**ATTACHMENT E**

**Assurances and Certifications**

**ASSURANCES AND CERTIFICATIONS**

* 1. **GENERAL ASSURANCES**
     1. Contractor assures that it will fully comply with the requirements of the Workforce Investment Act, all Federal and State Regulations issued pursuant to the Act, and with the Imperial County's Local Strategic Plan, as approved by the Imperial County Workforce Development Board.
     2. Contractor, in operating a program funded under the Act, assures that it will administer its program under the Local Strategic Plan in full compliance with safeguards against fraud and abuse as set forth in WIOA Regulations, that no portion of its program will in any way discriminate against, deny benefits to, deny employment to, or exclude from participation any persons on the grounds of race, color, national origin, religion, age, sex, disability, or political affiliation or belief: that it will target employment and training services to those most in need of them.
  2. **ADDITIONAL ASSURANCES**

Contractor hereby assures and certifies that it will comply with applicable regulations, including 41 CFR, Part 50-100, and applicable policies, guidelines, and requirements, including 0MB Circulars, Numbers A-133, A-128, A-21, A-122, A-87 and A-110, and with applicable Federal Cost Principles as they relate to the acceptance and use of Federal funds for this federally assisted project. Also, contractor assures and certifies, with respect to this contract, that:

* + 1. It possesses legal authority to administer the funds; that a resolution, motion, or similar action has been duly adopted or passed as an official act of contractor's governing body, authorizing the acceptance of this contract, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of contractor to act in connection with the contract and to provide such additional information as may be required.
    2. It will comply with Title VI of the Civil Rights Act of 1964 and provisions of WIOA Section 188 and compliance with Equal Employment Opportunity (EEO) provisions in Executive Order (E.O.) 11246, as amended by E.O. 11375 and supplemented by the requirements of 41 CFR part 60, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which Contractor receives Federal financial assistance; and will immediately take any measure necessary to effectuate this agreement. It will comply with Title VI prohibiting employment discrimination where

(1) the primary purpose of the funding is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the funding activity. Governmental (20 CFR 667.200 (f) and 29 CFR 97.36 (i) (3)]. Non- Governmental [29 CFR Parts 33, 37, and 95.48 Appendix A-

1].

* + 1. It will comply with requirement of Title II (and Title Ill of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (PL 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs. (42 U.S.C. 4601).
    2. It will comply with the provisions of the Hatch Act, which limit the political activity of State and local government employees, whose principal employment activities are funded by Federal funds. (5 U.S.C. 1501-1508 and 7324-7328).
    3. It will comply with the minimum wage and maximum provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201) as they apply to employees of institutions of higher education, hospitals and other non-profit organizations as defined in these regulation.
    4. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
    5. It will give the County, the State, the Department of Labor (DOL) and the Controller General, through any authorized representative, the access to and the right to examine all records, books, papers, or pertinent documents related to the grant or agreement, including the records of subcontractors performing under the grant or agreement. Maintain all fiscal forms, reports, and documents pertaining to this contract for at least three (3) years or until audited and all audit findings resolved, whichever is longer, as required by WIOA regulations . Governmental [29 CFR 97.36 (i)(10) and 29 CFR 97.36 (i)(11)]. Non-Governmental (29 CFR 95.48 (d) and 29 CFR 95.53).
    6. It will comply with all requirements imposed by the State Workforce Investment Division concerning special requirements of law, program requirements, and other administrative requirements.
    7. It will ensure, pursuant to Executive Order (E.O.) 11738, that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) List of Violating Facilities and that it will notify the county of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
    8. It will assist the DOL in its Compliance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), E.O. 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469 a-1) by (a) consulting with the State Historic Preservation Office on the conduct of investigations, as necessary to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (CFR Part 800.8) by contractor's activity, and notifying the DOL to avoid or mitigate adverse effects upon such properties.
    9. It will comply to the extent applicable, with all requirements of Section 114 of the Clean Air Act, (42 U.S.C. 1857) respectively, relating to inspection, monitoring, entry,

reports, and information, as well as other requirements specified in Section 114 and Section 308 of the Air Act and Water Act, respectively, and all regulations and guidelines issued thereunder, and be in compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h}, section 508 of the Clean Water Act (33 U.S.C. 1368), E.O. 11738, and Environmental Protection Agency Regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of $100,000). Governmental [29 CFR 97.36 (i) (12)]. Non-Governmental (29 CFR 95.48).

