

Appendix 2 – Promises, Certifications, and Assurances (Revised 4/28/2016)

An Applicant must agree in writing to comply with the following promises, certifications, and assurances made in support of the grant application.

MEANING OF SIGNATURE ON THE PCA

The Promises, Certifications, and Assurances (“PCA”) contains terms that apply to the Application/Applicant and, upon award of the Grant, to the Grant/Grantee. This document is incorporated into the Request for Applications (“RFA”) and each Grant Award Notice. The Applicant signifies its agreement to the terms by signing.

The Applicant, either personally if a natural person or through an authorized representative if a legal entity, must read the terms of this PCA, state that the terms are understood, and agree to them.

Specifically, the Applicant is:

- a. Giving the stated assurances;
- b. Certifying or promising as stated;
- c. Agreeing to comply with the terms, as stated, for purposes of the Application and throughout the period of the Grant; and
- d. Agreeing that the statutes, rules, regulations and industry practices stated apply and promising to comply with them, as applicable.

SPECIFIC ASSURANCES

As the Applicant, or the duly authorized representative of the Applicant, I certify that:

1. All communications to DOEE have been and will continue to be truthful. For statements regarding matters for which the Applicant lacks direct personal knowledge, the Applicant has undertaken a reasonable inquiry to determine if any and all such statements at the time they are made are true and correct.
2. The Applicant has or will have during the entirety of the grant period:
 - a. The financial resources and technical expertise necessary to perform all activities required by and identified in the Application, project proposal and grant, or the ability to obtain such resource or expertise in advance of performing the proposed matters;
 - b. The ability to comply with the proposed delivery or performance schedule, taking into

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- consideration all other existing and reasonably expected organizational commitments;
- c. A satisfactory record performing activities similar to those proposed or, if the grant award is intended to encourage the development and support of organizations without significant previous experience, the skills and resources necessary to perform as proposed; and
 - d. A record of integrity and business ethics.
3. If it applied for the grant as a nonprofit organization, the Applicant will maintain its tax status as a nonprofit organization during the grant period.
 4. The Applicant, at the time of filing of the Application, is current on all obligations outstanding to the District, including any and all District departments or agencies, and will stay current on such obligations during the period of the grant. If requested by DOEE, the Applicant will provide an updated Certificate of Good Standing from the District Department of Consumer and Regulatory Affairs.
 5. The Applicant, to include any member of its governing board, as well as any of the Applicant's vendors, contractors and subcontractors, is not:
 - a. Proposed for debarment or is presently debarred, suspended, or declared ineligible, as required by Executive Order 12549, "Debarment and Suspension," and implemented by 2 CFR 180, for prospective participants in primary covered transactions; and
 - b. Proposed for debarment or presently debarred as a result of any actions by the District of Columbia Contract Appeals Board, the Office of Contracting and Procurement, or any other District contract regulating agency.
 6. Within the three years immediately preceding the date of the application, neither the Applicant nor any of its officers, partners, principals, members, associates, or key employees, has:
 - a. With respect to criminal matters:
 - (1) Been indicted or had charges brought against them (if still pending); and/or
 - (2) Been convicted of:
 - (a) A crime or offense arising directly or indirectly from the conduct of the applicant's organization, or
 - (b) A crime or offense involving financial misconduct or fraud; or

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- b. With respect to services by the organization, been subject to legal proceedings.

(Note: For the purpose of this paragraph, "member" means a decision-maker of an organization, not a natural person or entity who pays dues, and "associate" means a direct supplier of a business service pursuant to the grant.)

7. The Applicant will, upon award of the grant and with respect to payments made under the grant:
 - a. Be solely responsible for taxes owed, if any, to a taxing authority, whether federal, state or local;
 - b. Defend, indemnify and hold harmless the District with respect to liability to a taxing authority, whether federal, state or local; and
 - c. Ensure that each of its subcontractors and sub-grantees agrees to and/or understands that they are also subject to the tax-related requirements of this paragraph, including agreeing to defend, indemnify and hold harmless the District with respect to liability to any taxing authority, whether federal, state or local, arising from payments under the grant.
8. The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of a personal or organizational conflict of interest, or personal gain during the period of the grant.
9. The Applicant will give DOEE, and if appropriate, its authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant award; and will establish a proper accounting system in accordance with generally accepted accounting standards or DOEE directives.
10. The Applicant will secure, in advance of any work to be performed by the Applicant as Grantee, its contractors, its sub-contractors, any sub-Grantees, or its vendors, permission in writing from relevant property owners for DOEE to access project sites at reasonable times to inspect any work performed under the grant.
11. As a condition of acceptance of the grant, the Applicant agrees that:
 - a. It will cooperate to enable a smooth transition to another grantee if:
 - (1) DOEE determines that the grant period will end without the grant activities having been completed;

