

Texas Council for Developmental Disabilities
Vaccine Access Statutory/Program Assurances

The following assurances apply to this grant. In order to meet the requirements of the grant, the grantee must comply with these assurances.

Grantee certifies that:

1. It is a state agency or is chartered by the State of Texas.
 - If chartered by the state, it is a nonprofit or a for profit organization.
 - A resolution, motion, or similar action has been duly adopted or passed as an official act of the Grantee's governing body, authorizing the filing of the application.
2. It will comply with provisions of the *Americans with Disabilities Act of 1990* (P.L. 101-336).
3. The Grantee will inform TCDD of any litigation or proceeding presently pending or threatened against the Grantee.
4. None of the provisions herein contravenes or conflicts with the authority under which the Grantee is doing business or with the provisions of any existing indenture or agreement of the Grantee.
5. The Grantee shall not assign or subcontract any of its rights or responsibilities under this grant, except as may be otherwise provided for in this grant, without prior formal written amendment of this grant, properly executed by both Council staff and the Grantee.
6. The Grantee shall maintain its program, financial records, accounts, and general administration as specified in *45 CFR, Part 75* and the Council's guidelines.

The Grantee shall adhere to these regulations and guidelines in a manner that assures a full accounting of all services performed and for all funds received and expended by the Grantee in connection with the grant project.

These records and accounts shall be retained by the Grantee and made available for review or audit by TCDD staff and by others authorized by law or regulations to conduct such review or audit for a period of not less than three years after TCDD has made final payments and all other pending matters are closed. The Designated State Agency may request records necessary to comply with state requirements.

7. The Grantee will submit, when appropriate, an audit performed by an independent certified public accountant licensed by their State Board of Public Accountancy for those fiscal years that include any portion of a grant period.
8. The grantee shall adhere to applicable cost principles in the Office of Management and Budget's (OMB's) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards at 45 CFR, Part 75.

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9. Procurement standards for acquiring goods (e.g., supplies, equipment) and services (e.g., consultants, telephone, and printing) must be implemented to comply with the OMB's uniform grant guidance noted above. All project costs will be reasonable, necessary, allowable, and allocable. No employee or officer of the agency will participate in the award of administration of a contract if a real or apparent conflict of interest exists.
10. The Grantee travel reimbursement (per diem, lodging, etc.) will not exceed the current maximum allowed by the State of Texas Travel Management Program.
11. Funds paid to the Grantee under the provisions of the grant will be used to supplement and increase the level of funds that would be available for the purposes for which the federal funds are provided, and not to supplant such non-federal funds.
12. The Grantee understands that any reduction of federal funds available to the State of Texas for TCDD may require reduction of the amount of the award to the Grantee.
13. The Grantee will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act.
14. The Grantee will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with that Act:
 - Ensure that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this federally assisted program, and will immediately take any measures necessary to effectuate this agreement. (45 CFR, Part 80).
 - prohibit employment discrimination where
 - i. the primary purpose of the grant is to provide employment, or
 - ii. discriminatory employment practices will result in unequal treatment of individuals who are or should be benefiting from the grant-aided activity, and
 - prohibit discrimination on the basis of age in providing treatment, services, or habilitation except as provided in the requirement that the developmental disability is manifested before the individual attains the age of twenty-two. (45 CFR, Part 90).
15. The Grantee will take affirmative action to employ, and advance in employment, qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals by the provisions of the Rehabilitation Act of 1973.
16. The Grantee will establish safeguards to prohibit employees, officers and board members of the Grantee agency from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

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Grantee must inform TCDD immediately if any member or staff of TCDD is on the grantee organization's board of directors, or equivalent entity.

The Grantee further assures that there is no conflict of interest of any member or employee of the Texas Council for Developmental Disabilities. A conflict of interest would be present if a Council member, employee or his/her spouse, parent, minor child or partner:

- is negotiating or has an arrangement concerning prospective employment or consultation with the Grantee, its parent or subsidiary organization;
- has a financial interest in the grant project or the Grantee, its parent or subsidiary organization greater than allowed by 42 U.S.C. 6024, and Section I 124 (a)(3) of the Social Security Act.

A listing of the current TCDD Council members and staff is found at:

<https://tcdd.texas.gov/about/council-members/>

17. Buildings used in connection with the grant will meet standards pursuant to the Architectural Barriers Act of 1968.
18. That provision will be made for the maximum utilization of available community resources, including volunteers.
19. The Grantee will report all suspected cases of abuse to local law enforcement authorities and to the Texas Department of Family and Protective Services as outlined in the TCDD's Grants Manual.
20. All information as to personal facts and circumstances of individuals will be held confidential, including lists of names and addresses and records obtained by the Grantee. The use of such information and records
21. shall be limited to purposes directly connected with the administration of the project, and
22. may not be disclosed directly or indirectly, other than in the administration thereof, or for the purposes of audit by state, federal, or the designated state agency, unless the consent of the individual to whom the information applies, or his representative, has been obtained.
23. If the Grantee is providing services, it will provide a reasonable volume of services to persons unable to pay.
24. The Grantee shall comply with state and local licensure requirements where applicable.
25. The Grantee shall comply with *Section 507 of Public Law 103-333*, which states that it is the intent of Congress that, to the extent practicable, all equipment and products purchased with funds made available in this Act should be American made.
26. The Grantees must comply with *Public Law 103-227, Part C- Environmental Tobacco*

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Smoke, also known as the Pro-Children Act of 1994 (Act).

This Act requires that smoking not be permitted in any portion of any indoor facility

- Owned or leased or contracted by an entity, and
- Used routinely or regularly for the provision of
 - i. health,
 - ii. day care,
 - iii. education, or
 - iv. library services

to children under the age of 18, if the services are funded by federal programs either directly or through state or local governments.

27. The Grantee understands:

- All grant products must include people first terminology (e.g., people with developmental disabilities rather than "the developmentally disabled").
- To make available in a timely manner if requested by TCDD in accessible formats including
 - i. Braille,
 - ii. large print, and
 - iii. Spanish.

28. Video products and or DVD products, teleconferencing, and distance learning activities are to be fully accessible to all participants.

29. This award is subject to additional amendments/revisions in the project Workplan and/or approved Budget as deemed necessary by TCDD.

30. The Grantee will comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.

31. The Grantee will comply with the Texas Council for Developmental Disabilities Grants Manual.

Certification Statement

The grantee hereby assures and certifies that it will comply with all guidelines and requirements with respect to this grant project as specified by:

- The Developmental Disabilities Assistance and Bill of Rights Act. (DD Act) of 2000 (P.L- 106- 402), and
- The Texas Council for Developmental Disabilities, as outlined in the TCDD Grants

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Manual, federal regulations in Title 45 CFR Part 75, and other relevant cost principles.

If granted funds under the *Developmental Disabilities Assistance and Bill of Rights Act, (DD Act) of 2000 (P.L- 106-402)*, I certify that I have read and accept all assurances and certifications and do hereby certify, warrant, and confirm that compliance with the assurances will be maintained.

My signature below confirms compliance with all terms and conditions of this Request for Application, all assurances listed above, and authorizes the submission of this grant application on behalf of my organization.

Agency Authorizing Official: (as listed in your organizational profile)

Printed Name:

Title:

Signature:

Date: