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|---|--|--|---------------------------------------|--------------------|
|  U.S. Department of Veterans Affairs   |  | Veterans Grant Program<br>Grant Agreement  |                                       | Page 1 of 12       |
| 1. Recipient/Grantee Name and Address:  |  | 2. Award Date:<br>09/30/2024   |                                       | 3. Action: Renewal |
|   |  | 4. Project Period: From 10/01/2024 to 09/30/2026<br>Budget Period: From 10/01/2024 to 09/30/2026   |                                       |                    |
| 5. Recipient Unique Entity ID Number (UEI):   |  | 6. Recipient IRS/Vendor Number:  |                                       |                    |
| 7. Unique Federal Award Identification Number (FAIN):   |  | 8. Assistance Listing Number/Name: 64.024 / VA Homeless Providers Grant and Per Diem Program   |                                       |                    |
| 9. Amount of Federal Funds Obligated by this Action: \$   | 10. Total Amount of Federal Funds Obligated: \$0 |  | 11. Total Amount of Federal Award: \$ |                    |
| 12. Budget Approved by the VA:<br>Yes – 09/30/2024  | 13. Total Approved Cost Sharing/Matching: N/A    |  | 14. Supplement Number: 0              |                    |
| 15. Is this a Research & Development Award: N   |  | 16. Indirect Cost Rate: If applicable, up to 15% de minimis or as negotiated and previously approved. See 2 C.F.R. § 200.414.                |                                       |                    |
| 17. Project Title: VA Homeless Providers Grant and Per Diem Program   |  |  |                                       |                    |
| 18. Statutory Authority for Grant:<br>38 U.S.C. §§ 2011, 2012; 2061; P.L. 114-315 § 701.  |  |  |                                       |                    |
| 19. Method of Payment: Automated Clearing House   |  |  |                                       |                    |
| 20. Award Description: VA's Homeless Providers Grant and Per Diem (GPD) Program awards per diem funding to the organization identified above to provide operational costs for @X total beds@ transitional housing beds and services as well as costs that would not otherwise be incurred, but for the fact that the recipient is supporting the homeless Veteran population of @SN population@ with special needs as described in the grant application. |  |  |                                       |                    |
| 21. VA Contact: Chelsea Watson, National Director, VA Grant and Per Diem Program Office, GPDgrants@va.gov   |  |  |                                       |                    |
| <b>AGENCY APPROVAL</b>  |  | <b>GRANTEE ACCEPTANCE</b>  |                                       |                    |
|   |  | <i>By signing in Box 24, I certify that I reviewed all 12 pages and agree to comply with all the terms and conditions of this agreement.</i> |                                       |                    |
| 22. Name, title, signature of VA awarding official  |  | 23. Name and title of authorized grantee official  |                                       |                    |
|   |  | 24. Signature of authorized grantee official   |                                       |                    |



FAIN Number:

Award Date: See page 1

In accepting a Department of Veterans Affairs (VA) award, the grantee (or recipient) assumes legal, financial, administrative and programmatic responsibility for administering the award. All applicable appropriations, laws, statutes, rules, regulations (e.g., 38 C.F.R. part 61, 2 C.F.R. part 200), Notice of Funding Opportunity (NOFO) requirements, Executive Orders governing assistance awards, statutory and national policy requirements (e.g., 2 C.F.R. § 200.300 and 41 U.S.C. § 4712) and these terms and conditions are hereby incorporated into this award by reference. While VA may provide grantees with reminder notices regarding award requirements, the absence of receiving such notice does not relieve grantees of responsibility to meet all applicable award requirements. Under this agreement, the grantee agrees to provide what is outlined in the grant award and application along with any modifications that have occurred or will occur as a result of official changes approved by the VA GPD Program Office.

By submitting a grant application with a signed SF-424 and by accepting this agreement, the recipient and its executives, as defined in 2 C.F.R. § 170.315, certify that the recipient's policies are in compliance with all applicable Federal laws, and relevant Executive guidance. The applicant's signature on the SF-424, including electronic signature, constitutes a binding offer by the applicant and constitutes agreement to the terms and conditions. Furthermore, by drawing or otherwise obtaining funds for the award from the grant payment system or other payment process, the recipient accepts the terms and conditions of the award and agrees to perform in accordance with the requirements of the award.

