

The Federally Required Contract Provisions, Certifications, and Assurances Core Checklist

What is this document? What does it do?

The Federally Required Contract Provisions, Certifications and Assurances Core Checklist (“contract checklist”) is a tool developed by Agency for Workforce Innovation (AWI) staff to identify items required for contracts funded with federal/state grant funds. This list of required items were compiled from state/federal rules and regulations. It is provided as a tool to be used during the preparation of each contract to help ensure contract provisions, assurances and certifications compliant with applicable regulations.

The checklists also identifies the different requirements for vendor and subrecipient contracts. For example, AWI core contracts for vendors are not required to have a signed certification page for Drug-Free Workplace, but AWI's subrecipient contracts are required to have the certification signed.

Guide and Other Comments

Once a contract determination has been made (vendor/subrecipient) the items checked (X) under a particular column indicates which items are applicable. For example, if you have vendor contract, the items checked as applicable to vendor contract should be in the contracts and any certifications signed.

The party that executes contracts funded by federal grant programs retains all responsibility for complying with the applicable rules and regulations. This information is provided to assist contract managers in developing contract documents that meet federal and state requirements and is accurate as of March, 2009.

The Agency will make efforts to keep this information current; however, you should not rely upon the contract checklist to verify compliance with applicable grant program requirements and should conduct your own research to ensure you obtain up-to-date grant program information.

