

 <p>SOUTH CAROLINA DEPARTMENT OF EDUCATION</p>	<p>FY 21 IDEA and Preschool Office of Special Education</p> <p><b>Assurances, Terms, and Conditions for Federal Subawards</b> Effective date: 1/2/2020</p>
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**Assurances and Terms and Conditions for Federal Subawards**

Assurances

As the duly authorized representative of \_\_\_\_\_ ,  
I certify that this applicant (Please print or type name of applicant.)

- A. Has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the nonstate share of project costs) to ensure proper planning, management, and completion of the project described in this application.
- B. Will give the South Carolina Department of Education (SCDE) access to and the right to examine all records, books, papers, or documents related to this award and will establish a proper accounting system in accordance with generally accepted accounting principles (GAAP) or agency directives.
- C. Has an accounting system with sufficient internal controls, a clear audit trail, and written cost-allocation procedures as necessary. The financial management systems are capable of distinguishing expenditures that are attributable to this grant from those that are not attributable to this grant. This system is able to identify costs by programmatic year and by budget line item and to differentiate among direct, indirect, and administrative costs. In addition, the applicant will maintain adequate supporting documents for the expenditures (federal and nonfederal) and in-kind contributions, if any, that it makes under this grant. Costs are shown in books or records (e.g., disbursements ledger, journal, payroll register) and are supported by a source document such as a receipt, travel voucher, invoice, bill, or in-kind voucher.
- D. Will also comply with the Office of Management and Budget 2 CFR Part 200 Subpart E-Cost Principles related to the allowability, reasonableness, and allocability of costs consistent with the approved budget and also by maintaining required support for salaries and wages. Required support includes certifications and/or personnel activity records depending upon the amount of time spent on cost objectives.
- E. Will approve all expenditures, document receipt of goods and services, and record payments on the applicant’s accounting records prior to submission of reimbursement claims to the SCDE for costs related to this grant.
- F. Will initiate and complete work within the applicable time frame after receipt of approval by the SCDE.
- G. Will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, or disability and comply 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, the Age Discrimination Act of 1975, and Titles I, II, and III of the Americans with Disabilities Act of 1990 (ADA). The grantee will take affirmative action to ensure that applicants for employment and the employees during the period of their employment are treated without regard to their race, color, religion, age, sex, national origin, or disability.
- H. Has no policy that prevents, or otherwise denies, participation in constitutionally protected prayer in public schools as set forth in the *Guidance on Constitutionally Protected Prayer in Public Education* (20 U.S.C. § 7904).
- I. Will comply with the Family Educational Rights and Privacy Act. (20 U.S.C. §1232g; 34 CFR Part 99).
- J. Will comply with the Ethics, Government Accountability, and Campaign Reform Act (S.C. Code Ann. § 2-17-10 *et seq.* and § 8-13-100 *et seq.* (Supp. 2019)).

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- K. Will comply with the South Carolina Drug Free Workplace Act (S.C. Code Ann. § 44-107-10 *et seq.* (Supp. 2019) if the amount of this award is \$50,000 or more and the federal Drug Free Workplace Act of 1988 (41 USC 702).
- L. Will provide information to the SCDE, as requested, regarding the reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA), which requires the SCDE to file a FFATA subaward report by the end of the month following the month in which it awards any subgrant equal to or greater than \$25,000.
- M. Will comply with 2 CFR Part 25 and register and receive a unique entity identifier, fulfill the requirement for the [System for Award Management](#), maintain the currency of the registration throughout the full grant term, and allow access by the granting agency to ensure compliance.
- N. Will comply with 2 CFR Part 200.112 and disclose in writing any potential conflict of interest to the SCDE.
- O. Will comply with 2 CFR Part 200.113 and disclose in writing to the SCDE all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award.
- P. Will comply with conditions under Executive Order 13513 “Federal Leadership on Reducing Text Messaging While Driving” (October 1, 2009) by refraining from text messaging while driving during official grant business.

**Terms and Conditions**

- A. **Completeness of Proposal.** All proposals should be complete and carefully worded and must contain all of the information requested by the South Carolina Department of Education (SCDE). If you do not believe a section applies to your proposal, please indicate that fact.
- B. **Non-awards/Termination.** The SCDE reserves the right to reject any and all applications and to refuse to grant monies under this solicitation. If the SCDE rejects an application, the applicant has a right to request a hearing, as provided by 2 CFR Part 200.341 and 34 CFR Part 76.401, if it alleges the SCDE’s actions violate a state or federal statute or regulation by (1) disapproving of or failing to approve the application or project, in whole or in part, or (2) failing to provide funds in amounts in accordance with the requirements of statutes and regulations.

After it has been awarded, the SCDE may terminate a grant by giving the grantee written notice of termination. In the event of a termination after award, the SCDE shall reimburse the grantee for allowable expenses incurred up to the notification of termination. In addition, this grant may be terminated by the SCDE if the grantee fails to perform as promised in its proposal. Federal grants will be terminated in accordance with 2 CFR Part 200.339 and 200.340.

In the event that this grant is terminated, the grantee shall have a right to a hearing as set forth in 34 CFR Part 76.783. The grantee must notify the SCDE of its request for a hearing within 30 days of receiving written notice of the termination. If a hearing is requested, the SCDE will conduct the hearing in accordance with the procedures outlined in 34 CFR Part 76.401(d)(2)–(7).

- C. **Reduction in Budgets and Negotiations.** The SCDE reserves the right to negotiate budgets with applicants. The SCDE may, at its sole discretion, determine that a proposed budget is excessive and may negotiate a lower budget with the applicant. The applicant may at that time negotiate or withdraw its proposal. In addition, the SCDE may desire to fund a project but not at the level proposed. In that case, the SCDE shall notify the applicant of the amount that can be funded, and the applicant and the SCDE shall negotiate a modification to the proposal to accommodate the lower budget. All final decisions are that of the SCDE.



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- D. **Amendments to Grants.** Amendments are permitted generally for budgets, grant end date, and management upon the mutual agreement of the parties involved and will become effective when specified in writing and signed by both parties. However, amendments to scope of work that significantly alter the original application proposal may trigger partial or full termination consistent with 2 CFR Part 200.339 and 200.340.
- E. **Use of Grant Funds.** Funds awarded are to be expended only for purposes and activities covered by the approved project plan and approved budget and budget narrative.
- F. **Submission of Expenditure Reports.** Claims for reimbursement must be made at least quarterly and consistent with calendar quarters (e.g., an expenditure report claim for costs for January 1 through March 30 must be filed by May 15).
- G. **Obligation of Grant Funds.** Grant funds may not be obligated prior to the effective date or subsequent to the end or termination date of the grant period. No obligations are allowed after the end of the grant period. The final request for expenditure report claims must be submitted no later than forty-five (45) days after the end of the grant period unless the scope of work for the grant states a shorter reporting period.
- H. **Deobligation of Funds.** After a final expenditure report claim has been submitted to the SCDE, the grantee will go through the official deobligation process with the SCDE.
- I. **Documentation.** The grantee must provide for accurate and timely recording of receipts and expenditures. The grantee's accounting system should distinguish receipts and expenditures attributable to each grant. The grantee must review the memo regarding "[Guidelines for Retaining Documentation to Support Expenditure Claims.](#)"
- J. **Travel Costs.** Travel costs, if allowed under this solicitation, must not exceed limits noted in the United States [General Services Administration \(GSA\) per diem rates](#) for lodging, except in the case of conference lodging required for program-required training. In the case that conference-related lodging exceeds the GSA per diem rate, the grantee shall follow their entity's written procedure for obtaining prior approval to exceed a GSA rate for a conference hotel. Meals and incidentals are limited by the state budget proviso, currently not to exceed \$35 per day for in-state travel and \$50 for out-of-state travel (see page 86 of the [State of South Carolina Statewide Disbursement Regulations](#)). Mileage reimbursement must follow the current Office of Comptroller General instructions, which is consistent with the published IRS rates.
- K. **Honoraria.** Amounts paid in honoraria, if allowed under this grant, must be consistent with SCDE policies. Applicants should check with the program office before budgeting for honoraria.
- L. **Reports.** The grantee shall submit, as required or instructed by the awarding program office, all reports (programmatic, financial, or evaluation) within the specified period or date and in the prescribed format. An expenditure claim report must be filed by August 15 for all expenditures incurred by June 30 in order to comply with the generally accepted accounting principles (GAAP) and the production of the State's Comprehensive Annual Financial Report.
- M. **Copyright.** The grantee is free to copyright any books, publications, or other copyrightable materials developed in the course of this grant. However, the SCDE reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the copyrighted work developed under this grant.
- N. **Certification Regarding Lobbying, Suspension, and Debarment.** By submitting an application, the applicant certifies, to the best of its knowledge and belief, that the
- Applicant and/or any of its principals, subgrantees, or subcontractors
    - Have not paid or will not pay to any person any federally appropriated funds for the purpose of influencing or attempting to influence an officer or employee of any agency, a Member of



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- Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with making any federal grant and the extension continuation, renewal, amendment, or modification of any federal grant, as defined at 34 CFR Part 82.105 and 82.110. If any funds other than federally 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 any employee of a Member of Congress in connection with this federal grant, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any state or federal agency as stated at 2 CFR Part 180 or 2 CFR Part 3485.
  - Have not, within a three-year period preceding this application, been convicted of 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) contract or subcontract; violated federal or state antitrust statutes relating to the submission of offers; or committed embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property.
  - Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated above.
  - Applicant has not, within a three-year period preceding this application, had one or more contracts terminated for default by any public (federal, state, or local) entity.
- O. Audits.**
- Entities expending \$750,000 or more in federal awards:  
Entities that expend \$750,000 or more in federal awards during the fiscal year are required to have an audit performed in accordance with the provisions of 2 CFR Part 200.501, *et seq.* Except for the provisions for biennial audits provided in 2 CFR Part 200.504 (a) and (b), audits must be performed annually as stated at 2 CFR Part 200.504. A grantee that passes through funds to subrecipients has the responsibility of ensuring that federal awards are used for authorized purposes in compliance with federal program laws, federal and state regulations, and grant agreements. The director of the OMB, who will review this amount every two years, has the option of revising the threshold upward.
  - Entities expending less than \$750,000 in federal awards:  
Entities that expend less than \$750,000 in a fiscal year in federal awards are exempt from the audit requirements in 2 CFR Part 200.504. However, such entities are not exempt from other federal requirements (including those to maintain records) concerning federal awards provided to the entity. The entity's records must be available for review or audit by the SCDE and appropriate officials of federal agencies, pass-through entities, and the General Accounting Office (GAO).
- P. Records.** The grantee shall retain federal grant records, including financial records and supporting documentation, for a minimum of six (6) years after the end date of the grant when the final expenditure report claim for reimbursement and all final reports have been submitted, unless informed otherwise or in the case of litigation.
- Q. Electronic Signature Agreement.** I agree that my electronic signature is the legally binding equivalent to my handwritten signature.



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DEPARTMENT OF EDUCATION

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\_\_\_\_\_  
Signature of authorized official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of authorized financial official

\_\_\_\_\_  
Date