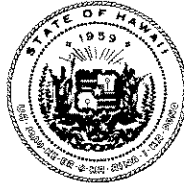


LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

September 18, 2008

Ms. Marsha Werner, SSBG Program Specialist
Office of Community Services
Administration for Children and Families
U.S. Department of Health and Human Services
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

Dear Ms. Werner:

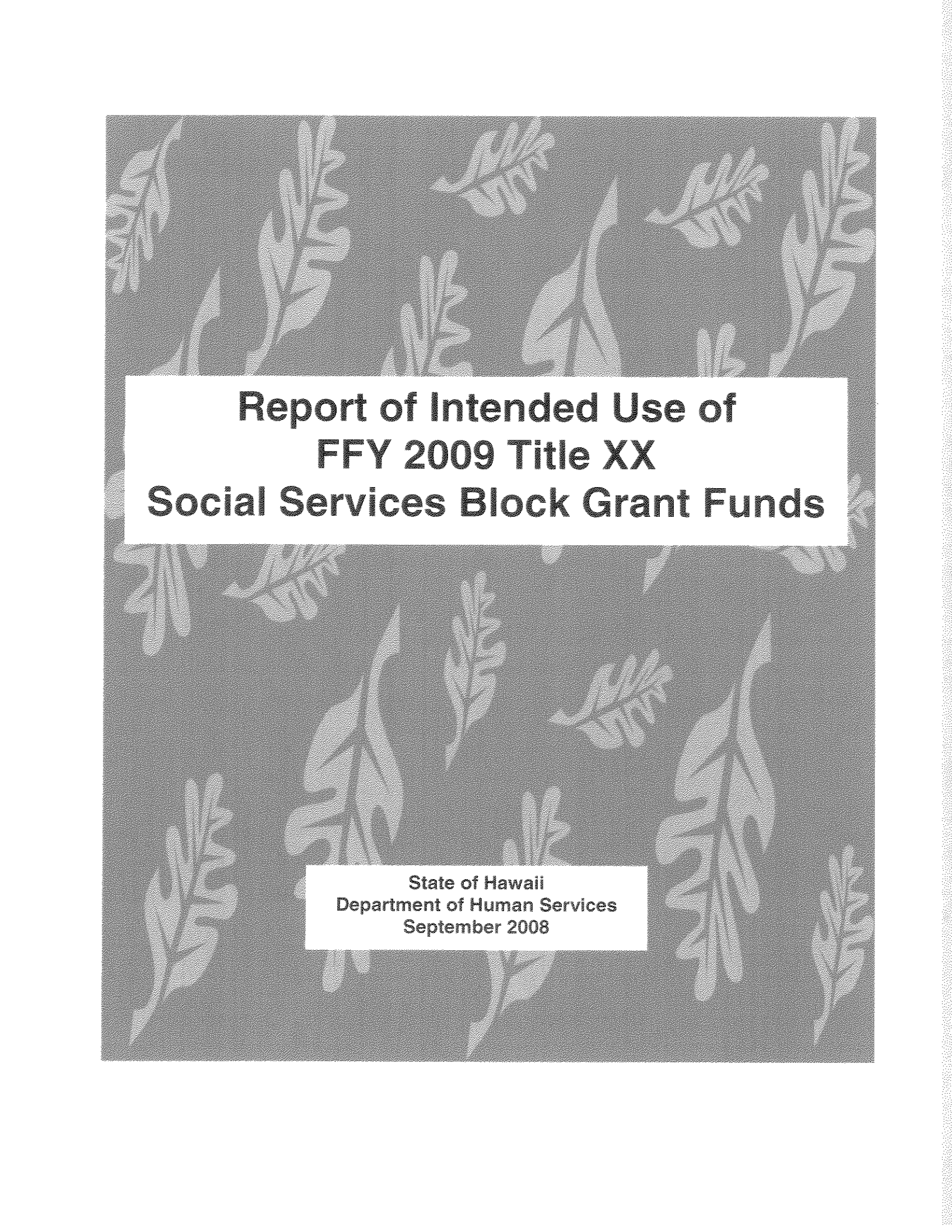
Enclosed is Hawaii's Title XX Social Services Block Grant FFY 2009
Intended Use Report (original and one copy).

Should there be any questions, please contact Gibby Fukutomi, Planning
Administrator, at (808) 586-5702.

Sincerely,

Lillian B. Koller
Director

Enclosures



**Report of Intended Use of
FFY 2009 Title XX
Social Services Block Grant Funds**

**State of Hawaii
Department of Human Services
September 2008**

GOVERNOR'S CERTIFICATION

I hereby submit to the citizens of Hawaii the Report of Intended Use of FFY 2009 Title XX Social Services Block Grant Funds.

The Hawaii Department of Human Services (DHS) is the designated State agency responsible for administering this Federal grant.

Forwarded By:

Approved By:



Lillian B. Koller, Director
Department of Human Services



Linda Lingle, Governor
State of Hawaii

SEP 12 2008

Date

9/15/08

Date

REPORT OF INTENDED USE OF SOCIAL SERVICES BLOCK GRANT FUNDS

The State is required to submit a report of intended use in applying for Federal Title XX Social Services Block Grant (SSBG) funds. Federal instructions are to submit a report of intended use based on the Federal Administration's proposed budget reduction in SSBG funding for Federal Fiscal Year (FFY) 2009. The estimated FFY 2009 allotment for Hawaii is \$5,123,572, for a 29% (-\$2,134,821) cut from current funding level. Hawaii's current FFY 2008 allotment is \$7,258,393. Congress is still deliberating on the budget and may opt to retain SSBG funding at current level. This report puts forward two plan scenarios for prioritized use of SSBG funds next year:

1. A current funding level plan.
2. A 29% reduction (a \$2,134,821 cut) plan.

SSBG funds are for the provision of social services directed toward:

- Achieving economic self-support or self-sufficiency
- Preventing or remedying neglect, abuse, or the exploitation of children and adults
- Preserving, rehabilitating or reuniting families
- Preventing or reducing inappropriate institutionalization
- Securing referral for institutional care, where appropriate.

SSBG funds can be flexibly used for a range of social services to attain any of these broad goals and targeted outcomes. Because of this flexibility, SSBG is often considered "*glue money*," strategically attaching and linking itself with other funds to achieve priority outcomes for the State.

Hawaii plans to use the estimated allotment for provision of the following social services under current funding and funding reduction scenarios:

Social Services Program	Projected Total Program Funding from All Means of Financing	Planned SSBG Use at Current Funding Level	Planned SSBG Use at 29% Reduction in Funding	Reduction Amount	Addition of TANF Transfer into SSBG
Foster Care Services – Children (Office of Youth Services (OYS) residential contract services)	\$1,856,903	\$687,917	\$485,309	- \$202,608	
Home-based Services (Chore services only)	\$10,086,921	\$2,876,772	\$2,029,495	- \$847,277	
Protective Services – Children	\$62,384,441	\$2,493,988	\$1,762,396	- \$731,592	+ \$9,890,000
Special Services – Youth At Risk (OYS at risk youth services)	\$3,642,730	\$1,199,716	\$846,372	- \$353,344	
ESTIMATED TOTAL	\$77,970,995	\$7,258,393	\$5,123,572	- \$2,134,821	+ \$9,890,000

Hawaii will continue to assess its funding strategy, needs and opportunities, and will keep its Federal partner informed of changes through submission of an amended plan.

Another funding flexibility, under Federal law, is the allowed transfer of up to 10% of the State’s Temporary Assistance for Needy Families (TANF) allotment to SSBG. The law stipulates that any TANF funds transferred into SSBG must be used for families with incomes no higher than 200% of the Federal poverty guidelines. States are instructed to document the TANF transfer amount in their SSBG post-expenditure report.

TANF transfers into SSBG are being used to strategically support Child Welfare Reform Initiatives to achieve measurably improved safety, permanency and well-being outcomes for at risk children that began under a federally required Child and Family Services Program Improvement Plan (PIP). Improvements made under the PIP are sustained and advanced through a comprehensive and integrative funding strategy that includes use of TANF, TANF transfer and SSBG funds.

TANF transfers to SSBG for State child welfare/child protective services:

FFY 1998	\$1 million
FFY 1999	\$1 million
FFY 2000	\$1 million
FFY 2001	\$2 million
FFY 2002	\$4.2 million
FFY 2003	\$9.89 million
FFY 2004	\$9.89 million
FFY 2005	\$9.89 million
FFY 2006	\$9.89 million
FFY 2007	\$9.89 million
FFY 2008	\$9.89 million
FFY 2009	\$9.89 million

The transferred funds will continue to be used for services to families (with incomes no higher than 200% of the Federal poverty guidelines) served by the State's child welfare/child protective services program.