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EARLY LEARNING COALITIONS	Vendor Contract			Subrecipient Contract			Comments
Contract Provisions for Vendors and Sub-recipients							
DEPENDING ON FUNDING - SOME PROVISIONS MAY NOT APPLY	YES	NO	N/A	YES	NO	N/A	
1) Child Care and Development Fund (CCDF), 45 CFR 98, the Temporary Assistance for Needy Families Program (TANF), 45 CFR parts 260-265, and other applicable federal regulations and policies promulgated thereunder.	X			X			If funded by CCDF or TANF. See 45 CFR 98.67.
2) Title VI of the Civil Rights Act of 1964 as amended, 42 U.S.C. 2000d <i>et seq.</i> , which prohibits discrimination on the basis of race, color or national origin.	X			X			
3) Section 504 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability.	X			X			
4) Title IX of the Education Amendments of 1972 as amended, 20 U.S.C. 1681 <i>et seq.</i> , which prohibits discrimination on the basis of sex in educational programs.	X			X			
5) The Age Discrimination Act of 1975 as amended, 42 U.S.C. 6101 <i>et seq.</i> , which prohibits discrimination on the basis of age.	X			X			
6) Section 654 of the Omnibus Budget Reconciliation Act of 1981 as amended, 42 U.S.C. 9849, which prohibits discrimination on the basis of race, creed, color, national origin, sex, handicap, political affiliation or beliefs.	X			X			
7) The American with Disabilities Act of 1990, P.L. 101-336, which prohibits discrimination on the basis of disability and requires reasonable accommodation for persons with disabilities.	X			X			
8) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. sections 3601 <i>et seq.</i>), as amended, relating to nondiscrimination in the sale, rental or financing of housing.	X			X			If TANF Funded.
9) Equal Employment Opportunity (EEO): The Contractor agrees that it shall comply with Executive Order (EO) No. 11246, Equal Employment Opportunity, as amended by EO No. 11375, and as supplemented in Department of Labor regulation 29 CFR parts 33 and 37 as well as 41 CFR part 60 and 45 CFR part 80 if applicable.	X			X			See Appendix A to 45 CFR Part 74.
10) Pro-Children Act: The Contractor agrees to comply with the Pro-Children Act of 1994, 20 U.S.C. 6083. Failure to comply with the provisions of the law may result in the imposition of civil monetary penalty up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity. This clause is applicable to all approved sub-contracts. The Contractor shall comply with Public Law 103-277, which requires that smoking not be permitted in any portion of any indoor facility used for the provision of federally funded services including health, day care, early childhood development, education or library services on a routine or regular basis, to children up to age 18.	X			X			Not applicable unless using a facility to provide educational/library/day care services for children.
11) Rights to Inventions Made Under Contract or Agreement: Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.	X			X			See Appendix A to 45 CFR Part 74.
12) Davis-Bacon Act as amended (40 U.S.C. 276a to 276a-7) and as supplemented by Department of Labor (DOL) regulations 29 CFR part 5, the Copeland Anti-Kickback Act (40 U.S.C. 276c and 18 U.S.C. 874) as supplemented by DOL regulations (29 CFR part 3), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) as supplemented by DOL regulations 29 CFR part 5, regarding labor standards for federally assisted construction subagreements.	X			X			See Appendix A to 45 CFR Part 74.
13) Clean Air and Water Act: When applicable, if this Contract is in excess of \$100,000, the Contractor shall comply with all applicable standards, orders or regulations issued under the Clean Air Act as amended (42 U.S.C. 7401), Section 508 of the Clean Water Act as amended (33 U.S.C. 1368 <i>et seq.</i>), Executive Order 11738 and Environmental Protection Agency regulations (40 CFR part 15). The Contractor shall report any violation of the above to the contract manager.	X			X			See Appendix A to 45 CFR Part 74.
14) Energy Efficiency: The Contractor shall comply with mandatory standards and policies relating to energy efficiency which are contained in the State of Florida's energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).	X			X			
15) Lobbying and Integrity: The Contractor shall comply with the provisions of the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) 29 CFR part 93. When applicable, if this Contract is in excess of \$100,000, the Contractor must, prior to contract execution, complete the Certification Regarding Lobbying Form.	X			X			See Appendix A to 45 CFR Part 74.
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Contract Provisions for Vendors and Sub-recipients	YES	NO	N/A	YES	NO	N/A	
DEPENDING ON FUNDING - SOME PROVISIONS MAY NOT APPLY	YES	NO	N/A	YES	NO	N/A	
16) Debarment and Suspension: When applicable, as required by the regulation implementing EO No. 12549 and 12689, Debarment and Suspension, 29 CFR 98, the Contractor must not be presently nor previously within a three-year period preceding the effective date of the Contract, debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency. No contract shall be awarded to parties listed on the GSA List of Parties Excluded from Federal Procurement or Non-Procurement Programs. The Contractor will provide a completed Certification Regarding Debarment, Suspension, and other Responsibility Matters.	X			X			See Appendix A to 45 CFR Part 74. Certification required.
17) Drug-Free Workplace: Pursuant to the Drug-Free Workplace Act of 1988, and its implementing regulations codified at 29 CFR 94, subpart F, the Contractor will provide a Drug-Free Workplace Requirement Certification.		X		X			Certification required.
18) Construction or Renovation of Facilities Using Program Funds: The Contractor is aware that federal funds may not be used for the purchase or improvement of land, or the purchase, construction, or permanent improvement of any building or facility. If any property has been constructed or substantially renovated, through the unlawful use of state or federal funds, the federal government shall be entitled to a lien against said property.	X			X			
19) Office of Management and Budget (OMB) Circulars: The Contractor agrees that, if applicable, it shall comply with all applicable OMB circulars, such as A-21, A-87, A-102, OMB A-110, A-122, and A-133, as applicable.	X			X			
20) Public Announcements and Advertising: When issuing statements, press releases, request for proposals, bid solicitation, and other documents describing the project or programs funded in whole or in part with Federal money, all Contractors receiving Federal funds, shall clearly state: (1) the percentage of the total cost of the program or project which will be financed with Federal money; and (2) the dollar amount of Federal funds for the project or program.	X			X			
Certifications for Vendors and Sub-recipients	SIGNATURE REQUIRED						
1) Debarment and Suspension Certification (29 CFR Part 95 and 45 CFR Part 74).	X			X			
