

APPENDIX C – Assurances

Assurances for Federal Construction Programs, Federal Audit Requirements, and State Assurances of Disaster Application Subrecipients

SECTION 1: ASSURANCES FOR FEDERAL CONSTRUCTION PROGRAMS

Selected Definitions:

- “Federal award” refers to the Federal financial assistance that a non-Federal entity receives directly from a Federal awarding agency or indirectly through a pass-through entity (2 C.F.R. § 200.38);
- “Pass-through entity” means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program (2 C.F.R. § 200.74);
- “Non-Federal entity” refers to a state, local government, Indian Tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a subrecipient (2 C.F.R. § 200.69);
- “Recipient” means a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program (2 C.F.R. § 200.86); “Subaward” means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program (2 C.F.R. § 200.92);
- “Subrecipient” means a non-federal entity that receives a subaward from a pass-through entity to carry out part of a federal program; but does not include an individual that is a beneficiary of such program (2 C.F.R. § 200.93);

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the Federal 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 assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.

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4. Will comply with the requirements of the Federal awarding agency (Federal Emergency Management Agency) and Recipient (Wisconsin Emergency Management) with regard to the drafting, review, and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms to the approved plans and specifications and will furnish progress reports and such other information, as may be required, by the Federal awarding agency (Federal Emergency Management Agency) and Recipient (Wisconsin Emergency Management).
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the Federal awarding agency (Federal Emergency Management Agency) and Recipient (Wisconsin Emergency Management).
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A or OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F) which require, as a condition of participation in assistance programs, that State and local agencies that receive grants establish merit personnel systems for their personnel engaged in administration of the federal grant-aided program.
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4821 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all federal statutes relating to non-discrimination. These include but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin;
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;
 - d. The Age Discrimination Act of 1975 as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to non-discrimination on the basis of drug abuse;
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism;
 - g. §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended relating to confidentiality of alcohol and drug abuse patient records;

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- h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended relating to non-discrimination in the sale, rental or financing of housing;
 - i. Any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made, and
 - j. The requirements on any other non-discrimination statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 3101-3701) regarding labor standards for federally-assisted construction subawards.
14. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and purchase flood insurance.
15. 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 floodplains in accordance with EO 11988;
 - e. Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - f. Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - g. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
 - h. Protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) relating to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection

of historic properties), and the Archaeological and Historic Preservation Act of 1974 as amended by P.L. 113-287 (54 U.S.C. §§ 3011-3071).

18. In accordance with E.O. 12549, entities that are debarred, suspended, or otherwise declared ineligible for federal funding cannot be involved with the Public Assistance process. Applicants must check the federal System for Award Management (SAM) at <https://www.sam.gov> to ensure that any contractor used in performing Public Assistance activities is eligible for federal funding.
19. Will comply with the required financial and compliance audits in accordance with the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR§200 et seq.).
20. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SECTION 2: FEDERAL AUDIT REQUIREMENTS

All non-Federal entities, to include State Governments, Native American Tribal Governments, Local Governments, Institutions of Higher Education, Hospitals or other Non-Profit Organizations, that expend \$750,000.00 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR §200 Subpart F).

If required to undergo a single or program-specific audit, the subrecipient should submit an electronic copy of the Audit Reporting Package (including Form SF-SAC) to the Federal Audit Clearinghouse (FAC) at: <https://harvester.census.gov/facides/>.

Once the Audit Reporting Package is filed with the FAC, email Wisconsin Emergency Management (WEM) at: DMASingleAudits@wisconsin.gov to notify us that the Audit Reporting Package has been submitted.

SECTION 3: STATE ASSURANCES OF DISASTER APPLICATION SUBRECIPIENTS

In accordance with the State Department of Military Affairs, Wisconsin Emergency Management Division State Administrative Plan, as a subrecipient, I agree to the following:

1. Subrecipient Duties
 - a. The subrecipient shall perform the tasks specified in the State Administrative Plan and shall complete the tasks therein during the period specified in the Federal-State Agreement dated 2016.
2. Terms for Reimbursement
 - a. The Department of Military Affairs, Wisconsin Emergency Management Division, shall reimburse the subrecipient their eligible costs incurred by the Subrecipient in accordance with their "Disaster Application for Federal Assistance for Subgrantees." This reimbursement will be made from funds made available through the Federal Emergency Management Agency (P.L. 93-288 as amended by P.L. 100-707) and the State Legislature. The subrecipient shall be reimbursed only for those costs

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specified in the approved “Disaster Application for Federal Public Assistance for Subgrantees” and amendments thereto.

- b. The Department of Military Affairs, Wisconsin Emergency Management Division, shall reimburse the Federal and State shares to the subrecipient in accordance with the requirements specified in the Federal-State Agreement.
- c. All claims for reimbursement shall be supported by written documentation including, but not limited to, receipts, invoices, bidding documents, procurement plans, equipment logs, materials logs, and personnel/payroll data.
- d. Reimbursement for costs will not be paid on any encumbrance made by the subrecipient prior to the dates as specified in an approved grant or for purposes that fall outside of the scope of the approved project without approval by both the Federal awarding agency, Federal Emergency Management Agency, and pass-through entity, Department of Military Affairs, Wisconsin Emergency Management Division.

3. Records and Documentation

- a. The subrecipient shall be responsible for keeping records that fully disclose the amount and disposition of funds at all times and the total costs of each project for which the funds are provided. The accounting procedures utilized by the subrecipient shall provide for the accurate and timely recording of the receipt of funds and expenditures.
- b. The books, records, documents and accounting procedures and practices of the subrecipient relevant to this agreement are subject to examination by the pass-through entity, Department of Military Affairs, Wisconsin Emergency Management Division, by either the legislative auditor or State auditor, as appropriate, and by the Federal awarding agency.
- c. All subrecipients shall provide written quarterly progress reports on a form prescribed by the Department of Military Affairs, Wisconsin Emergency Management Division through the State’s formal closeout request to FEMA Region V.

4. Miscellaneous

- a. When the Department of Military Affairs, Wisconsin Emergency Management Division, finds that there has been a failure to comply with the provisions of this agreement or with the provision of the “Disaster Application for Federal Assistance for Subgrantees,” or that the purposes for the funds have not been, or will not be fulfilled, notwithstanding any other provisions of this agreement to the contrary, the Department of Military Affairs, Wisconsin Emergency Management Division, as the pass-through entity, may take such action as it deems necessary and appropriate to protect the interest of the Federal awarding agency and the State of Wisconsin, including:
 - Temporarily withhold cash payments pending correction of the deficiency by the Subrecipient or more severe enforcement action by the Federal awarding agency (Federal Emergency management Agency) or pass-through entity (Department of Military Affairs, Wisconsin Emergency Management Division).
 - Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
 - Wholly or partly suspend or terminate the Federal award.
 - Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency)

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- Withhold further Federal awards for the project or program.
 - Take other remedies that may be legally available, such as referring cases of documented fraud, waste and abuse to the Office of Inspector General for further prosecution.
- b. The subrecipient agrees to indemnify and save and hold the Department of Military Affairs, Wisconsin Emergency Management Division, its agents and employees harmless from all claims or causes of action arising from the performance of this grant by the subrecipient or subrecipient's agent or employees.
- c. The Department of Military Affairs' authorized agent for the purposes of this contract is Jeff Whittow, Fiscal Services Specialist at Wisconsin Emergency Management.

By signing below, I hereby agree that my jurisdiction/agency will abide by all terms and conditions of the preceding documents:

Name of Authorized Certifying Official (Print) Title

Signature of Authorized Certifying Official Date

Applicant Organization

Applicant County