For Federal SSBG reporting purposes, the uniform definition for "child protective services" are those services or activities designed to prevent or remedy abuse, neglect, or exploitation of children who may be harmed through physical or mental injury, sexual abuse or exploitation, and negligent treatment or maltreatment, including failure to be provided with adequate food, clothing, shelter, or medical care. Component services or activities may include immediate investigation and intervention; emergency medical services; emergency shelter; developing case plans; initiation of legal action (if needed); counseling for the child and the family; assessment/evaluation of family circumstances; arranging alternative living arrangement; preparing for foster placement, if needed; and case management and referral to service providers.

Federal law requires that the transferred TANF funds follow the spending regulations for SSBG.

In addition to sustaining and advancing child welfare reform outcomes, SSBG and other funds are being applied to achieve the following priorities:

- Expanded community-based residential programs for youth who do not require secure confinement or institutional care. The focus of the larger funding strategy includes more "Safe House" community-based residential programs for girls, particularly on the Neighbor Islands, as alternatives to placement at the Hawaii Youth Correctional Facility (HYCF).
- Targeted outreach to truant and homeless youth to better address the needs of at risk youth affected by these conditions.
- Increased in-home care services, specifically chore services, to prevent or delay institutionalization of disabled clients and help them remain in the community.

SOCIAL SERVICES BLOCK GRANT REPORT OF INTENDED USE

Service Program: Foster Care Services - Children (OYS Residential Contract Services)

GOAL: Self Sufficiency Prevent Institutionalization
 Protection Appropriate Institutionalization
 Family Preservation/Reunification

ELIGIBLE RECIPIENTS: TANF SSI Income Eligible
 Without Regard to Income

GEOGRAPHIC AREA: Hawaii Maui Lanai
 Oahu Molokai Kauai

ESTIMATED EXPENDITURES:

Current Funding Plan:

Direct delivery:	\$	-0-
Purchase:	\$	687,917
Total:	\$	687,917

Funding Reduction Plan:

Direct delivery:	\$	-0-
Purchase:	\$	485,309
Total:	\$	485,309

SERVICE ACTIVITIES:

Community-based residential services for at-risk youth who are unable to remain in their own homes due to abuse, neglect or behavioral problems.

Individual, group and family counseling services aimed at reducing crisis, modifying anti-social or self-defeating behavior so youth are able to return to a less restrictive environment.

Family/caregiver support and strengthening activities to encourage involvement of family members, caregivers, and significant others in fostering family cohesion and enhancing positive relationships.

Appropriate educational, vocational and employment services.

Programs and services that assist youth in developing independent living skills, social skills, anger management/conflict resolution skills and career development/employment skills.

Programs and services that engage youth in meaningful adult interactions and quality relationships that provide approval for pro-social behavior and sanctions for anti-social behavior in a consistent and supportive manner.

Positive alternative activities that improve physical health, improve self-concept, scholastic competence and physical appearance; encourage working as a team; nutrition education; and resistance skills.

SOCIAL SERVICES BLOCK GRANT REPORT OF INTENDED USE

Service Program: Home-Based Services (Chore Services Only)

GOAL: X Self Sufficiency X Prevent Institutionalization
 X Protection ___ Appropriate Institutionalization
 ___ Family Preservation/Reunification

ELIGIBLE RECIPIENTS: XTANF X SSI X Income Eligible
 X Without Regard to Income

GEOGRAPHIC AREA: X Hawaii X Maui X Lanai
 X Oahu X Molokai X Kauai

ESTIMATED EXPENDITURES:

Current Funding plan:

Direct delivery:	\$	-0-
Purchase:	\$	2,876,772
TOTAL:	\$	2,876,772

Funding Reduction Plan:

Direct delivery:	\$	-0-
Purchase:	\$	2,029,495
TOTAL:	\$	2,029,495

SERVICE ACTIVITIES:

In-home services consist of essential housekeeping and related activities which the adults cannot do for themselves because of illness or disabilities.

Activities include routine house cleaning, care of clothing and linen, shopping for household supplies and personal essentials, running of errands, light yard work, simple home repairs, marketing and meal preparation, minimal assistance with bathing, dressing and grooming, and escorting to health care providers, nutritional or recreational programs.