#### 1. Terms related to non-Construction funding

- a) The grantee agrees to comply with government-wide certifications required of Federal grant recipients as evidenced by maintaining an active registration in the System for Award Management (SAM). The grantee agrees to comply with applicable requirements regarding SAM and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a UEI. The grantee will work with VA to ensure that all subrecipients have a current account on SAM. The details of grantee obligations are posted on the SAM website at [www.SAM.gov](http://www.SAM.gov). Help resources are available at [www.FSD.gov](http://www.FSD.gov). SAM and Universal Identifier Requirements are hereby incorporated by reference into this grant agreement. For details, see [2 C.F.R. part 25 Appendix A](#).
- b) The grantee certifies that the application, and information submitted as a part of the application, are in accordance with the applicable requirements in 38 C.F.R. part 61 and 2 C.F.R. part 200.
- c) The grantee will create and operate the grant in accordance with the application it has submitted and will comply with the definitions and performance metrics, or other program monitoring requirements, as outlined in the NOFO published on February 2, 2024, and referenced here and elsewhere in this grant agreement.
  - i. The grantee must comply with eligibility requirements described in the NOFO, including requirements for eligible participants, eligible services and/or eligible activities. Grantees must avoid duplication of activities.
  - ii. The grantee must implement a low barrier approach to providing services to Veterans, which generally means service occurs on the same day from the point of identification or referral to the GPD project, or within no more than 72 hours, as described in the NOFO.
  - iii. The grant must engage in the local coordinated entry process and the by name list as appropriate.
  - iv. A grantee who does not meet performance measures, does not maintain occupancy or caseloads, exceeds expected lengths of Veteran-service or who otherwise performs or appears to perform less than satisfactorily (e.g., as a result of a risk assessment or due to information regarding the organization's financial stability or management standards) may be subject to additional conditions of award or remedies for noncompliance (2 C.F.R. §§ 200.208, 200.339). Additional conditions or remedies for noncompliance may include but are not limited to increased reporting or monitoring, reductions to allowed costs or activities, withholding, suspension or termination.
  - v. The special need beds supported under this grant must be in private rooms with private bathrooms and must meet the housing specifications in the NOFO.



FAIN Number:

Award Date: See page 1

- vi. Grantees must monitor their actual grant costs compared to requested costs at least quarterly and submit a revised per diem rate request immediately, when needed, to prevent improper accumulation of unobligated funds.
- vii. All units must be reinspected by VA no less frequently than annually. Reinspection of occupied units requires advance planning and must be started early to avoid delays. VA reserves the right to withhold payments, reduce beds, terminate a grant, or take other action as appropriate when inspection or reinspection requirements are delayed or not met.
- viii. A grantee who is the recipient of an historical GPD capital grant (i.e., a capital grant awarded in FY 2020 or before) with an ongoing period of obligation associated with the facility used for special need grant services, must maintain an active special need grant and must maintain bed numbers and occupancy levels at least until the expiration of the period during which VA could seek recovery under 38 C.F.R. § 61.67. Failure to do so may result in an immediate partial capital grant repayment.
- d) If applicable, the grantee will furnish to Veterans the level of care for which such application is made and in conformance with the standards of care prescribed by VA, annual VA inspections (38 C.F.R. § 61.65) and all applicable Federal, State and local laws, codes, regulations and ordinances (38 C.F.R. § 61.80).
- e) If applicable, the grantee will ensure that no more than 25% of the awarded beds for adult participants are occupied at any one time by people not being served by the GPD grant. If applicable, this also applies to any portion of the GPD beds that received capital grant funding.
- f) Grantees will ensure staff supported by grant funds are trained annually regarding suicide prevention and how to address situations in which Veterans demonstrate suicidal ideation. Standard operating procedures are to be developed on suicide prevention in consultation with your local VA medical facility. VA training is available at: [https://www.va.gov/EMPLOYEEEDUCATION/ees\\_vha\\_train.asp](https://www.va.gov/EMPLOYEEEDUCATION/ees_vha_train.asp). Suicide Prevention Coordinator locator (for in-person training) is available at: <https://www.veteranscrisisline.net/get-help/local-resources>.
- g) Grantees will ensure staff supported by grant funds who provide services to Veterans are trained annually regarding equity and inclusion. Standard operating procedures are to be developed on nondiscrimination of any individuals based on factors including but not limited to race, color, religion, sex, gender identity, gender expression, sex characteristics, sexual orientation, pregnancy, national origin, disability, age, genetic information, marital status, parental status or political affiliation. VA training is available at: [https://www.va.gov/EMPLOYEEEDUCATION/ees\\_vha\\_train.asp](https://www.va.gov/EMPLOYEEEDUCATION/ees_vha_train.asp).
- h) The grantee agrees that it is responsible for the use of grant funds provided by VA. In accordance with 2 C.F.R. §§ 200.339-340, VA may terminate this award or take other action if the grantee fails to comply with any one of the terms and conditions of this award, whether stated in a Federal statute, regulation or assurance application; or no longer effectuates the program goals or VA priorities.
- i) Consistent with § 200.206, VA will monitor grantees for a satisfactory record of executing programs or activities under any VA or non-VA Federal grant, cooperative agreement or procurement award. VA will monitor grantees for integrity and business ethics. VA may make or continue a grant if it is determined that any non-satisfactory information identified is not relevant to the current VA award under consideration or if there are specific conditions that can appropriately mitigate the effects of the non-Federal entity's risk in accordance with § 200.208. VA may impose specific conditions of award (§ 200.208) and/or remedies for noncompliance (§ 200.339), including termination of the grant to a recipient who does not fully meet these standards. In general, there is no single triggering event that mandates that VA take a particular enforcement action. Usually, enforcement actions (singly or in combination) will escalate in severity based on the demonstrated unwillingness or inability of the grantee to take corrective action. However, there may be instances in which termination is the most appropriate first course of action and is necessary to protect the interests of the Government and the public.



