of the applicant, as provided in 31 U.S.C. § 1352) for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Contract, grant, loan, or cooperative agreement, the authorized representative shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (c) The authorized representative shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts 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 is placed when the transaction is made or entered into. Submission of this certification is a prerequisite for making and entering into the 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.

I. Criminal Disclosures

As a non-Federal entity, the Library must disclose, in a timely manner, in writing to OLIS, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. (See also 2 C.F.R. § 200.113 and 2 C.F.R. part 3185).

J. Acknowledgement of IMLS Support

All materials publicizing or resulting from grant activities must contain an acknowledgement of IMLS support, unless IMLS advises otherwise. This includes invitations, brochures, and signage; audio/video

programming for radio, television, or web broadcast; and websites, social media, PowerPoint presentations, and email announcements. See [Grantee Communications Kit](#), available at www.imls.gov for specific questions).

The type of recognition varies according to the type of activity. Please use the following guidelines for acknowledgement:

- Written materials must include a credit line indicating IMLS as a source of support.
- Graphic items such as posters or brochures should include the IMLS logo (see [Grantee Communications Kit](#) available at www.imls.gov) displayed in accordance with the [Logo Standards Guides](#);
- Online products, digital publications, and websites should include links to the IMLS website, www.imls.gov; and
- Audio/video broadcasts must include a tagline indicating IMLS as a source of support. Video broadcasts should display the IMLS logo.

In materials that contain or present substantive project content, such as an exhibition, article, catalogue, or other publication, video documentary, or online exhibition or website, the acknowledgement must also include the following statement:

“The views, findings, conclusions, or recommendations expressed in this (publication) (program) (exhibition)(website) (article) do not necessarily represent those of the Institute of Museum and Library Services.”

If you have any questions about whether your product requires this statement, contact the IMLS Office of Communications.

K. Acknowledgement of Federal Support

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving IMLS-appropriated funding, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state:

1. The percentage of the total costs of the program or project which will be financed with Federal money;
2. The dollar amount of Federal funds for the project or program; and
3. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

L. Native American Human Remains and Associated Funerary Objects

The authorized representative, on behalf of the Library, certifies that the Library will comply with the provisions of the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. § 3001 et seq.), which applies to any organization that controls or possesses Native American human remains, associated funerary objects and/or cultural items and which receive Federal funding, even for a purpose unrelated to the Act.



M. General Certification

The authorized representative, on behalf of the Library, certifies that the Library will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

N. Records Retention

All records for the project must be maintained separately from those of other projects. Accounting records should be supported by source documentation such as canceled checks and paid invoices; copies of contracts/agreements and additional assurances must also be kept. Financial records, supporting documents, and all other project records pertinent to a LORI Grant award must be retained for a period of three years from the date of the final expenditure report submitted to and accepted by OLIS.

O. Whistleblower Protections

In accordance with 2 CFR 200.217 Whistleblower protections, an employee of a recipient of LSTA funding must not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (a)(2) of 41 U.S.C. 4712 information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

The LSTA funding recipient must inform their employees in writing of employee whistleblower rights and protections under 41 U.S.C. 4712. See 2 CFR 200.217 Whistleblower protections.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above assurances and certifications.

Signature

Title

Print Name

Institution

Date

Appendix A

Trafficking in Persons

The Library must comply with Federal law pertaining to trafficking in persons. Under 22 U.S.C. § 7104 (g), any grant, contract, or cooperative agreement entered into by a Federal agency under which funds are to be provided to a private entity shall include a condition that authorizes the Federal agency (IMLS) to terminate the grant, contract, or cooperative agreement, or take other authorized actions, if the grantee or any subgrantee, or any contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in trafficking in persons, the procurement of a commercial sex act, the use of forced labor, or acts that directly support or advance trafficking in persons. 2 C.F.R. part 175 requires IMLS to include the following award term, which is made a part of these General Terms and Conditions:

a. Provisions applicable to a recipient that is a private entity.

1. Award recipients, its employees, subrecipients under this award, and subrecipients' employees may not -

- i. Engaged in severe forms of trafficking in persons during the period of time that the award is in effect;
- ii. Procure a commercial sex act during the period of time that the award is in effect; or
- iii. Use forced labor in the performance of award or subawards under the award.

2. IMLS as the Federal awarding agency may unilaterally terminate this award, without penalty, if the recipient or subrecipient that is a private entity –

- i. Is determined to have violated a prohibition in paragraph a. 1 of this award term; or
- ii. 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-

- A. Associated with performance under this award; or
- B. Imputed to the recipient 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 Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by IMLS at 2 C.F.R. Chapter XXXI, part 3185.

b. Provision applicable to a recipient other than a private entity

IMLS 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-

- i. Associated with the performance under this award; or
- ii 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 C.F.R. part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by IMLS at 2 C.F.R. part 3185.

c. Provisions applicable to any recipient



1. The State Library Administrative Agency (SLAA) must inform IMLS immediately of any information the SLAA receives from any source alleging a violation of a prohibition in paragraph a. 1 of this award term.
 2. IMLS's right to terminate unilaterally that is described in paragraph a. 2 or b of this section:
 - i. Implements section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. §7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
 3. The SLAA must include the requirements of paragraph a.1 of this award term in any subaward the SLAA makes to a private entity.
- d. *Definitions.* For purposes of this award term:
1. "Employee" means either:
 - i. An individual employed by the SLAA or a subrecipient who is engaged in the performance of the project or program under this award; or
 - ii. Another person engaged in the performance of the project or program under this award and not compensated by the SLAA 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":
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined at 2 C.F.R. § 175.25.
 - ii. Includes:
 - A. 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 C.F.R. § 175.25 (b).
 - B. A for-profit organization
 - iii. "Severe forms of trafficking in person," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).