SOCIAL SERVICES BLOCK GRANT REPORT OF INTENDED USE

Service Program: Protective Services - Children

GOAL: Self Sufficiency Prevent Institutionalization
 Protection Appropriate Institutionalization
 Family Preservation/Reunification

ELIGIBLE RECIPIENTS: TANF SSI Income Eligible
 Without Regard to Income

GEOGRAPHIC AREA: Hawaii Maui Lanai
 Oahu Molokai Kauai

ESTIMATED EXPENDITURES:

Current Funding Plan:

Direct delivery:	\$ 2,483,988
Purchase:	\$ -0-
Total:	\$ 2,483,988

Does not reflect the TANF transfer into SSBG

Funding Reduction Plan:

Direct delivery:	\$ 1,752,396
Purchase:	\$ -0-
Total:	\$ 1,752,396

Does not reflect the TANF transfer into SSBG

SERVICE ACTIVITIES:

1. Child abuse/neglect intake and investigation - Receive and screen reports of abuse, neglect or sexual exploitation; interview the child and family; obtain necessary medical and other information; determine whether or not harm has occurred, and estimate future risk.
2. Crisis intervention - Assist families reported for abuse/neglect to remain intact while meeting the health and safety needs of their children by mobilizing available social supports and helping to access family preservation services and other community resources.
3. Casework - Gather relevant social data on the family, assess family strengths and weaknesses, motivate and engage family in problem-solving, jointly develop a service plan with family members, assist the family in accessing community

resources, and social supports to foster self-help skills. Monitor family progress toward defined goals, and terminate services when risk of harm is diminished.

4. Child placement - When unavoidable due to very high risk and all alternatives have been exhausted, place the children in appropriate, limited-term, substitute care in a setting that is most family-like, least restrictive and appropriate to the needs of the child and most conducive to normal growth and development. Counsel the child, support the substitute caretaker's child care role, and assist the parents in the removal of barriers to effective family functioning in order to reunify the family. Provide counseling, therapy or other forms of rehabilitative interventions aimed at improving parenting, and strengthening the family's capacity for resolving conflicts and stress.
5. Adoption and long-term foster care - If reunification cannot be accomplished in a reasonable time, develop and implement a court-supported service plan that assures the child a permanent family; prepares the child for adoption or placement with a permanent custodian or long-term foster care; selects permanent placement and assists the adoptive parent, permanent custodian or foster parent and the child in stabilizing the placement; terminates services to the adoptive parent/permanent custodian when the placement is secure; assists the foster parent and child in preparing for independent living.
6. Establish and maintain minimum health and safety standards for family foster homes, relative homes, child caring institutions and child placing organizations to ensure the well-being of children residing in these facilities; recruit, license, re-certify, monitor and support foster parents and relative caregivers; license, re-certify, provide technical support to and monitor child caring institutions and child placing organizations; recruit, approve and support adoptive parents.

SOCIAL SERVICES BLOCK GRANT REPORT OF INTENDED USE

Service Program: Special Services – Youth At Risk (OYS At Risk Youth Services)

GOAL: Self Sufficiency Prevent Institutionalization
 Protection Appropriate Institutionalization
 Family Preservation/Reunification

ELIGIBLE RECIPIENTS: TANF SSI Income Eligible
 Without Regard to Income

GEOGRAPHIC AREA: Hawaii Maui Lanai
 Oahu Molokai Kauai

ESTIMATED EXPENDITURES:

Current Funding Plan:

Direct delivery:	\$	-0-
Purchase:	\$	1,752,396
Total:	\$	1,752,396

Funding Reduction Plan:

Direct delivery:	\$	-0-
Purchase:	\$	1,199,716
Total:	\$	1,199,716

SERVICE ACTIVITIES:

Truancy Prevention and In-School Suspension – Services to assist youth to stay in school and avoid unproductive and anti-social behaviors that could lead to suspensions and expulsions, including developing and promoting strategies that increase attendance, attachment, and achievements. Activities include assessment of community needs/resources; contacting and engaging at-risk youth/families; providing and connecting youth to existing and responsive services, activities and programs.

Homelessness – Services to assist youth to meet their basic needs, and to move from crisis situations to stability, safety and healthy functioning. Activities include facilitating access into emergency shelter/transitional housing placements; transitional support services such as needs assessments, life skills training and referrals to resources; case advocacy to link to social, employment, educational and health services; drop-in center

that provides a safe physical environment that is accessible on a regular scheduled basis.

Community-Based Outreach and Advocacy – Services to identify and connect at-risk youth/ families to services at critical junctures where youth/families are not currently being effectively served. Activities include effective outreach, engagement, assessment, case management, service integration, referral, advocacy, and follow-up services.

Required Certifications:

- Regarding Lobbying
- Regarding Drug-Free Workplace Requirements
- Regarding Debarment, Suspension and Other Responsibility Matters
- Regarding Environmental Tobacco Smoke

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person 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 undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned 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 was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. 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.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Signature

Director

Title

Hawaii Department of Human Services

Organization

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(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 10 calendar days of the conviction, to every 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.

[55 FR 21690, 21702, May 25, 1990]

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set

out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered

transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them 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) Are 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 (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary
Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this

proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this

proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.