2) Certification Regarding Lobbying (29 CFR Part 93 and 45 CFR Part 93).	X			X			
3) Drug-Free Workplace Certification (29 CFR 94, Subpart B, and 45 CFR Part 82).		X		X			
4) Nondiscrimination & Equal Opportunity Assurance (29 CFR Part 37 and 45 CFR Part 80).	X			X			
Assurances for Vendors and Sub-recipients*	SIGNATURE REQUIRED						
1) Will retain records as required and will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the Contract; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.		X		X			45 CFR 74.53
2) Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.		X		X			Applies to employees of non-profits depending on funding.
3) Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for federally assisted construction subagreements.		X		X			See Appendix A to 45 CFR 74.
4) Will comply with 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 <i>et seq.</i>); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 <i>et seq.</i>); (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, as amended, (P.L. 93-205).		X		X			OMB Circular A-102
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DEPENDING ON FUNDING - SOME PROVISIONS MAY NOT APPLY	YES	NO	N/A	YES	NO	N/A	
5) 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."		X		X			Subrecipient contracts with for-profit entities must include provisions detailing equivalent compliance requirements; A-133 itself is not applicable, but the compliance and monitoring/oversight responsibilities must still be met.
6) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program(s) associated with this Contract.		X		X			OMB Circular A-102
NONDISCRIMINATION PROVISIONS							
1) Title VI of the Civil Rights Act of 1964 as amended, 42 U.S.C. 2000d <i>et seq.</i> , which prohibits discrimination on the basis of race, color or national origin.	X			X			USDOL: See 29 CFR part 31. USHHS: See 45 CFR part 80.
2) Section 504 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability.	X			X			USDOL: See 29 CFR part 32. USHHS: See 45 CFR part 84.
3) Title IX of the Education Amendments of 1972 as amended, 20 U.S.C. 1681 <i>et seq.</i> , which prohibits discrimination on the basis of sex in educational programs.	X			X			USDOL: See 29 CFR part 36. USHHS: See 45 CFR part 86.
4) The Age Discrimination Act of 1975 as amended, 42 U.S.C. 6101 <i>et seq.</i> , which prohibits discrimination on the basis of age.	X			X			USDOL: See 29 CFR part 35. USHHS: See 45 CFR part 91.
5) The American with Disabilities Act of 1990, P.L. 101-336, prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.	X			X			See 29 CFR part 1630.
6) Section 188 of the Workforce Investment Act of 1998 (WIA), 29 U.S.C. 2801 <i>et seq.</i> , 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, for beneficiaries only, on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity.	X			X			Applicable to USDOL-financially assisted programs under WIA. See 29 CFR part 37.
7) Executive Order 11246, as amended by Executive Order 11375, requires that Federal contractors and subcontractors not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. It also requires the contractor/subcontractor to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin.	X			X			Applicable to Federal contracts only. See 41 CFR part 60. See Appendix A 2 CFR 215.
NONDISCRIMINATION ASSURANCES							
For USDOL WIA Title I-financially assisted programs:							
ASSURANCE OF COMPLIANCE							
As a condition to the award of financial assistance from the Department of Labor under Title I of the WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:	X			X			This assurance is to be included in its entirety in all contracts, grants, cooperative agreements, applications, or other arrangements funded by the U.S. Department of Labor. Reference: 29 CFR 37.20.
<ul style="list-style-type: none"> • 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-financially assisted program or activity; • Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color, and national origin; • Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; • The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and discrimination on the basis of sex in educational programs. (Assurances continues on next page)							
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<p>The grant applicant also assures that it will comply with 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.</p>							
<p>For USHHS financially assisted programs:</p>							
<p>ASSURANCE OF COMPLIANCE</p>							
<p>ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AND THE AGE DISCRIMINATION ACT OF 1975</p>	X			X			<p>This assurance is to be included in its entirety in all contracts, grants, cooperative agreements, applications, or other arrangements funded by the U.S. Department of Health and Human Services. Reference: 45 CFR 80.4</p>
<p>The Applicant/Recipient provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans, contracts, property, discounts or other Federal financial assistance from the Department of Health and Human Services.</p>							
<p>THE APPLICANT/RECIPIENT HEREBY AGREES THAT IT WILL COMPLY WITH:</p>							
<p>1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 80), to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.</p>							
<p>2. Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 84), to the end that, in accordance with Section 504 of that Act and the Regulation, no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.</p>							
<p>3. Title IX of the Educational Amendments of 1972 (Pub. L. 92-318), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 86), to the end that, in accordance with Title IX and the Regulation, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives Federal financial assistance from the Department.</p>							
<p>4. The Age Discrimination Act of 1975 (Pub. L. 94-135), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 91), to the end that, in accordance with the Act and the Regulation, no person in the United States shall, on the basis of age, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.</p>							
<p>The Applicant/Recipient agrees that compliance with this assurance constitutes a condition of continued receipt of Federal financial assistance, and that it is binding upon the Applicant/Recipient, its successors, transferees and assignees for the period during which such assistance is provided. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant/Recipient by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant/Recipient for the period during which it retains ownership or possession of the property. The Applicant/Recipient further recognizes and agrees that the United States shall have the right to seek judicial enforcement of this assurance.</p>							
<p>The person or persons whose signature(s) appear(s) below is/are authorized to sign this assurance, and commit the Applicant/Recipient to the above provisions.</p>							
<p>Date _____</p>	Signature and Title of Authorized Official						
<p>_____</p>	Name of Applicant or Recipient						
<p>_____</p>	Street						
<p>_____</p>	City, State, ZIP Code						

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**American Recovery and Reinvestment Act (ARRA)
Special Conditions Addendum
As of March 20, 2009**

1. None of the funds appropriated or otherwise made available in the ARRA may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool. (ARRA Section 1604).

2. If you are a first-tier sub-recipient you must have a Dun and Bradstreet Numbering System (DUNS) number (www.dnb.com) and must maintain active and current profile in the Central Contractor Registration (CCR) (www.ccr.gov). (ARRA Section 1512(h)).

The Recovery Act defines recipients as any entity that receives Recovery Act funds *directly* from the federal government (Including Recovery Act funds received through grant, loan or contract) other than individuals receiving program services. (ARRA Section 1512(a)). First-tier sub-recipients would include entities that receive passed-through Recovery Act funds from a recipient.

3. Grantees agree to separately identify the expenditures for each grant award funded under ARRA on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by Office of Management and Budget Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." This identification on the SEFA and SF-SAC shall include the Federal award number, the Catalog of Federal Domestic Assistance (CFDA) number, and amount such that separate accountability and disclosure is provided for ARRA funds by Federal award number consistent with the recipient reports required by ARRA Section 1512(c).

4. Grantees agree to separately identify to each sub-recipient and document at the time of sub-award and at the time of disbursement of funds, the CFDA number and amount of ARRA funds. (ARRA Section 1512(c)(4)).

5. Accountability guidelines for the Recovery Act emphasize data quality, streamlining data collection, and collection of information that shows measureable program outputs. The Act also emphasizes transparency and frequent communication with the American public about the nature of the Recovery Act investments. Accordingly, the Grantor is developing reporting guidelines that will minimize any new collection burdens yet provide timely accurate accounting of system performance and outcomes. Grantees shall collect and report information as conveyed in upcoming ARRA reporting instructions to be issued by the Grantor. **Additional reporting requirements are to be issued by USDOL and may require special reporting procedures for these funds. Additional requirements and guidance will be issued at a later date.** (ARRA Section 1526).

6. This program, funded by the US Department of Labor is subject to the provisions of 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 U.S. Department of Labor. 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). (See OMB's Initial Implementation Guide for ARRA, Section 6.6).

7. Subject to further clarification issued by the Office of Management and Budget and notwithstanding any other provision of law and in a manner consistent with other provisions of ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Grantor pursuant to this award shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of labor in accordance with subchapter IV of chapter 31 title 40, united States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code (ARRA Sec. 1606).

8. Each Grantee or sub-recipient awarded funds made available under the ARRA shall promptly refer to the Grantor Office of Inspector General any credible evidence that a principal, employee, agent, contractor, sub-recipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds (ARRA Sec. 1553).

9. Misconduct involving those funds appropriated or otherwise made available by the ARRA may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. See ARRA Section 1605.

Signatory Information. When agreements are executed and funded by the Recovery Act, the signatories agree to the terms and conditions listed above on behalf of their respective entity. In addition, the expenditure of any funds by grantees and subgrantees of funds properly granted through the Recovery Act constitutes acceptance of these terms, including any new or additional terms and conditions as may be imposed for Recovery Act funds.