

## **CERTIFIED ASSURANCES HISTORIC PRESERVATION PROGRAM**

This program receives Federal financial assistance from the National Park Service. Grants are subject to the requirements outlined in OMB Circulars A-133, A-87, A-110, and A-122. Subgrantees agree to abide by all federal and state regulations, including the following certified assurances.

The Subgrantee agrees to comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) 42 USC 2000d,et seq.; Executive Order 11764 and Department of Interior Regulation (43 CFR 17; (b) Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112 as amended); (c) the Age Discrimination Act of 1975; (d) Title IX of the Education Amendments of 1972, as amended; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended; (f) the American With Disabilities Act 1990 (P.L. 101-366); (g) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made. Furthermore, the applicant Hereby Certifies that it meets all requirements regarding Federal debt status and Federal debarment and suspension, and that it will provide a drug-free workplace in compliance with the Drug-Free Workplace Act of 1988. This assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended.

### **Assurances Explanation**

**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.

**Section 504 of the Rehabilitation Act of 1973** provides that no otherwise qualified disabled individual in the United States, as defined in section 7(6)\*, shall, *solely by reason of his/her disability*, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance. Failure to comply with Section 504 can result in loss of federal funds.

\* For the purpose of Section 504, the term "disabled individual" means any person who (a) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (b) has a record of such impairment, or (c) is regarded as having such an impairment.

**Americans with Disabilities Act (ADA) of 1990** prohibits discrimination on the basis of disability in employment (Title II) and places of public accommodation and commercial facilities (Title III).

**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 the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

**Title IX of the Education Amendments of 1972** provides that no person in the United States shall, *on the basis of sex*, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

As required by **Section 1352, Title 31 of the U.S. Code**, grantees must comply with the restriction concerning **lobbying** with allocation funds: "No part of the money appropriated by an 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, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or its departments or agencies from communicating to members of Congress on the request of any member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business."

**Debarment and Suspension** -The sub-grantee certifies to the best of his or her knowledge and belief that the sub-grantee or its principals (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency; (b) has not within a three-period preceding this proposal been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (c) is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and (d) has not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

**Drug-Free Workplace Act of 1988** - (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within ten calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

As required by **Federal Debt Status** (OMB Circular A-120), the grantee certifies that it is not delinquent in the repayment of any Federal debt.

Consistent with 41 U.S.C. 10a-10c, "**Buy American Act**," subgrantees who are purchasing equipment and products are encouraged, whenever possible, to purchase American-made equipment and products.

Will comply with the **Lead-Based Paint Poisoning Prevention Act** (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

**Fair Labor Standards Act** states that all professional performers and related or supporting personnel employed on projects or productions which are financed in whole or in part under the grant shall receive not less than the minimum compensation as determined by the Secretary of Labor.

No part of any project or production which is financed in whole or in part under the grant will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production.

**The Native American Graves Protection and Repatriation Act of 1990** (25 U.S.C. 3001 et seq.) applies to any organization which controls or possesses Native American human remains and associated funerary objects, and which receives Federal funding, even for a purpose unrelated to the Act.

If your non-profit organization receives **\$300,000 or more in federal financial assistance**, the State of South Dakota requires that an **annual audit** be conducted in accordance with OMB Circular A-133. Audits shall be completed and filed with the Department of Legislative Audit by the end of the 12th month following the end of the fiscal year being audited.\* The Subgrantee shall, at its own expense, provide for an audit acceptable to the State. The Subgrantee will comply with audit regulations under OMB A-133, The Single Audit Act. Copies of the audit should be sent to the State Historical Preservation Program

\* Audits must be conducted by an auditor that is approved by the Auditor General of the State of South Dakota. Auditor approval must be obtained annually and can be requested by forwarding a copy of the audit engagement letter to the Department of Legislative Audit. The Department of Legislative Audit will notify each auditor of approval or disapproval. For information concerning audits contact: Department of Legislative Audit, A-133 Coordinator, 427 S. Chappelle, c/o 500 E. Capitol, Pierre, SD 57501.

As the Grantee's authorized representative, I certify that \_\_\_\_\_  
(name of grantee)

is in compliance with the Award of Allocation and CERTIFIED ASSURANCES outlined in this document.

Name (please print or type): \_\_\_\_\_

Title (please print or type): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**THIS MUST BE SIGNED AND RETURNED WITH YOUR AWARD OF ALLOCATION FOR HISTORICAL PRESERVATION.**

**Your grant award will not be processed until these documents are on file in our office.**