* + 1. For a non-governmental agency awarded a contract for the amount of $100,000 or more, did the subcontractor certify that no funds should be used for lobbying (Byrd- Anti Lobbying Amendment) Governmental [20 CFR 667.200 (e) and 29 CFR 93.110]. Non-Governmental [20 CFR 667.200 (e) and 29 CFR Parts 93 and 95.48.
    2. Notice of awarding agency requirements and regulations pertaining to reporting. Governmental [29 CFR 97.36 (i)(7)].
    3. It will comply with ICWDO's rules, regulations, bulletins and procurement policy in the following aspects: administrative, contractual, or legal remedies in instances of contractual violation . (Contracts other than small purchases). Governmental [29 CFR

97.36 (i) (1)]. Non-Governmental [29 CFR 95.48 (a)]. Termination for cause or for convenience by the grantee or contractor. (All contracts in excess of $10,000). Governmental [29 CFR 97.36 (i) (2)]. Non-Governmental [29 CFR 95.48 (b)]. Condition for payments, delivery terms and process for agreement changes.

0 . It will comply with the Energy Policy Conservation Act (Public Law 96-163). The act requires mandatory standard and policies related to energy efficiency, which are contained in the state energy conservation plan. Governmental [29 CFR 97.36 (i) (13)].

1. It will comply with the flood insurance purchase requirements of Section 102 (a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106 and 4128) which requires the purchase of flood insurance, on and after March 2, 1974, in communities where such insurance is available, as a condition for the receipt of any Federal financial assistance for acquisition or construction purposes with respect to insurable property within an area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.
2. It will comply with Section 504 of Rehabilitation Act of 1973 (29 CFR part 32) which contains the statutes for Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal Financial Assistance, and with all requirements imposed by the DOL pursuant to the regulation of the Department of Health, Education, and Welfare (45 CFR Part 85) promulgated under the foregoing statute. Contractor agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, and assures that it will take any measures necessary to effectuate this agreement.
3. The contactor certifies that it will comply with the American with Disabilities Act

of 1990, in addition to its title (29 CFR part 37) requirements, which contains the statutes for implementation of the Nondiscrimination and Equal Opportunity Provisions

1. It will comply, with Executive Order (E.O.) 13166 and E.O. 11426, which indicate the Enforcement of title VI of the Civil Rights Act of 1964 by the Civil Rights Center; Policy guidance on the Prohibition Against National Origin Discrimination as it affects persons with limited English proficiency.
2. It will comply, to the extent applicable, with Title IX of the Education Amendments

of 1972 (20 U.S.C. 1681-1683 and 1685, 1686) which 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 educational program or activity receiving Federal financial assistance.

1. It will include the equal opportunity clause prescribed by E.O. 1246, as amended and will require that its subcontractors include the clause, in all contracts which have or are expected to have an aggregate value within a 12-month period exceeding

$10,000, in accordance with DOL regulations at (41 CFR Par. 60-

1.4).

1. If this contract is covered by a statute providing wage standards for such work, it will include, and will require that its subcontractors include, the provision covering the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) set forth in by DOL regulations (29 CFR part 5) in any nonexempt non construction contract or subcontract which involves the employment of mechanics and laborers (including watchmen, guards, apprentices, and trainees) if the contract exceeds $2,500.00.
2. It will comply with standards for environmental quality control that may be prescribed pursuant to responsibilities of the Federal Government under the National Environment Policy Act of 1969 (42 U.S.C. 4321) and E.O. 11514, Protection and Enhancement of Environmental Quality as amended by E.O. 1191.
3. It will comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900) the regulations promulgated thereunder (California Administrative Code, Title 2, Section 7285), the provision of Article 9.5, Chapter 1, Part1, Division 3, Title 2 of the Government Code. (Government Code, Sections 11135-11139.5) and the regulations or standards adopted by the subgrantor to implement such article.
4. Agency will comply with the Workforce Investment Act, Section 505, which requires compliance with the Buy American Act (41 U.S.C. 10a).
5. It will comply with the Drug-Free Workplace Act of 1988, found at 48 CFR subparts 9.4, 23.5 and 52.2. Subcontractor must either sign a certification of a Drug Free Workplace or have it certified in the contract. Governmental and Non-Governmental [20 CFR 667.200 (d) and 29 CFR 98.600-98.630].