FAIN Number:

Award Date: See page 1

- j) The grantee agrees to comply with the organizational audit requirements of 2 C.F.R. part 200, Subpart F, Audit Requirements and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from Subpart F (and any other audits of VA grant funds) are not satisfactorily and promptly addressed.
- k) Grant funds may be used only for the purposes in the grantee's approved application and allocated as directed in 2 C.F.R. part 200, Subpart E. The grantee shall not undertake any work or activities that are not described in the grant application, or that use staff, equipment or other goods or services paid for with VA grant funds, without prior written approval from VA.
- l) The grantee agrees to comply with applicable requirements of the Federal Funding Accountability and Transparency Act of 2006 (FFATA), including requirements on executive compensation and implementing requirements found at 2 C.F.R. parts 25 and 170. For example, grantees must report first-tier subawards of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the grantee and first-tier subrecipients of award funds for the preceding fiscal year. Bonuses to any individuals utilizing Federal funds must also conform to the reporting requirements and be approved in advance by the agency in writing. The details of grantee obligations, which derive from the FFATA, are posted on the FFATA Subaward Reporting System (FSRS) website at <https://www.fsr.gov/>.
- m) Reporting of Matters Related to Recipient Integrity and Performance: If the total value of your currently active grants, cooperative agreements and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to SAM that is made available in the designated integrity and performance system about civil, criminal or administrative proceedings. This is a statutory requirement under P.L. 110-417 § 872, as amended (41 U.S.C. § 2313). See Appendix XII of 2 C.F.R. part 200 for full details.
- n) The grantee must take reasonable measures to safeguard protected personally identifiable information (PII) and other information designated as sensitive consistent with applicable Federal, State, local and tribal laws regarding privacy and obligations of confidentiality. Grantees must not include PII in communications with VA unless it is necessary to do so and unless measures are taken to encrypt or to otherwise protect the communication. No PII regarding program participants may be submitted to the GPD Program Office through the program's electronic grants management system. For definitions and requirements, see 2 C.F.R. part 200 (e.g., § 200.1 Definitions, § 200.303 Internal controls).
- o) The grantee certifies that it will use VA grant funds for projects that meet domestic content procurement preferences specified in the Build America, Buy America Act, P.L. 117-58 § 70914. Domestic content procurement preference means all iron, steel, manufactured products and construction materials used in the project are produced in the United States. Manufactured products must be manufactured in the United States and the cost of the components of the manufactured product that are mined, produced or manufactured in the United States must be greater than 55 percent of the total cost of all components of the manufactured product. For construction materials, all manufacturing processes for the construction materials must occur in the United States. GPD transitional housing grants are not infrastructure projects. Therefore, generally, infrastructure costs are not allowed, including but not limited to costs for acquisition, renovation, construction or other changes to buildings or real property. However, consistent with Federal-wide initiatives (e.g., Executive Order 14005, OMB memos M-21-26 & M-22-11 and P.L. 117-58), if written prior approval is received from the GPD Program Office for infrastructure costs, then GPD grantees must ensure domestic preference for those infrastructure activities (consistent with P.L. 117-58 and 2 C.F.R. § 200.322). Information about Made In America policies is available at <https://www.madeinamerica.gov/>.

