**Annex 4: Applicant Certifications and Assurances**

**We hereby confirm that:**

1. Our organization possesses the legal authority to apply for USG-funded assistance and has the institutional, managerial, and financial capacity to properly implement the proposed grant activities.
2. Our organization has not received any financial support from the Rehab4U Project for the purpose of preparing this application.
3. Our organization does not have any outstanding or unliquidated advances from the USG or any of its contractors that have remained unresolved for more than 90 days, and there are no overdue grant completion reports required under any USG-funded awards exceeding 30 days past the deadline.
4. At the time of submission, there are no existing circumstances or management-related concerns that our organization is aware of that would disqualify our organization from receiving a grant funded directly or indirectly by the USG.
5. No enforcement proceedings have been initiated in court to recover financial debts from our organization
6. Upon award approval, our organization will implement all required Branding and Marking procedures and adhere to any applicable environmental compliance requirements.
7. Our organization will follow all relevant U.S. Government regulations applicable to awards issued under the Rehab4U Project Grants Program.
8. Our organization agrees to provide the Rehab4U Project, the donor, and/or their representatives full access to inspect and review all records, books, and documents related to the grant. We will also establish and maintain a financial management system in accordance with recognized accounting standards and agency guidelines on award as required.

By signing below, I confirm that the statements provided above are accurate and may be used by the Rehab4U Project to assess my organization's eligibility for a grant award.

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| --- | --- | --- | --- |
| **Full Legal Name of the Organization** | |  | |
| **Name of representative** |  | **Position Title** |  |
| **Signature** |  | **Date** |  |

**Certifications, Assurances, Representations, and Other Statements of the Recipient**

**A Mandatory Reference for ADS Chapter 303**

**Partial Revision Date: 10/01/2024**

**File Name: 303mav\_100124**

**1. Assurance of Compliance with Laws and Regulations Governing Non-Discrimination in Federally Assisted Programs**

*Note: This certification applies to Non-U.S. organizations if any part of the program will be undertaken in the United States.*

(a) The recipient hereby assures that no person in the United States will, on the bases set forth below, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity receiving financial assistance from the USG, and that with respect to the assistance award for which application is being made, it will comply with the requirements of:

1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352, 42 U.S.C. 2000-d), which prohibits discrimination on the basis of race, color or national origin, in programs and activities receiving Federal financial assistance;
2. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance;
3. The Age Discrimination Act of 1975, as amended (Pub. L. 95-478), which prohibits discrimination based on age in the delivery of services and benefits supported with Federal funds;
4. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution); and
5. USG regulations implementing the above nondiscrimination laws, set forth in Chapter II of Title 22 of the Code of Federal Regulations.

(b) If the recipient is an institution of higher education, the Assurances given herein extend to admission practices and to all other practices relating to the treatment of students or clients of the institution, or relating to the opportunity to participate in the provision of services or other benefits to such individuals, and must be applicable to the entire institution unless the recipient establishes to the satisfaction of the donor Administrator that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which financial assistance is sought, or the beneficiaries of, or participants in, such programs.

**2. Certification Regarding Lobbying (22 CFR 227)**

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 any 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 Cooperative Agreement, 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 must complete and submit Standard Form-LLL, “Disclosure of Lobbying Activities,” in accordance with its instructions.
3. The undersigned must require that the language of this certification be included in the award documents for all subawards at all tiers (including contracts, subawards, and contracts under grants, loans, and cooperative agreements) and that all subrecipients must 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, United States Code. Any person who fails to file the required certification will 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 must 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 will be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.”

**3. Prohibition on Assistance to Drug Traffickers for Covered Countries and Individuals (ADS 206)**

Momentum Wheels for Humanity and the donor reserve the right to terminate this Agreement, to demand a refund or take other appropriate measures if the Grantee is found to have been convicted of a narcotics offense or to have been engaged in drug trafficking as defined in 22 CFR Part 140. The undersigned must review ADS 206 to determine if any certifications are required for Key Individuals or Covered Participants.

If there are COVERED PARTICIPANTS: Momentum Wheels for Humanity and the donor reserve the right to terminate assistance to or take other appropriate measures with respect to, any participant approved by MWH and/or the donor who is found to have been convicted of a narcotics offense or to have been engaged in drug trafficking as defined in 22 CFR Part 140.

**4. Certification Regarding Support to Terrorists**

By signing and submitting this application, the prospective Recipient provides the certification set out below:

(1) The undersigned represents, to the best of its knowledge, that:

Except as otherwise disclosed to the Momentum Wheels for Humanity and/or the Agreement Officer in writing and included with this application, the applicant did not, within the previous three years, knowingly engage in transactions with, or provide material support or resources to, any individual or entity who was, at the time, subject to sanctions administered by the Office of Foreign Assets Control (OFAC) within the U.S. Department of Treasury pursuant to the Global Terrorism Sanctions Regulations ([31 CFR Part 594](https://www.ecfr.gov/cgi-bin/text-idx?SID=20749acfe6491c64c85c72cf88d96ae7&mc=true&tpl=/ecfrbrowse/Title31/31cfr594_main_02.tpl)), and the Foreign Terrorist Organizations Sanctions Regulations ([31 CFR Part 597),](https://www.ecfr.gov/cgi-bin/text-idx?SID=20749acfe6491c64c85c72cf88d96ae7&mc=true&tpl=/ecfrbrowse/Title31/31cfr597_main_02.tpl) or sanctions established by the United Nations Security Council, collectively, “U.S. or U.N. sanctions.” Note: Momentum Wheels for Humanity and the USG intend to retain the information disclosed to the Agreement Officer pursuant to this paragraph in any award file and use it in determining whether to provide the applicant with an assistance award. Momentum Wheels for Humanity and the donor will not make such information available publicly unless required by law.