Contractor further agrees to comply with all sections of WIOA, specifically, but not limited to, the following:

* 1. No funds will be utilized to assist in relocating establishments from one area to another if relocation will result in an increase in unemployment in affected areas.
  2. Training will be provided only in demand occupations within areas served or another area, if participants are willing to relocate .
  3. Programs should contribute to occupational development, upward mobility, new careers, and overcome sex stereotyping.
  4. No person or organization may charge an individual a fee for the placement or referral of such individual in or to a training program.
  5. No financial assistance will be provided for any program, which involves political activities.
  6. Income generated by the program may be retained by the recipient to carry out the program notwithstanding the expiration of financial assistance for the program.
  7. No funds available under this title may be used for public service employment, except as specifically authorized under this title.
  8. Compliance with health and safety standards under the Occupational Safety and Health Act of 1970 (OSHA) or other standards prescribed as necessary to protect the health and safety of participants.
  9. Ensure that Workers' Compensation Insurance or alternate insurance is provided to participants.
  10. Ensure that no participant shall be employed or a job opening filled (a) when any other individual is on layoff from the same or substantially equivalent or (b) when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a WIOA participant.
  11. Ensure that no jobs are created or openings filled in a promotional line that will infringe in any way upon promotional opportunities of currently employed individuals.
  12. Ensure that no funds will be used to assist, promote or deter union organizing and the programs shall not impair existing contracts for services or collective bargaining agreement.
  13. No funds may be used for contributing on behalf of any participants to retirement systems or plans.
  14. All individuals employed in subsidized jobs shall be provided benefits and working conditions at the same level and to the same extent as other employees

working a similar length of time and doing the same type of work.

* 1. Ensure that participants shall not be employed to carry out the construction, operation, or maintenance of any part of any facility that is used for sectarian instruction or as a place for religious worship (except with respect to maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants). WIOA Section 188 (a) (3).

**CERTIFICATION**

* + 1. Patents:

Requirements and regulations pertaining to patent rights with respect to any discovery or invention under this contract are subject to DOL and county requirements. Governmental [29 CFR 97.36 (i) (8)]. Non-Governmental [29 CFR

95.36 (a-d), and (95.48)].

* + 1. Copyrights:

Requirements and regulations pertaining to copyrights, and rights in data, are subject to DOL and county requirements. Governmental [29 CFR 97.34 and

97.36 (i) (9)]. Non-Governmental [29 CFR 95.36 (a-d), and 95.48].

* + 1. Lobbying Certification for Contracts, Grants, Loans and Cooperative Agreements:
       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 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 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, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

1. Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions.
   1. The prospective recipient of federal funds certifies, by submission of this proposal that neither it nor its principals are 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 recipient of federal assistance funds is unable to certify to any of the statements in this certification, such prospective shall attach an explanation to this proposal.
2. Compliance with Workforce Innovation and Opportunity Act Requirements:
   1. All programs will be operated within the guidelines of the Workforce Innovation and Opportunity Act, and within the guidelines of the Code of Federal Regulations (CFR).
   2. Contractor shall comply with all finalized or amended Department of Labor regulations issued during the course of operation of these programs.

5) Contractor shall notify ICWDO in the event of any program staff changes including terminations, resignations, hires, etc.

Agency hereby agrees to comply with the aforementioned Assurances and Certifications and any and all cited regulations in the Imperial County Workforce Development Board Youth Services Program RFP.

AGENCY Name:

AGENCY Representative Name:

AGENCY Representative Signature: