

## **State & Federal Requirements, Assurances and Certifications for LSTA Subrecipients-** Grant Year 2019 LSTA subawards

The State Library of Kansas (SLK) and its subrecipients, as recipients of federal funds through the federal Library Services and Technology Act (LSTA), are required to follow the guidance of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Parts 200 and 3187 (Supercircular))*. The guidelines require subrecipients to meet certain requirements and follow certain processes, including those listed below.

### **Applications**

Subgrants will not be issued without an approved application or proposal. All applications and proposals must be received by the applicable deadline. Applications and proposals submitted by parties that are ineligible at the applicable deadline will be rejected.

### **Audits**

LSTA subgrant awards are 100 percent federal funds under the Catalog of Federal Domestic Assistance (CFDA) 45.310 and subject to the Single Audit Act. In accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements, non-Federal entities that expend financial assistance of \$750,000 or more in Federal awards will have a single or a program-specific audit conducted for that year. Non-Federal entities that expend less than \$750,000 a year in Federal awards are exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503.

### **Children's Internet Protection Act (CIPA)**

CIPA, as specified by the Institute of Museum and Library Services (IMLS) requirements do not apply if no funds made available under the LSTA program are being used to purchase computers to access the Internet, or to pay for direct costs associated with accessing the Internet. If funds were provided, the applicant library agrees to comply with the requirements of 20 U.S.C. § 9134 (f) (1) et seq.

### **Deadlines**

Applicants/subrecipients are responsible for meeting all applicable deadlines as outlined in the project documentation.

### **Debarment and Suspension**

Certifies that to the best of his or her knowledge and belief that neither the subgrantee or its fiscal agent, if any,;

- (i) Are presently excluded or disqualified;
- (ii) Have been convicted within the preceding three years of any of the offenses listed in 2 C.F.R. § 180.800(a) or had a civil judgment rendered against it or them for one of those offenses within that time period;
- (iii) 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. §180.800(a); or
- (iv) Have had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.

Comply with 2 C.F.R. §180 subpart C (Responsibilities of Participants Regarding Transactions Doing Business with Other Persons). The State Library may use the SAM (Systems for Award Management) to identify Excluded Entities.

### **Federal Debt Status**

Certifies to the best of his or her knowledge and belief that the subgrantee or its fiscal agent, if any, is not delinquent in the repayment of any Federal debt.

### **Federal Funding Accountability and Transparency Act**

The State Library of Kansas is required to report subgrants over \$25,000, per the Federal Funding Accountability and Transparency Act (FFATA) FFATA Subaward Reporting System (FSRS) which will then be displayed on [www.USASpending.gov](http://www.USASpending.gov). (FFATA or Transparency Act- P.L. 109-282, as amended by § 6202(a) of P.L. 110-252)

### **Indirect Costs**

Effective beginning with FY15 awards: The State Library is responsible for establishing the indirect cost rate for its subrecipients in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for

Federal Awards at 2 CFR Part 200. When acting as a pass-through entity, the State Library is required to honor a subrecipient's federally negotiated indirect cost rate if one already exists. If no such rate exists, the State Library must honor either a rate negotiated between the State Library and the subrecipient (in compliance with federal guidelines) or the minimum rate of 10 percent of the subrecipient's modified total direct costs (MTDC). See 2 CFR 200.331.

### **Kansas Public Library Survey/State Report**

Completion of the annual KS Public Library Survey/State Report is required on or before the deadline to be eligible for State Library of Kansas pilot projects or LSTA subgrants. State Aid eligibility is not required.

### **Lobbying**

Certifies that no LSTA 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 LSTA 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, regulations, administrative action or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body.

### **Nondiscrimination**

Provide library services resulting from the grant to all members of the community served and comply with the relevant nondiscrimination statutes and public policy requirements including, but not limited to, the following §3187.12

- Discrimination on the basis of race, color on national origin- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000 *et seq.*)
- Discrimination on the basis of sex- Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-83, 1685-86)
- Discrimination on the basis of disability- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §701 *et seq.* including §794)
- Discrimination on the basis of age- The Age Discrimination in Employment Act of 1975, as amended (42 U.S.C. §6101 *et seq.*)

### **Records Retention**

According to IMLS published advice letter on requirements for retention of documentation for LSTA projects- All records of the LSTA subrecipient for the project must be maintained separately from those of other projects. Accounting records should be supported by source documentation such as canceled checks, paid invoices, and payrolls. Copies of contracts/agreements and additional assurances should also be kept. Records must be retained for three years after the last year of the current LSTA State Plan for Kansas. Grant documents from the 2018-2022 federal grant years must be maintained through December 31, 2026. These records are to be retained by the Library and not sent to the State Library.

### **Setoff**

Subrecipients that are under a current setoff from the Kansas Department of Administration Division of Accounts and Reports Accounts Receivable Setoff Program are not eligible to receive subgrants. It is the responsibility of subgrant applicants to know if there is a current setoff. Should the setoff be discovered after the subgrant is issued, the full subgrant amount must be returned to the State Library within 10 business days of notification.

### **Trafficking in Persons** Under 22 U.S.C. § 7104(g) 2 C.F.R. Part 175

Certifies that to the best of his or her knowledge and belief that neither the subgrantee or its fiscal agent, if any,

- (i) engages in trafficking in persons, procures a commercial sex act, or uses forced labor
- (ii) procures a commercial sex act during the period of time that the award is in effect
- (iii) uses forced labor in the performance of the Grant