## 2. Standard Requirements



FAIN Number:

Award Date: See page 1

- a) Standards for financial management require that a recipient's financial system control and account for Federal funds and cost sharing under the award and produce financial reports.
- i. States must expend and account for funds under the award in accordance with State laws and procedures that apply to the expenditure of and the accounting for the State's own funds.
  - ii. In addition, the State's and other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations and the terms and conditions of the Federal award, must be sufficient to permit:
    - Preparation of the reports required under the award; and
    - Tracing of funds to a level of expenditures adequate to establish that award funds are used according to the Federal statutes, regulations and terms of the award for the purposes for which the grant was made.
  - iii. States must comply with the cash management standards in 31 C.F.R. part 205, the Department of the Treasury's implementation of the Cash Management Improvement Act of 1990 (31 U.S.C. § 6503, as amended by P.L. 101-453 § 5).
  - iv. VA must make prompt payments to recipients for allowable reimbursable costs. The recipient must promptly refund any balances of unobligated cash that VA has paid and that is not authorized to be retained by the recipient. OMB Circular A-129 and 2 C.F.R. part 200 (e.g., §§ 200.305, 200.346) govern unreturned amounts that become delinquent debts.
- b) The financial management system must enable recipients to meet the following requirements: 2 C.F.R. §§ 200.300-346; 400-476; and 500-512.
- i. Financial Reporting. For financial reports required by the award, recipients must provide accurate, current and complete financial information about the Federally assisted activities. If subawards are executed under the award, recipients must have reasonable procedures for ensuring the receipt of financial reports from each subrecipient in sufficient time to allow the recipient to prepare reports.
  - ii. Accounting Records. Recipients must maintain records that adequately identify the sources of funds for Federally assisted activities and the purposes for which funds are to be used. The records must contain information about the award and any subaward, including authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures and any program income. The accounting records must be supported by source documentation, such as cancelled checks, paid bills, payrolls and time and attendance records.
  - iii. Program Income: Program income must be deducted from total allowable costs to determine the net allowable costs. Program income must be used to reduce the Federal costs rather than to increase the funds available to the project. See 2 C.F.R. § 200.307.
  - iv. Internal Control. Recipients must maintain effective control over and accountability for all cash, real and personal property and other assets under the award. Recipients must adequately safeguard all of these assets and ensure that they are used only for authorized purposes.
  - v. Budget Control. Recipients must be able to compare actual expenditures or outlays with the approved budget.
  - vi. Allowable Costs. Recipients must have established procedures for determining reasonableness, allocability and allowability of costs in accordance with the applicable Federal cost principles, program regulations, program NOFO and other Federal requirements, including 2 C.F.R. part 200 Subpart E. As stated in the funding opportunity, indirect costs, as defined in § 200.412-415, are allowable if supported by a Federally Negotiated Indirect Cost Rate Agreement or if supported by a certification of de minimis indirect cost rate declaring a rate of up to 15% of modified total direct costs as described in § 200.414. Otherwise, all requested costs must be direct costs.



FAIN Number:

Award Date: See page 1

- vii. Cash Management. Consistent with 2 C.F.R. § 200.305, recipients must have procedures for minimizing the time elapsing between the transfer of any advance payments of funds under the award and disbursement of the funds for direct program costs and the proportionate share of any allowable indirect or facilities and administrative costs. Recipients must ensure that the timing and amount of any payments to subrecipients under the award conform to this standard.
- viii. Requirement for Performance Data. In comparing actual expenditures or outlays with budget amounts, as required, recipients must relate financial information to performance data. For this purpose, VA will accept estimates based on available documentation.
- ix. Review of Financial Management System. VA may review the recipient's financial management system at any time to determine whether it complies with the requirements of this provision.
- x. Conflict of Interest. In accordance with 2 C.F.R. § 200.112 and consistent with § 200.318(c), grantees must disclose to VA in writing any potential conflict of interest that may affect VA grant awards. As required in the NOFO, such conflicts of interest must be disclosed to GPD immediately and again annually thereafter. Grantees must establish safeguards to prohibit personnel from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain (per Federal-wide certifications with which your organization certified compliance via [www.SAM.gov](http://www.SAM.gov)).

### 3. Period of Availability of Funds

- a) The project and budget periods for this award are indicated in box 4 on page 1 of this grant agreement. The recipient may charge to the award only allowable costs resulting from obligations incurred during the budget period.
- b) VA does not allow pre-award costs to be charged to the grant unless otherwise stated in the NOFO. If pre-award costs are allowed by the NOFO and if they are requested in the application, then this grant agreement constitutes VA's written approval of the requested pre-award costs. All requirements related to pre-award costs apply (e.g., 2 C.F.R. § 200.458).
- c) Expenditures for staff costs that are obligated during the award budget period may be charged to the award up to 120 days after the award expiration date. Grant monies are available for administrative closeout activities, which are limited to activities such as the preparation of final reports. No other staff costs may be obligated and expended for closeout activities.

### 4. Publications

Any publications or articles resulting from the award must acknowledge the support of the VA and will include a disclaimer of official endorsement as follows: "This [article] was funded [in part] by a grant from the United States Department of Veterans Affairs. The opinions, findings and conclusions stated herein are those of the author[s] and do not necessarily reflect those of the United States Department of Veterans Affairs." The recipient must ensure that this disclaimer is included on all brochures, flyers, posters, billboards or other graphic artwork produced under the terms of the award.

The grantee will not use VA's name or any of its components, except in factual publicity and with the prior approval of VA, which approval shall not be unreasonably withheld. Such factual publicity shall not imply that the involvement of VA serves as an endorsement of the general policies, activities, or products of the grantee. Where the publicity references VA, publicity will be accompanied by a disclaimer to the effect that no VA endorsement is intended. Any publicity (meaning any efforts to communicate broadly to the public for any purpose) released by the grantee concerning this agreement or the program shall be subject to prior approval by VA. The grantee shall not publish any data regarding the program without the prior written consent of VA, regardless of whether such data has been publicly disclosed by any other person, unless otherwise required by law, provided that notice of such disclosure will be made to VA if permitted by law.



FAIN Number:

Award Date: See page 1

## 5. Use of VA's logo, seals, flags, and other materials

The grantee may not use VA's logo, seals, flags, and other symbols without a written determination by VA that the proposed use by the grantee advances the aims, purposes, and mission of VA. VA approval is not guaranteed but will not be unreasonably withheld.

## 6. Post-award Requirements for Closeout

- a) The Program Office will provide recipients with information regarding final report due dates and where to send the final reports. VA will notify the recipient in writing of any changes to the reporting requirements before the project period end date. Copies of any required forms and instructions for their completion are included with the award and are provided to each recipient by VA.
- b) Recipients must submit, within 120 calendar days after the project period end date of the award, all final financial, performance and other reports as required by the terms and conditions of the award. VA may approve written requests for extensions by the recipient. Requirements include:
  - i. Unless VA authorizes an extension, a recipient must liquidate all obligations incurred under the award not later than 120 calendar days after the project period end date.
  - ii. When authorized by the award, VA must make a settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received, not to exceed the amount of the award. Unless otherwise prohibited by statute or regulation.
  - iii. The recipient must account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with applicable rules, regulations and laws.
  - iv. In the event a final audit has not been performed before the closeout of the award, VA will retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.
  - v. The recipient agrees that it will submit annual financial status reports to VA using the SF-425 Federal Financial Report form, not later than 120 days after the end of each grant year. The final report shall be submitted not later than 120 days following the end of the award period. Failure to provide this report in accordance with 2 C.F.R. § 200.344 and with the terms and conditions of the Federal Award, will result in VA proceeding to closeout with the information available within one year of the period of performance end date and will result in VA reporting the grantee's material failure to comply with the terms and conditions of the award to the OMB-designated integrity and performance system (currently [www.SAM.gov](http://www.SAM.gov)).

## 7. Retention and Access Requirements for Records

- a) The recipient must maintain financial records, supporting documents, statistical records and all other records pertinent to an award for a period of three years from the date of submission of the final expenditure report. For awards that are renewed quarterly or annually, these same records must be maintained from the date of the submission of the quarterly or annual financial report as authorized by VA.
- b) The only exceptions are the following:
  - i. If any litigation, claim or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.
  - ii. Records for real property and equipment acquired with Federal funds must be retained for three years after final disposition.
  - iii. When records are transferred to or maintained by VA the three-year retention requirement is not applicable to the recipient.