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- (2) DOEE notifies the Applicant; and
 - (3) DOEE identifies as successor another grantee or DOEE staff to finish the activities.
 - b. The Applicant's cooperation will include:
 - (1) Identification, and offer to transfer ownership, of Big Purchase Equipment as defined in Appendix 1, Terms and Conditions; and
 - (2) Preparation of a transition plan for DOEE review, by a DOEE-specified date, prior to the grant period end date.
12. The Applicant will comply with all applicable District and federal statutes and regulations, as amended, including:
- a. The Americans with Disabilities Act of 1990, Pub. L. 101-336, July 26, 1990; 104 Stat. 327 (42 U.S.C. § 12101 *et seq.*);
 - b. Rehabilitation Act of 1973, Pub. L. 93-112, Sept. 26, 1973; 87 Stat. 355 (29 U.S.C. § 701 *et seq.*);
 - c. The Hatch Act, ch. 314, 24 Stat. 440 (7 U.S.C. § 361a *et seq.*);
 - d. The Fair Labor Standards Act, ch. 676, 52 Stat. 1060 (29 U.S.C. § 201 *et seq.*);
 - e. The Occupational Safety and Health Act of 1970, Pub. L. 91-596, Dec. 29, 1970; 84 Stat. 1590 (26 U.S.C. § 651 *et seq.*);
 - f. The Hobbs Act (Anti-Corruption), ch. 537, 60 Stat. 420 (*see* 18 U.S.C. § 1951);
 - g. Equal Pay Act of 1963, Pub. L. 88-38, June 10, 1963; 77 Stat. 56 (29 U.S.C. § 201);
 - h. Age Discrimination Act of 1975, Pub. L. 94-135, Nov. 28, 1975; 89 Stat. 728 (42 U.S.C. § 6101 *et seq.*);
 - i. Age Discrimination in Employment Act, Pub. L. 90-202, Dec. 15, 1967; 81 Stat. 602 (29 U.S.C. § 621 *et seq.*);
 - j. Military Selective Service Act of 1973;

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- k. Title IX of the Education Amendments of 1972, Pub. L. 92-318, June 23, 1972; 86 Stat. 235 (20 U.S.C. § 1001);
- l. Immigration Reform and Control Act of 1986, Pub. L. 99-603, Nov 6, 1986; 100 Stat. 3359, (8 U.S.C. § 1101);
- m. Executive Order 12459 (Debarment, Suspension and Exclusion);
- n. Medical Leave Act of 1993, Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6 (5 U.S.C. § 6381 *et seq.*);
- o. Drug Free Workplace Act of 1988, Pub. L. 100-690, 102 Stat. 4304 (41 U.S.C. § 701 *et seq.*). Specifically, the Grantee shall no later than 30 calendar days after the date of the Grant Award notice (unless a longer period is agreed to in writing):
 - (1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
 - (2) Establish a drug-free awareness program to inform employees about:
 - (a) The dangers of drug abuse in the workplace;
 - (b) The Grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace; and
 - (3) Provide all employees engaged in performance of the grant with a copy of the statement required by the law;
- p. Assurance of Nondiscrimination and Equal Opportunity, found in 29 CFR § 34.20;
- q. District of Columbia Human Rights Act of 1977 (D.C. Official Code § 2-1401.01 *et seq.*);
- r. Title VI of the Civil Rights Act of 1964;

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- s. District of Columbia Language Access Act of 2004, DC Law 15 - 414 (D.C. Official Code § 2-1931 *et seq.*);
 - t. Lobbying Disclosure Act of 1995, Pub. L. 104-65, Dec 19, 1995; 109 Stat. 693, (31 U.S.C. § 1352); and
 - u. Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law §15-353; D.C. Official Code § 4-1501.01 *et seq.*) (CYSHA). In accordance with the CYSHA any person who may, pursuant to the grant, potentially work directly with any child (meaning a person younger than age thirteen (13)), or any youth (meaning a person between the ages of thirteen (13) and seventeen (17) years, inclusive) shall complete a background check that meets the requirements of the District's Department of Human Resources
13. The Applicant will comply with all applicable District and federal environmental standards that may be prescribed, as amended.
14. The Applicant will comply with the General Terms and Conditions as outlined in Appendix 1 to the RFA.

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SIGNATURE of the Applicant

1. If the Applicant is an organization, I am authorized to submit this application and, if DOEE requests, to negotiate with DOEE on behalf of the Applicant.
2. I have read this document, which is incorporated by reference into the RFA and each subsequent notice, or amendment, of a Grant Award. I understand this PCA and agree and promise as stated in each of the promises, certifications, and assurances of the document.
3. I understand that my agreement, promise, and giving of assurances is a condition of securing the grant applied for.

Date:

Signature

Name:

Title:

Email:

Phone:

Applicant's name:

Address: