

Contract Assurances

- 1) The Contracting Agency assures that it and its subrecipients will establish in accordance with WIA Section 184, fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of and accounting for funds made available by the Contract Agreement.
- 2) The Contracting Agency assures that it and its subrecipients will comply with the requirements of the common rule Uniform Administrative Requirements (or as amended) applicable to the type entity receiving WIA Title I funding under this agreement.
 - 29 CFR, Part 97 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; or
 - 29 CFR, Part 95 – Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations, and with Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments, and International Organizations.
- 3) The Contracting Agency assures that it and its subrecipients will comply with the federal allowable costs/cost principles that apply to the type entity receiving WIA Title I funding under this Contract Agreement. The regulations at 29 CFR 95.27 and 29 CFR 97.22 (and 20 CFR 667.200 (c) (1-5)) identify the federal principles for determining allowable costs.
- 4) The Contracting Agency assures that it and its sub-recipients will comply with:
 - Restrictions regarding Lobbying codified at 29 CFR Part 93.
 - Requirements for a Drug Free Workplace codified at 29 CFR Part 98.
 - Requirements for Debarment and Suspension as codified at 29 CFR Part 98.
 - Requirements of the Americans with Disabilities Act of 1990 (or as amended) and associated Code of Federal Regulations as applicable to the entity directly or indirectly as recipients of contracted funds from the state of Missouri.
 - Title VI of the Civil Rights Act of 1964, as amended, and implementing regulations at 29 CFR Part 31, which prohibit discrimination and require provision of equal opportunity on the basis of race, color, or national origin.
 - Section 504 of the Rehabilitation Act of 1973, as amended (including amendments made by the Americans with Disabilities Act Amendments Act of 2008), and U.S. Department of Labor's implementing regulations at 29 CFR part 32, which prohibit discrimination and require provision of equal opportunity on the basis of disability.
 - Title IX of the Education Amendments of 1972, as amended, and implementing regulations at 29 CFR Part 36, which prohibit discrimination and require provision of equal opportunity on the basis of sex in education and training programs.
 - Age Discrimination Act of 1975, as amended, and implementing regulations at 29 CFR Part 35, which prohibit discrimination and require provision of equal opportunity on the basis of age, but permit certain distinctions based on or related to age.

- Privacy Act of 1975, as amended.
- Nondiscrimination and Equal Opportunity provisions codified at 29 CFR Part 37.
- Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd.3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other non-discrimination statute(s) which may apply to the application.
- Requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
- Hatch Act (U.S.C. 1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or part with Federal funds.
- As applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a 7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40.327-333), regarding labor standards for federally assisted construction sub-agreements.
- As applicable, with the Flood Insurance Purchase Requirements of Section 102(A) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- Environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et, seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et. Seq.), (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, and amended, (P.L. 93-205).

- Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et. Seq.) related to protecting components or potential components of the national wild and scenic rivers system.
 - Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a.1 et seq.).
 - P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
 - Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et. Seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
 - Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. Seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 5) In accordance with the Department of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, Public Law 101-166, Section 511, "Steven's Amendment", the Contracting Agency and its sub-recipients shall not issue any statements, press releases, and other documents describing projects or programs funded in whole or in part with Federal money unless the prior approval of the state agency is obtained and unless they clearly state the following as provided by the state agency:
- The percentage of the total costs of the program or project which will be financed with Federal moneys;
 - The dollar amount of Federal funds for the project or program; and
 - Percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.
- 6) The Contracting Agency assures that it and its sub-recipients will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments and Non-Profit Organizations.
- 7) The Contracting Agency assures that it and its subrecipients will annually monitor and resolve monitoring findings of subrecipients receiving funds under WIA Title I. Such monitoring shall be done in accordance with WIA Section 184(a)(4), 20 CFR 667.400, 20 CFR 667.410, 20 CFR 667.500 and additional requirements as issued by the Contractor.
- 8) The Contracting Agency assures that it and its subrecipients will establish and maintain a procedure for grievances and complaints according to the requirements of 20 CFR 667.600 and additional requirements as issued by the Contractor.
- 9) The Contracting Agency assures that it and its sub-recipients shall not use funds received under WIA to displace any currently employed employee or previously laid off employee

from the same or substantially equivalent job in accordance with WIA Section 667.270.

- 10) The Contracting Agency assures that it and its sub-recipients shall comply with the confidentiality requirements of WIA Section 136(f)(3).
- 11) The Contracting Agency assures that it and its sub-recipients will not use funds received under WIA to assist, promote, or deter union organizing in accordance with WIA Section 181 (b)(7).
- 12) The Contracting Agency assures that it and its subrecipients shall comply with 20 CFR 667.200(g)(1)(2) regarding nepotism.
- 13) The Contracting Agency assures that it and its subrecipients will not expend funds provided under WIA Title I for those activities identified and prohibited in 20 CFR 667.260, 667.262, 667.264, 667.266, 667.268, and 667.270.
- 14) The Contracting Agency assures that it and its sub-recipients receiving WIA Title I funds will provide services through the Local Workforce Investment Area Plan that are consistent with the state of Missouri Workforce Investment Plan (or as modified).
- 15) The Contracting Agency assures that it and its sub-recipients will expend funds provided by the Contract Agreement in accordance with WIA, WIA regulations, USDOL, DWD guidance, and all other applicable federal, state, or local laws.
- 16) By signature of the Contract Agreement, the Contracting Agency provides the following Certification regarding Lobbying in accordance with 29 CFR Part 93 and certifies that to the best of his or her knowledge and belief:
 - No federal appropriated funds have been paid or will be paid, by or on behalf of the signatory, 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.
 - If any funds other than Federal appropriated funds have been paid or will be paid to any person 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 signatory shall complete and submit Standard Form –LLL “Disclosure of Lobbying Activities”, in accordance with its instructions.

- The signatory shall require that the language of this Certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, 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 was placed when this transaction was made or entered into. Submission of this Certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. 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.
- 17) The Contracting Agency assures that it and its subrecipients will comply with Public Law 111-8, none of the funds appropriated in the Act under the heading 'Employment and Training' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment & Training Administration programs. See Training and Employment Guidance Letter number 5-06 for further clarification.
- 18) The Contracting Agency assures that it and its subrecipients will comply with 285.530 RSMo.
- Pursuant to section 285.530.2, RSMo, the Contracting Agency shall maintain enrollment and participation in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the contracted services included herein.
 - Pursuant to section 285.530.5, RSMo, neither the Contracting Agency nor any subcontractor shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri. In accordance with sections 285.525 to 285.550, RSMo a general contractor or subcontractor of any tier shall not be liable when such contractor or subcontractor contracts with its direct subcontractor who violates subsection 1 of section 285.530, RSMo if the contract binding the contractor and subcontractor affirmatively states that:
 - a. the direct subcontractor is not knowingly in violation of subsection 1 of section 285.530, RSMo and
 - b. shall not henceforth be in such violation and

- c. the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.
- 19) The Contracting Agency assures that it and its sub-recipients will comply with the Privacy Act of 1975, as amended.
 - 20) The Contracting Agency assures that it and its subrecipients will comply with the "Jobs for Veterans Act" (JVA), Public Law 107-288 (38 USC 4215), as implemented by the Final Rule published on December 19, 2008 at 73 Fed. Reg. 78132. The JVA provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services. The Planning Guidance (either the Stand-Alone Planning Guidance at 73 FR 72853 (December 1, 2008)) or the Unified Planning Guidance at 73 FR 73730 (December 3, 2008 requires states to describe the policies and strategies in place to ensure, pursuant to the Jobs for Veterans Act and the regulations, that priority of service is provided to veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded by the USDOL. In addition, the states are required to provide assurances that they will comply with the Veterans' Priority Provisions established by the Jobs for Veterans Act (38 USC 4215).
 - 21) The Contracting Agency assures that it and its sub-recipients will comply with Executive Order 04-09. No award of a contract shall be made to a vendor who contemplates performing work pursuant to the contract at a site outside the United States, unless one of the conditions of Executive 04-09 is met. Reference Department Procurement Authority Delegation and Procedures located at <http://oa.mo.gov/purch/governance.html>.
 - 22) By signature of the Contract Agreement, the Contracting Agency provides the following Certification regarding a Drug Free Workplace in accordance with 29 CFR Part 98 and certifies that it will or will continue to provide a drug free workplace by:
 - a) Publishing 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 violation of such prohibition;
 - b) Establishing an ongoing drug-free awareness program to inform employees about:
 - i) The dangers of drug abuse in the workplace;
 - ii) The grantee's policy of maintaining a drug-free workplace;
 - iii) Any available drug counseling, rehabilitation, and employee assistance programs;
 - iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i) Abide by the terms of the statement;
 - ii) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d) (ii) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d) (ii), with respect to any employee who is so convicted:
 - i) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - ii) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d) and (f).
- 23) By signature of the Contract Agreement, the Contracting Agency provides the following Certification regarding Debarment and Suspension in accordance with 29 CFR, Part 98 and certifies that to the best of his or her knowledge and belief that it and its principals:
- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - Have not within a three-year period preceding this Contract Agreement been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public

(Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in this certification; and,
- Have not within a three-year period preceding this Contract Agreement had one or more public transactions (Federal, State or local) terminated for cause or default.
- Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall submit an explanation to the Contractor.

24) NONDISCRIMINATION & EQUAL OPPORTUNITY ASSURANCE:

Note: This particular assurance (portions which are duplicated elsewhere in other assurances) is applicable to the extent that the program activities are conducted as part of the One Stop delivery system (See CFR 37.2).

As a condition to the award of financial assistance from the Department of Labor under Title I of WIA, the Contracting Agency assures that it and its sub-recipients will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- a) Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I B financially assisted program or activity;
- b) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
- c) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- d) The Age Discrimination Act of 1975, and amended, which prohibits discrimination on the basis of age; and

- e) Title IX of the Education Amendments of 1972, an amended, which prohibits discrimination on the basis of sex in educational programs.

The Contracting Agency and its sub-recipients also assure that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the Contracting Agency's operation of the WIA Title I B financially assisted program or activity, and to all agreements the Contracting Agency makes to carry out the WIA Title I B financially assisted program or activity. The Contracting Agency understands that the United States has the right to seek judicial enforcement of this assistance.