## 8. Timely and Unrestricted Access and Protection from Retaliation



FAIN Number:

Award Date: See page 1

- a) VA, the Inspector General, Comptroller General or any of their duly authorized representatives have the right of timely and unrestricted access to any books, documents, papers or other records of recipients and subrecipients that are pertinent to the award, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to a recipient's and subrecipient's personnel for the purpose of interview and discussion related to such documents. The rights of access are not limited to the required retention period but must last as long as records are retained.
- b) Employees of grantees are protected from retaliation for making a protected disclosure related to certain types of wrongdoing. 41 U.S.C. § 4712. Among other entities, the VA Office of the Inspector General (OIG) is authorized to receive such disclosures. The OIG maintains a toll-free number (1-800-488-8244) for receiving disclosures, including those concerning gross mismanagement of a Federal contract or grant, fraud, waste of federal funds, abuse of authority under grants and cooperative agreements, substantial and specific danger to public health and safety or violations of any law, rule or regulation related to a Federal contract or grant. Information also may be submitted by web form on the OIG Hotline website at <https://www.va.gov/oig/hotline> or by mail to VA Inspector General Hotline (53H), 810 Vermont Ave., NW, Washington, DC 20420. Such reports are treated as sensitive material and submitters may decline to give their names if they choose to remain anonymous.

## 9. Federal Debt Status

The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances and benefits that were overpaid (OMB Circular A-129). The recipient must notify VA immediately if the recipient becomes delinquent during the project period. VA cannot release award funds until the recipient provides documentation showing a repayment plan has been accepted by the Internal Revenue Service and payments have been made.

## 10. Nondiscrimination Policies

Federal laws prohibit discrimination in housing programs and activities. These obligations extend to recipients of Federal financial assistance, including subrecipients. Grantees must stay informed and compliant with applicable laws. For example, the recipient must execute the project (e.g., productions, workshops, programs) in accordance with the following laws, as applicable. Grantees who are unsure how a specific law applies to their particular facility should seek advice from their legal counsel.

- a) **Title VI of the Civil Rights Act of 1964**, as amended, provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied benefits of or be subject to discrimination under any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with limited English proficiency (42 U.S.C. § 2000d et seq.).
- b) **Title IX of the Education Amendments of 1972** provides that no person in the United States shall, on the basis of sex or blindness, be excluded from participation in, be denied benefits of or be subject to discrimination under any education program or activity receiving Federal financial assistance (20 U.S.C. § 1681 and 1684 et seq.).
- c) **Section 504 of the Rehabilitation Act of 1973**, as amended, provides that no otherwise qualified individual with a disability in the United States, shall, solely by reason of his/her disability, be excluded from participation in, be denied benefits of or be subject to discrimination under any program or activity receiving Federal financial assistance (29 U.S.C. § 794).
- d) **The Age Discrimination Act of 1975** provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied benefits of or be subject to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. § 6101 et seq.).





FAIN Number:

Award Date: See page 1

- e) **The Americans with Disabilities Act of 1990 (ADA)**, as amended, prohibits discrimination on the basis of disability in employment (Title I), State and local government services (Title II), places of public accommodation and commercial facilities (Title III) (42 U.S.C. § 12101-12213).
- f) **The Fair Housing Act of 1968 (FHA)**, as amended, as codified in 42 U.S.C. § 3601, protects persons “seeking housing assistance, or engaging in other housing-related activities.” The GPD Program is a transitional housing program for Veterans experiencing homelessness. The Department of Housing and Urban Development (HUD), the agency charged with overseeing the FHA, has explicitly declared that sex includes gender identity and sexual orientation ([HUD Memorandum](#)). Grantees must ensure that they are informed of and comply with all State, local and Federal housing laws, as many States and cities have added explicit protections against discrimination based on sexual orientation and gender identity.

### 11. Equal Treatment for Faith-Based Organizations and Activities

- a) Grantees must comply with the requirements of 38 C.F.R. § 61.64 and [38 C.F.R. part 50](#).
- b) A faith-based organization that participates in this program retains its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law.
- c) A faith-based organization may not use direct Federal financial assistance from VA to support or engage in any explicitly religious activities except when consistent with the Establishment Clause and any other applicable requirements.
- d) An organization receiving Federal financial assistance may not, in providing services funded by VA, or in their outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

### 12. Environmental and Preservation Policies

- a) The National Environmental Policy Act of 1969 (NEPA), as amended, applies to any Federal funds that would support an activity that may have environmental implications. VA has concluded that activities undertaken pursuant to the GPD non-capital grant program are categorically excluded from further NEPA analysis. If in the future, the GPD Program is amended or revised in such a way to permit activities that may impact the environment, or if the grant is a GPD capital grant, VA may ask you to respond to specific questions or provide additional information in accordance with NEPA. If there are environmental implications, we will determine whether a categorical exclusion may apply, to undertake an environmental assessment or to issue a "finding of no significant impact," pursuant to applicable regulations and 42 U.S.C. § 4321 et seq.
- b) The National Historic Preservation Act of 1966, as amended, applies to any Federal funds that would support either the planning or major renovation of any structure eligible for or on the National Register of Historic Places, in accordance with 54 U.S.C. § 306108. This law also applies to project activities, such as new construction and renovation, that would affect such properties. VA has concluded that activities undertaken pursuant to the GPD non-capital grant program would not impact historic properties. If in the future, the GPD Program is amended or revised to permit activities such as renovation or construction of structures, or if the grant is a GPD capital grant, VA will consult with your State Historic Preservation Officer and other consulting parties, as appropriate, to address potential impacts to historic properties. Any design, renovation or construction plans must be submitted to GPD for review and approval prior to undertaking any such activities. You may be asked to provide additional information on your project to ensure compliance with the NHPA (54 U.S.C. § 300101-307108).

### 13. Debarment and Suspension

- a) You must comply with requirements regarding debarment and suspension in 2 C.F.R. part 180, Subpart C.



FAIN Number:

Award Date: See page 1

- b) There are circumstances under which we may receive information concerning your fitness to carry out a project and administer Federal funds, for instance:
- i. Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, making false statements;
  - ii. Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility; and/or
  - iii. Any other cause of so serious or compelling a nature that it affects an organization's present responsibility.
- c) In these circumstances, we may need to act quickly to protect the interest of the government by suspending your funding while we undertake an investigation of the specific facts. We may coordinate our suspension actions with other Federal agencies that have an interest in our findings. A suspension may result in debarment from receiving Federal funding for up to three years.

#### 14. The Drug Free Workplace Act

- a) The Drug Free Workplace Act requires you to publish a statement about your drug-free workplace program. You must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out.
- b) You must maintain on file the place(s) where work is being performed under this award (i.e., street address, city, State and zip code). You must notify VA's Program Office of any employee convicted of a violation of a criminal drug statute that occurs in the workplace (41 U.S.C. § 8101 et seq. and 38 C.F.R. part 48).

#### 15. Lobbying

- a) You may not conduct lobbying, as defined in the statutes and regulations listed below, within your Federally supported project. In addition, you may not use Federal funds for lobbying specifically to obtain awards. For definitions and other information on these restrictions, refer to the following:
- b) No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction or an official of any government, to favor, adopt or oppose, by vote or otherwise, any legislation, law, ratification, policy or appropriation, whether before or after the introduction of any bill, measure or resolution proposing such legislation, law, ratification, policy or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence or national security activities (18 U.S.C. § 1913. Lobbying with appropriated moneys).
- c) 2 C.F.R. § 200.450 – "Lobbying." This regulation clarifies that lobbying is an unallowable project cost. Costs incurred in attempting to improperly influence either directly or indirectly, an employee or officer of the executive branch of the Federal Government to give consideration or to act regarding a Federal award or a regulatory matter are unallowable. Improper influence means any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a Federal award or regulatory matter on any basis other than the merits of the matter. See 2 CFR 200.450 for additional restrictions.



FAIN Number:

Award Date: See page 1

- d) P.L. 101-121 § 319, codified at 31 U.S.C. § 1352, prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract or loan. While non-Federal funds may be used for such activities, they may not be included in your project budget, and their use must be disclosed to the awarding Federal agency. Disclosure of lobbying activities by long-term employees (employed or expected to be employed for more than 130 days) is, however, not required. In addition, the law exempts from definition of lobbying certain professional and technical services by applicants and awardees.
- e) We strongly advise you to review these regulations carefully published at 38 C.F.R. part 45 and found at [www.ecfr.gov](http://www.ecfr.gov).
- f) Except for Federally required restrictions on lobbying, the grantee may not place any restrictions on subrecipients that limit the right or ability of the subrecipients or their agents to contract or otherwise conduct business with the Federal government.

#### 16. Site Visits

The grantor, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and to provide such technical assistance as may be required. If any site visit is made by the grantor on the premises of the recipient, a subrecipient or a contractor, the recipient shall provide, and shall require its subrecipients and contractors to provide, all reasonable facilities and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly interfere with or delay the work.