(2) The representation in paragraph (1) does not apply to:

1. Transactions entered into or material support and resources provided pursuant to an OFAC license;
2. The furnishing of USG funds, or USG-financed commodities or other assistance, to the ultimate beneficiaries of USG-funded humanitarian or development assistance, such as the recipients of food, non-food items, medical care, micro-enterprise loans or shelter, unless the applicant knew or had reason to believe that one or more of these beneficiaries was subject to U.S. or U.N. terrorism-related sanctions; or
3. The procurement of goods and/or services by the Recipient acquired in the ordinary course of business through contract or purchase, such as utilities, rents, office supplies, or gasoline, unless the applicant knew, or had reason to believe, that a vendor or supplier of such goods and services was subject to U.S. or U.N. sanctions.

This certification includes express terms and conditions of the award, and any violation of it will be grounds for unilateral termination of the agreement by Momentum Wheels for Humanity and the USG. This certification does not preclude any other remedy available to Momentum Wheels for Humanity and the USG.

(3) For purpose of this certification:

1. “Material support and resources” means currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

(i) “Training" means instruction or teaching designed to impart a specific skill, as opposed to general knowledge.

(ii) “Expert advice or assistance" means advice or assistance derived from scientific, technical, or other specialized knowledge.

1. “Entity” means a partnership, association, corporation, or other organization, group, or subgroup.

**5. Certification of Recipient**

By signing below the recipient provides certifications and assurances for (1) the Assurance of Compliance with Laws and Regulations Governing Non-Discrimination in Federally Assisted Programs, (2) the Certification Regarding Lobbying, (3) the Prohibition on Assistance to Drug Traffickers for Covered Countries and Individuals (ADS 206), and (4) the Certification Regarding Terrorist Financing Implementing Executive Order 13224.

These certifications and assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the recipient by the Agency, including installment payments after such date on account of applications for Federal financial assistance which was approved before such date. The recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in these assurances, and that the United States will have the right to seek judicial enforcement of these assurances. These assurances are binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign these assurances on behalf of the recipient.

RFA No. \_\_\_\_\_

Date of Application: \_dd mmmm yyyyy\_\_\_\_\_\_

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| --- | --- | --- | --- |
| **Full Legal Name of the Organization** | |  | |
| **Name of representative** |  | **Position Title** |  |
| **Signature** |  | **Date** |  |

**Certification Regarding Representation by Organization Regarding a Delinquent Tax Liability or a Felony Criminal Conviction**

As required by sections 744 and 745 of Division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235), and similar provisions, if contained in subsequent appropriations acts, none of the funds made available by that Act may be used to enter into an assistance award with any organization that –

* 1. “Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency has direct knowledge of the conviction, unless the agency has considered, in accordance with its procedures, that this further action is not necessary to protect the interests of the Government”; or
  2. “Has any unpaid Federal tax liability that has been assessed for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency has direct knowledge of the unpaid tax liability, unless the Federal agency has considered, in accordance with its procedures, that this further action is not necessary to protect the interests of the Government”.

It is USG policy that no award may be made to any organization covered by (1) or (2) above, unless the M/MPBP Compliance Division has made a determination that suspension or debarment is not necessary to protect the interests of the Government.

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| --- | --- | --- | --- | --- |
| **Applicant Representation** | | | | |
| The Applicant represents that it | **is** ☐ | **is** **not** ☐ | an organization that was convicted of a felony criminal violation under a Federal law within the preceding 24 months. | |
| The Applicant represents that it | **is** ☐ | **is** **not** ☐ | an organization that has any unpaid Federal tax liability that has been assessed for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. | |
| **Full Legal Name of the Organization** | | |  | |
| **Name of representative** |  | | **Position Title** |  |
| **Signature** |  | | **Date** |  |

**Prohibition on Providing Federal Assistance to Entities that Require Certain Internal Confidentiality Agreements – Representation (May 2017)**

(a) Definitions.

“Contract” has the meaning given in 2 CFR Part 200.

“Contractor” means an entity that receives a contract as defined in 2 CFR Part 200.

“Internal confidentiality agreement or statement” means a confidentiality agreement or any other written statement that the recipient requires any of its employees or subrecipients to sign regarding nondisclosure of recipient information, except that it does not include confidentiality agreements arising out of civil litigation or confidentiality agreements that recipient employees or subrecipients sign at the behest of a Federal agency.

“Subaward” has the meaning given in 2 CFR Part 200.

“Subrecipient” has the meaning given in 2 CFR Part 200.

(b) In accordance with section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions), Government agencies are not permitted to use funds appropriated (or otherwise made available) for federal assistance to a non-Federal entity that requires its employees, subrecipients, or contractors seeking to report waste, fraud, or abuse to sign internal confidentiality agreements or statements that prohibit or otherwise restrict its employees, subrecipients, or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(c) The prohibition in paragraph (b) of this provision does not contravene requirements applicable to Standard Form 312, (Classified Information Nondisclosure Agreement), Form 4414 (Sensitive Compartmented Information Nondisclosure Agreement), or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

(d) Representation. By submission of its application, the prospective recipient represents that it will not require its employees, subrecipients, or contractors to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting its employees, subrecipients, or contractors from lawfully reporting waste, fraud, or abuse related to the performance of a Federal award to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information (for example, the Agency Office of the Inspector General).