

Name of Library System \_\_\_\_\_

**CERTIFICATIONS REGARDING NONDISCRIMINATION; DEBARMENT AND SUSPENSION; DRUG-FREE WORKPLACE; FEDERAL DEBT STATUS; TRAFFICKING IN PERSONS; LOBBYING; AND ADDITIONAL CERTIFICATIONS**

Signature of this form provides for compliance with the statutes and regulations cited below. The certifications shall be treated as material representations of fact upon which reliance will be placed when the Georgia Public Library Service, of the Board of Regents, a Unit of the University System of Georgia determines to award funds to any of the Georgia Regional and County Public Library Systems.

**1. Nondiscrimination**

The applicant certifies that the library will comply with the following nondiscrimination statutes and their implementing regulations:

- a) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000 et seq.), which prohibits discrimination on the basis of race, color, or national origin (note: as clarified by Executive Order 13166, reasonable steps must be taken to ensure that limited English proficient (LEP) persons have meaningful access to the programs (see IMLS guidance at 68 Federal Register 17679, April 10, 2003));
- b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 701 et seq. including §794), which prohibits discrimination on the basis of disability (note: IMLS applies the regulations in 45 C.F.R part 1170 in determining compliance with § 504 as it applies to recipients of Federal assistance);
- c) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–83, 1685–86), which prohibits discrimination on the basis of sex in education programs; and
- d) The Age Discrimination in Employment Act of 1975, as amended (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age; and
- e) The requirements of any other nondiscrimination statute(s) which may apply to the application.

**2. Debarment and Suspension**

The applicant shall comply with 2 C.F.R part 3185. The authorized representative certifies to the best of his or her knowledge and belief that neither the library nor any of its principals:

- a) Are presently excluded or disqualified;
- b) Have been convicted within the preceding three years of any of the offenses listed in 2 C.F.R. part 180.800(a) or had a civil judgment rendered against it or them for one of those offenses within that time period;
- c) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in 2 C.F.R. part 180.800(a); or
- d) Have had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.

Where the library is unable to certify to any of the statements in this certification, the authorized representative shall attach an explanation to this form.

The library is required to comply with 2 C.F.R. part 180 subpart C (Responsibilities of Participants Regarding Transactions Doing Business with Other Persons) as a condition of participation in the award. The library is also required to communicate the requirement to comply with 2 C.F.R. part 180 subpart C (Responsibilities of Participants Regarding Transactions Doing Business with Other Persons) to persons at the next lower tier with whom the library enters into covered transactions.

### **3. Drug-Free Workplace**

The authorized representative, on behalf of the library, certifies, as a condition of the award, that the library will or will continue to provide a drug-free workplace by complying with the requirements in 2 C.F.R. part 3186 (Requirements for Drug-Free Workplace (Financial Assistance)). In particular, the library as the recipient must comply with drug-free workplace requirements in subpart B of 2 C.F.R. part 3186, which adopts the Government-wide implementation (2 C.F.R. part 182) of Sections 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 4 100-690, Title V, Subtitle D; 41 U.S.C. §§ 701–707).

This includes, but is not limited to: making a good faith effort, on a continuing basis, to maintain a drug-free workplace; publishing a drug-free workplace statement; establishing a drug-free awareness program for the library's employees; taking actions concerning employees who are convicted of violating drug statutes in the workplace; and identifying (either at the time of application or upon award, or in documents that the library keeps on file in its offices) all known workplaces under its Federal awards.

### **4. Federal Debt Status**

The authorized representative, on behalf of the library, certifies to the best of his or her knowledge and belief that the library is not delinquent in the repayment of any Federal debt.

### **5. Audit and Access to Records**

The library certifies that it will provide GPLS with notice of any adverse findings which impact this grant. The library certifies compliance with applicable provisions of 2 CFR 200.501-200.521. If the library is not required to have a Single Audit as defined by 200.501, Awarding Agency requirements, or the Single Audit Act, then the library will provide notice of the completion of any required audits and will provide access to such audits upon request. The library will provide access to records as required by parts 2 CFR 200.337 and 200.338 as applicable.

### **6. Trafficking in Persons**

The library agrees that it will comply with the Trafficking in Persons requirement set forth in Appendix A below.

### **7. Prohibitions Against Lobbying, Publicity, and Propaganda**

In accordance with Federal appropriations law, no IMLS funds may be used for publicity or propaganda purposes for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government. No IMLS funds may be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body.

### **8. Certification Regarding Lobbying Activities (Applies to Applicants Requesting Funds in Excess of \$100,000) (31 U.S.C. § 1352)**

The authorized representative certifies, to the best of his or her knowledge and belief, that:

- a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the authorized representative, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b) If any funds other than Federal appropriated funds have been paid or will be paid to any person (other than a regularly employed officer or employee of the applicant, as provided in 31 U.S.C. § 1352) for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the authorized representative shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- c) The authorized representative shall require that the language of this certification be included in the award

documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when the transaction is made or entered into. Submission of this certification is a prerequisite for making or entering into the transaction imposed by 31 U.S. C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure, or as otherwise required by law.

## **9. Acknowledgement of IMLS Support**

All materials publicizing or resulting from IMLS grant activities must contain an acknowledgement of IMLS support, unless IMLS advises otherwise. This includes invitations, brochures, and signage; audio/video programming for radio, television, or web broadcast; and websites, social media, PowerPoint presentations, and e-mail announcements. (See Grantee Communications Kit, available at [www.imls.gov](http://www.imls.gov), for specific guidance).

The type of recognition varies according to the type of activity:

- Written materials must include a credit line indicating IMLS as a source of support;
- Graphic items such as posters or brochures should include the IMLS logo (see Grantee Communications Kit, available at [www.imls.gov](http://www.imls.gov)) displayed in accordance with the Logo Standards Guide;
- Online products, digital publications, and websites should include links to the IMLS website, [www.imls.gov](http://www.imls.gov);
- Audio/video broadcasts must include a tagline indicating IMLS as a source of support. Video broadcasts should display the IMLS logo.

In materials that contain or present substantive project content, such as an exhibition, article, catalogue, or other publication, video documentary, or online exhibition or website, the acknowledgement must also include the following statement:

“The views, findings, conclusions or recommendations expressed in this (publication) (program) (exhibition) (website) (article) do not necessarily represent those of the Institute of Museum and Library Services.”

For questions about whether a product requires this statement, contact the IMLS Office of Communications.

## **10. Acknowledgement of Federal Support**

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving IMLS appropriated funding, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state:

- a) The percentage of the total costs of the program or project which will be financed with Federal money;
- b) The dollar amount of Federal funds for the project or program; and
- c) Percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

(See IMLS fiscal year 2020 appropriations act – Section 505 of the Title V (General Provisions) of Division A of Public Law 116-94, December 20, 2019).

## **11. Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment**

The library is required to comply with 2 CFR 200.216, which prohibits the library from using federal grant funds to:

- a) Obtain equipment, services, or systems that use telecommunications equipment produced by Huawei Telecommunications Company or ZTE Corporation (or any of their subsidiaries or affiliates).
- b) Also prohibited are video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any of their subsidiaries or affiliates).
- c) Also prohibited are telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense believes to be an entity connected to the government of a covered foreign country. Entities added to this list will be incorporated into the excluded parties list in the System for Award

Management (SAM) ([www.sam.gov](http://www.sam.gov)).

The library will not obligate or expend funds received under this grant to: (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services (as described in Public Law 115-232, section 889) as a substantial or essential component of any system, or as a critical technology as part of any system.

**12. Internet Safety Certification**

The authorized representative, on behalf of the library, certifies that the library is CIPA Compliant and that the library has complied with the requirements of 20 U.S.C. § 9134(f) et seq.

**13. Criminal Disclosures and Reporting of Matters Related to Recipient Integrity and Performance**

The authorized representative, on behalf of the library, certifies that the library will disclose to GPLS all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award (See also 2 C.F.R. § 200.113 and 2 C.F.R. Part 3185).

**14. General Certification**

The authorized representative, on behalf of the library, certifies that the library will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program (please also see Appendix B – Additional Standard Language).

The undersigned further provides assurances that it will include, as applicable, the language of the certifications in all subawards and that all subrecipients shall certify and disclose accordingly.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

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Signature of Authorizing Official

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Date

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Print Name of Authorizing Official

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Title of Authorizing Official

## APPENDIX A Trafficking in Persons

The sub-recipient must comply with Federal law pertaining to trafficking in persons. Under 22 § 7104(g), any grant, contract, or cooperative agreement entered into with federal funds and an entity shall include a condition that authorizes the Federal agency (IMLS) and the State Library Administrative Agency (SLAA) to terminate the grant, contract, or cooperative agreement, if the grantee, subgrantee, contractor, or subcontractor engages in trafficking in persons, procures a commercial sex act, or uses forced labor. 2 C.F.R. part 175 requires IMLS to include the following award term:

- a. Provisions applicable to a recipient that is a private entity.
  1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not –
    - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
    - ii. Procure a commercial sex act during the period of time that the award is in effect; or
    - iii. Use forced labor in the performance of the award or subawards under the award.
  2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
    - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
    - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either –
      - a. Associated with performance under this award; or
      - b. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 C.F.R. part 3185.
- b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity –
  1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
  2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either –
    - i. Associated with performance under this award; or
    - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. part 180, “OMB Guidelines to Agencies on Governmentwide 7 Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 C.F.R. part 3185.
- c. Provisions applicable to any recipient.
  1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
  2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
    - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
    - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
  3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.
- d. Definitions. For purposes of this award term:
  1. “Employee” means either:
    - i. An individual employed by you or a subrecipient who is engaged in the performance of

- the project or program under this award; or
- ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
  3. "Private entity": i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. part 175.25. ii. Includes: A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R. part 175.25(b). B. A for-profit organization.
  4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).

## APPENDIX B

Additional Standard Language By accepting the award, the recipient and its executives, as defined in 2 CFR § 170.315, certify that the recipient's policies are in accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, especially:

- President's September 2, 2020 memorandum, entitled *Memorandum on Reviewing Funding to State and Local Government Recipients of Federal Funds that Are Permitting Anarchy, Violence, and Destruction in American Cities*;
- *Executive Order on Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence* (E.O. 13933); and
- Guidance for Grants and Agreements in Title 2 of the Code of Federal Regulations (2 C.F.R.), as updated in the Federal Register's 85 FR 49506 on August 13, 2020, particularly on:
  - Promoting the freedom of speech and religious liberty in alignment with *Promoting Free Speech and Religious Liberty* (E.O. 13798) and *Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities* (E.O. 13864) (2 C.F.R. §§ 200.300, 200.303, 200.339, and 200.341),
  - Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 C.F.R. § 200.322), and
  - Terminating agreements in whole or in part to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities (2 C.F.R. § 200.340).