#### 17. Trafficking in Persons

- a) This government-wide award term implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104), located at 2 C.F.R. part 175.
- b) In accordance with the statutory requirement, each agency award under which funding is provided to a private entity must include a condition that authorizes the agency to unilaterally terminate the award, without penalty, if the recipient or a subrecipient:
  - i. Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
  - ii. Procures a commercial sex act during the period of time that the award is in effect; or
  - iii. Uses forced labor in the performance of the award or subawards under the award.
  - iv. Full text of the award term is provided at 2 C.F.R. § 175 Appendix A.

#### 18. Prompt Payment Act

Federal funds may not be used by the recipient for the payment of interest penalties to contractors when bills are paid late nor may interest penalties be used to satisfy cost sharing requirements. Obligations to pay such interest penalties will not be obligations of the United States.

#### 19. Veteran Definition

The recipient acknowledges section 701 of the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016 (P.L. 114-315) amended 38 U.S.C. § 2002 and adding 38 U.S.C. § 2002(b) to define the term "Veteran" for purposes of §§ 2011, 2012, 2013, 2044 and 2061, as a person who served in the active military, naval air or space service, regardless of length of service, and who was discharged or released therefrom. Under section 2002(b), the term "Veteran" excludes a person who "(A) received a dishonorable discharge from the Armed Forces; or (B) was



FAIN Number:

Award Date: See page 1

discharged or dismissed from the Armed Forces by reason of the sentence of a general court-martial." In addition, the length of service restrictions under 38 U.S.C. § 5303A do not apply, per 38 U.S.C. § 5303A(b)(3)(F).

## 20. Payments

- a) Per 2 C.F.R. § 200.305(b)(3) and 38 C.F.R. part 61, reimbursement for services rendered will be the method of payment. Grantees must disclose any other sources of income that may defray the cost of grant activities. Payments will be paid in accordance with 2 C.F.R. part 200 and 38 C.F.R. part 61.
- b) Grantees will submit requests for payment via one of two methods. The first is through the U.S. Department of Veterans Affairs Vendor Inquiry System (VIS) and the second is through the U.S. Department of Health and Human Services (HHS) Payment Management System. GPD will notify grantees of which of the two methods of payment to use and how to enroll.
- c) Grantees are required to submit properly prepared and fully documented payment requests within 30 days of the end of each month. Grantees who are unsure if their submission is properly prepared and fully documented should submit early to allow time for review and resubmission no later than 30 days after the end of each month. If circumstances dictate, grantees may also, upon approval by the GPD Program Office, submit requests as frequently as required to meet needs to disburse funds for program purposes.
- d) If applicable, unobligated balances must be returned or written prior approval must be received from the GPD Program Office to carry forward an unobligated balance to a future funding period. At VA's discretion, unobligated balances or carryover amounts may be used to offset future funding as appropriate, in accordance with 2 C.F.R. § 200.308(e)(3).

## 21. Performance Metrics and/or Monitoring Requirements

- a) The grantee will have a liaison appointed from a nearby VA medical facility to provide oversight and monitor services provided to Veterans in the program. VA will complete regular monitoring evaluations of each grantee to include, at a minimum, a quarterly review of the grantee's performance, helping Veterans attain or maintain housing stability, adequate income support and self-sufficiency as identified in each application. Monitoring may also include a financial review of the agency's income and expenses as they relate to this project to ensure payment is accurate and to ensure compliance with program requirements. The grantee will be expected to demonstrate adherence to the grantee's proposed program concept, as described in the grantee's application. All grantees are subject to audits conducted by VA or its representative.
- b) The grantee will be assessed based on their ability to meet critical performance measures and required minimum performance metrics/targets set for the initial funding year of this award. VA may, at its discretion, update these measures and/or targets at any point prior to or during the project period. As applicable, each grantee's performance will be measured against the commitment provided in the application regarding critical performance measures identified in the NOFO.
- c) In addition, the grantee must meet program requirements defined by the regulations and the applicable NOFO. Performance goals, indicators and targets are incorporated here by reference. Performance goals also are detailed in the regulations, NOFO, the application and/or the Grant Recipient Guide on the GPD provider website.

## 22. Electronic Signature

If the GPD Program Office identifies discrepancies or concerns with any electronic or scanned signature provided, VA reserves the right to request that the document be resubmitted with a true ink signature.