

TERMS and CONDITIONS if Awarded a Supportive Services for Veteran Families (SSVF) Award

This is not an official document and is for informational purposes only. If an organization is awarded a SSVF grant, they would receive the official Memorandum of Agreement (MOA).

By accepting the terms of this Agreement, the Parties acknowledge that they have read, understood, and agreed to comply with the conditions set forth herein.

By accepting a Department of Veterans Affairs (VA) financial assistance award, the grantee (also described in this document as a recipient) assumes legal, financial, administrative, and programmatic responsibility for administering the award in accordance with any provisions included in the award, as well as the laws, rules, regulations, Notice of Funding Availability (NOFA) requirements, Executive Orders governing assistance awards, and these General Terms and Conditions, all of which are hereby incorporated into this award by reference. While VA may provide the grantee with reminder notices regarding award requirements, the absence of receiving such notice does not relieve the grantee of the responsibility to meet all applicable award requirements. Under this agreement, the grantee agrees to provide what it outlined in the grant award and application along with any modifications that have occurred or will occur as a result of official changes approved by the VA SSVF Program Office.

Financial Assistance Terms and Conditions:

1. The grantee agrees that it assumes responsibility for the use of grant funds provided by VA. In accordance with Title 2 of the Code of Federal Regulations (CFR), Part 200 Subpart D, VA may terminate this award or take other action if the grantee materially fails to comply with any one of the terms and conditions of this award, whether stated in a Federal statute, regulation, assurance application, or notice of award.
2. The grantee agrees to comply with the organizational audit requirements of 2 CFR Part 200, Subpart F, Audit Requirements, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) resulting from 2 CFR Part 200, Subpart F (and any other audits of VA grant funds) are not promptly and satisfactorily addressed.
3. Grant funds may only be used only for the purposes in the grantee's approved application and allocated as directed in 2 CFR Part 200 Subpart E. The grantee shall not undertake any work or activities that are not described in the grant application, and the grantee shall not use staff, equipment, or other goods or services paid for with VA grant funds without prior written approval from VA.
4. The grantee agrees to comply with applicable requirements regarding System for Award Management (SAM) and applicable restrictions on sub-awards to first-tier sub-grantees related to Unique Entity Identifiers (UEI) number. (The recipient agrees that there will not be a second-tier subgrants awarded under this grant. The grantee will work with the VA to

ensure that all of the sub-grantees have current UEI numbers in the SAM.) The details of grantee obligations are posted on the SAM web site at [SAM.gov](https://sam.gov).

5. The grantee agrees to comply with applicable requirements to report first-tier sub-awards of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the grantee and first-tier sub-grantees of award funds. Bonuses to any individuals utilizing Federal funds must conform to 2 CFR Part 200 and be approved in advance by the agency in writing. The details of grantee obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), Public Law 109-282, as amended; 31 U.S.C. § 6101, note) are posted on the FFATA Subaward Reporting System (FSRS) website at [FSRS.gov](https://fsrs.gov).
6. The grantee will comply with Federal laws and regulations applicable to grants and grantees, including applicable provisions of 2 CFR Part 200 and 38 CFR Part 62. The grantee will provide source documentation of all administrative costs (direct and indirect). Grantee must be able to provide invoices, payroll, time and attendance records, and other financial documents to support administrative costs, when requested. A federally negotiated indirect cost rate is not sufficient documentation to support the administrative financial charges to the grant program.

Standard Requirements for an Organization Other Than a State

Standards for financial management systems, prescribes a Recipient's system that controls and accounts for Federal funds and cost sharing under the award and produces financial reports.

The Recipient's financial management system must meet the following Office of Management and Budget (OMB) requirements:

1. Financial Reporting. For financial reports required by the award, Recipients must provide accurate, current, and complete financial information about the federally assisted activities. If sub-awards are executed under the award, Recipients must have reasonable procedures in place to ensure each sub-Recipient submits its financial reports to the Recipient providing sufficient time for the Recipient to prepare its reports.
2. Accounting Records. Recipients must maintain records that adequately identify the sources of funds for federally assisted activities and the purposes for which those funds are to be used. The records must contain information about the award and any sub-award, including authorizations, obligations, un-obligated balances, assets, liabilities, outlays or expenditures, and any program income. The accounting records must be supported by source documentation, such as cancelled checks, paid bills, payroll ledgers, and time and attendance records.
3. Internal Control. Recipients must maintain effective control over and accountability for all cash, real and personal property, and other assets under the award. Recipients must adequately safeguard all these assets and ensure that they are used only for authorized purposes.
4. Budget Control. Recipients must be able to compare actual expenditures or outlays with the approved budget.
5. Allowable Costs. Recipients must have established procedures for determining the reasonableness, allocability, and allowability of costs in accordance with the applicable Federal cost principles, program regulations, or other OMB requirements.

6. Cash Management. Recipients must have procedures for minimizing the time elapsing between the transfer of any advance payments of funds under the award and disbursement of the funds for direct program costs and the proportionate share of any allowable indirect or facilities and administrative costs. Recipients must ensure that the timing and amount of any payments to sub-Recipients under the award conform to this standard.
7. Requirement for Performance Data. In comparing actual expenditures or outlays with budget amounts, as required, Recipients must relate financial information to performance data. For this purpose, VA will accept estimates based on available documentation.
8. Review of Financial Management System. VA may review the Recipient's financial management system at any time to determine whether it complies with the requirements of this provision.

Period of Availability of Funds

The project and budget periods for this award are indicated on the award cover sheet. The Recipient may charge to the award only allowable costs resulting from obligations incurred during the budget period. Expenditures for staff costs that are obligated during the award budget period may not be charged to the award after a 90-day period following the award expiration date. Grant monies are available for closeout activities, which is limited to the preparation of final reports. No other staff costs may be obligated and expended for closeout activities.

Publication for Professional Audiences

Any publications or articles resulting from the award must acknowledge the support of VA and include a disclaimer of official endorsement as follows: "This [article] was funded [in part] by a grant from the United States Department of Veterans Affairs. The opinions, findings, and conclusions stated herein are those of the author[s] and do not necessarily reflect those of the United States Department of Veterans Affairs." The Recipient must ensure that this disclaimer is included on all brochures, flyers, posters, billboards, or other graphic artwork that are produced under the terms of the award.

Seal/Logo

The VA seal may not be used by Recipient without the express written consent of VA.

Post-award Requirements for Closeout

The VA SSVF Program Office will provide each Recipient with information regarding final report due dates and where to send the final reports. VA will notify the Recipient in writing of any changes to the reporting requirements before the project period end date. Copies of any required forms and instructions for their completion are included with the award and are provided to each Recipient by VA.

1. Recipient must submit all final financial, performance, and other reports as required by the terms and conditions of the award within 90 calendar days after the project period end date of the award. VA may approve written requests for extensions submitted by the Recipient.

Unless VA authorizes an extension, a Recipient must liquidate all obligations incurred under the award not later than 90 calendar days after the project period end date.

2. VA must make prompt payments to Recipient for allowable reimbursable costs under the award being closed out. The Recipient must promptly refund any balances of un-obligated cash that VA has advanced or paid and that is not authorized to be retained by the Recipient for use in other projects. OMB Circular A-129 governs unreturned amounts that become delinquent debts.
3. When authorized by the award, VA must make a settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received, not to exceed the amount of the award, unless otherwise prohibited by statute or regulation.
4. The Recipient must account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with applicable rules, regulations, and laws. The Recipient will adhere to 2 CFR 200 §§ 200.311, 200.312, and 200.313.
5. Per the NOFA, this funding is available only to existing SSVF grantees. VA will seek recovery for awarded supportive services grant funds if at any time during the operational period a grantee no longer has an existing SSVF grant. The operational time for the supplemental grants will begin on the activation date. Grantees are responsible for competing for renewal grants as needed to maintain the existing grant.
6. In the event a final audit has not been performed before the closeout of the award, VA will retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.
7. The Recipient shall submit quarterly progress reports on the VA designated grant management portal (currently known as UDPaaS). Progress reports shall be submitted within 30 days after the end of the reporting periods, as requested. This report will include detailed information about the project(s) funded, including, but not limited to, the number of disabled Veterans who benefited, administrative expenses, information about how the funds were actually used, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts.
8. The Recipient agrees to complete the Federal Financial Report (FFR) or (SF-425). Recipient must complete this report within the U.S. Department of Health and Human Services Payment Management System. The annual financial status report shall be submitted not later than 90 days following the end of the award period. Failure to provide this report may result in the deobligation of grant funds and the project to be closed at the discretion of the government.

Program Income:

Program income may be retained by the Recipient and added to grant funds to further eligible Program objectives, in accordance with 2 CFR § 200.307(e)(2).

Retention and Access Requirements for Records

The Recipient must maintain financial records, supporting documents, statistical records, and all other records pertinent to an award for a period of three years from the date of submission of the final expenditure report. For awards that are renewed quarterly or annually, from the

date of the submission of the quarterly or annual financial report as authorized by VA. The only exceptions are provided in 2 CFR § 200.334 and include the following:

1. If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
2. Records for real property and equipment acquired with Federal funds must be retained for three years after final disposition.
3. When records are transferred to or maintained by VA, the three-year retention requirement is not applicable to the Recipient.

Timely and Unrestricted Access

The VA Office of Inspector General (OIG), Comptroller General, or any of their duly authorized representatives have the right of timely and unrestricted access to any books, documents, papers, or other records of Recipients and sub-Recipients that are pertinent to the award, in order to make audits, examinations, excerpts, transcripts, and copies of such documents.

- This right also includes timely and reasonable access to a Recipient's and sub-Recipients' personnel for the purpose of interview and discussion related to such documents. The rights of access in this paragraph are not limited to the required retention period but must last as long as records are retained.
- Except for federally required restrictions on lobbying, the Recipient may not place any restrictions on sub-Recipients that limit the right or ability of the sub-Recipients or their agents to contract or otherwise conduct business with the Federal Government.

Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights

Recipient and its employees are subject to the whistleblower rights and remedies established in 41 U.S.C. § 4712. Recipient shall inform its employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and remedies under 41 U.S.C. § 4712.

The VA Office of the Inspector General (OIG) maintains a toll-free number (1-800-488-8244) for collecting information concerning fraud, waste, or abuse under grants and cooperative agreements. Information also may be submitted by e-mail to vaoighotline@va.gov or by mail to the VA Inspector General Hotline (53E), 810 Vermont Ave., NW, Washington, DC 20420. Such reports are treated as sensitive material and submitters may decline to give their names if they choose to remain anonymous.

Federal Debt Status

Recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefits that were overpaid (OMB Circular A-129). Recipient must notify VA immediately if its status becomes delinquent during the award period. Funds cannot be released until the recipient produces documentation showing a repayment plan has been accepted by the Internal Revenue Service and payments have been made.

Nondiscrimination Policies

Projects (e.g., activities, productions, workshops, programs, etc.) must be executed in accordance with the following laws, where applicable.

1. 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. Title VI also extends protection to persons with limited English proficiency (42 U.S.C. § 2000d et seq.).
2. Title IX of the Education Amendments of 1972 provides that no person in the United States shall, on the basis of sex or blindness, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance (20 U.S.C. §§ 1681-1684 et seq.).
3. Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual with a disability in the United States, shall, solely by reason of his/her disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (29 U.S.C. § 794).
4. The 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 benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. § 6101 et seq.).
5. The Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination on the basis of disability in employment (Title I), state and local government services (Title II), places of public accommodation and commercial facilities (Title III) (42 U.S.C. §§ 12101-12213).

Environmental and Preservation Policies

The National Environmental Policy Act of 1969, as amended, applies to any Federal funds that would support an activity that may have environmental implications. VA has concluded that activities undertaken pursuant to the SSVF grant program are categorically excluded from further NEPA analysis. If in the future, the SSVF program is amended or revised in such a way to permit activities that may impact the environment, VA may ask you to respond to specific questions or provide additional information in accordance with the NEPA.

1. There are environmental implications, we will determine whether a categorical exclusion may apply, to undertake an environmental assessment or to issue a "finding of no significant impact," pursuant to applicable regulations and 42 U.S.C. § 4321 et seq.
2. The National Historic Preservation Act of 1966, as amended, applies to any Federal funds that would support either the planning or major renovation of any structure eligible for or on the National Register of Historic Places, in accordance with 54 U.S.C. § 306108. This law also applies to project activities, such as new construction, that would affect such properties. VA has concluded that activities undertaken pursuant to the SSVF grant program would not impact historic properties. If in the future, the SSVF program is amended or revised to permit activities such as renovation or construction of structures, VA will consult with your State Historic Preservation Officer, and other consulting parties as appropriate, to address

potential impacts to historic properties. Any design, renovation, or construction plans must be submitted to SSVF for review and approval prior to undertaking any such activities. You may be asked to provide additional information on your project to ensure compliance with the Act (54 U.S.C. §§ 300101-307108).

Buy America Preference

The Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. No. 117-58, which includes the Build America, Buy America Act, Pub. L. No. 117-58, §§ 70901-52, requires that all iron, steel, manufactured products, and construction materials used in a Federal financial assistance program for infrastructure be produced in the United States. VA has concluded that activities undertaken pursuant to the SSVF grant program would not be considered an infrastructure project. If in the future, the SSVF program is amended or revised to permit activities such as renovation or construction of structures, VA will require grantees to comply with Build America, Buy America requirements, unless granted a project or product specific waiver.

Debarment and Suspension

Recipient must comply with requirements regarding debarment and suspension in 2 CFR Part 180. There are circumstances under which VA may receive information concerning a recipient’s fitness to carry out a project and administer Federal funds for instance:

1. Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, making false statements.
2. Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility; and/or
3. Any other cause of a serious or compelling a nature that it affects an organization's present responsibility.

In these circumstances, VA may need to act quickly to protect the interest of the government by suspending funding while undertaking an investigation of the specific facts. VA may coordinate suspension actions with other Federal agencies that have an interest in investigation findings. A suspension may result in debarment from receiving Federal funding government-wide for up to three years.

The Drug Free Workplace

The Drug Free Workplace Act requires Recipients to publish a statement about your drug-free workplace program. Recipient must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out.

Recipient must maintain on file the place(s) where work is being performed under this award (i.e., street address, city, state and zip code.) Recipient must notify VA's Program Office of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. (41 U.S.C. § 8101 et seq. and 38 CFR Part 48).

Lobbying

Recipient may not conduct political lobbying, as defined in the statutes, regulations and OMB Circulars cited below, within any federally supported project. In addition, Recipient may not use Federal funds for lobbying specifically to obtain awards. For definitions and other information on these restrictions, refer to the following:

7. No part of the money appropriated by any 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, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities." (18 U.S.C. § 1913. Lobbying with appropriated moneys).
8. 2 CFR § 200.450, "Lobbying," clarifies that lobbying is an unallowable project cost and is governed by relevant statutes and guidance documents as described in 2 CFR § 200.450(a). Costs incurred in attempting to improperly influence either directly or indirectly, an employee or officer of the executive branch of the Federal Government to give consideration or to act regarding a Federal award or a regulatory matter are unallowable. Improper influence means any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a Federal award or regulatory matter on any basis other than the merits of the matter. See 2 CFR 200.450 for additional restrictions.
9. Certification Regarding Lobbying to Obtain Awards. Section 1352 of title 31, United States Code, prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. While non-Federal funds may be used for such activities, they may not be included in your project budget, and their use must be disclosed to the awarding Federal agency. Disclosure of lobbying activities by long-term employees (employed or expected to be employed for more than 130 days) is, however, not required. In addition, the law exempts from the definition of lobbying certain professional and technical services by applicants and awardees.

VA strongly advises Recipient to review these regulations carefully. They are published at 2 CFR § 200.450 and 38 CFR Part 45 and can be found at the National Archives website at www.ecfr.gov.

Site Visits

The grantor, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and to provide such technical assistance as may be required. VA may conduct inspections of all program locations and records of a grantee at such

times as are deemed necessary to determine compliance with 38 CFR Part 62. In the event that a grantee delivers services at a location away from the grantee's place of business, VA may accompany the grantee. If any site visit is made by the grantor on the premises of the Recipient, a sub-Recipient, or subcontractor, the Recipient shall provide, and shall require its sub-Recipients and subcontractors to provide, all reasonable facilities and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly interfere with or delay the work.

Trafficking in Persons

This government-wide award term implements section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)) and 2 CFR Part 175. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the Recipient or a sub-Recipient:

- Engages in severe forms of trafficking in persons during the period of time that the award is in effect.
- Procures a commercial sex act during the period of time that the award is in effect; or
- Uses forced labor in the performance of the award or sub-awards under the award.
- Engages in acts that directly support or advance trafficking in persons.

The award term is located at 2 CFR § 175.15, the full text of which is incorporated here by reference in the terms and conditions of this award.

Prompt Payment Act

Federal funds may not be used by the Recipient for the payment of interest penalties to contractors when bills are paid late nor may interest penalties be used to satisfy cost sharing requirements. Obligations to pay such interest penalties will not be obligations of the United States.

Payments

For registered Recipients in the U.S. Department of Health and Human Services Payment Management System (PMS-SMARTLINK), instructions for submitting requests for payment may be found at <https://pms.psc.gov/>. If Recipients submit a payment request electronically, they may submit requests as frequently as required to meet needs to disburse funds for program purposes.

- Whenever it is administratively feasible to do so, Recipients are to time each request for an advance so that payments of VA funds are received on the same day of the need to disburse the funds for direct program costs (and the proportionate share of any allowable indirect or facilities and administrative costs). When same day transfers are not feasible, advance payments should not exceed three-days' estimated cash needs. The grantee will provide source documentation of all administrative costs (direct and indirect to support these requests). Grantee must be able to provide invoices, payroll, time and attendance records,

and other financial documents to support administrative costs, when requested. A federally negotiated indirect cost rate is not sufficient documentation to support the administrative financial charges to the grant program.

- VA regularly reviews grantee expenditures to ensure that funds are being used in a manner consistent with program goals and regulations. It is expected that grantee expenditures will be consistent across quarters as significant variance, specifically lower than expected spending, may indicate either a lower demand for services or difficulty in managing funds. If during the course of the grant year VA determines that grantee spending is not meeting the minimum percentage milestones below, VA may elect to recoup projected unused funds and reprogram such funds to provide supportive services in areas with higher need. Reductions will be calculated based on the total amount of payment requests submitted in PMS-SMARTLINK by 5:00 p.m. eastern standard time on the last business day of the quarter. Should VA elect to recoup unspent funds, reductions in available grant funds would take place the second business day following the end of the quarter.
 - By the end of the first quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds are fewer than 15 percent of total supportive services grant award. (During this same period, the grantee's cumulative requests for supportive services grant funds may not exceed 35 percent of the total supportive services grant award.)
 - By the end of the second quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds are fewer than 40 percent of total supportive services grant award. (During this same period, the grantee's cumulative requests for supportive services grant funds may not exceed 60 percent of the total supportive services grant award.)
 - By the end of the third quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds are fewer than 65 percent of total supportive services grant award. (During this same period, the grantee's cumulative requests for supportive services grant funds may not exceed 80 percent of the total supportive services grant award).

Financial Guide Compliance

The Recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the VA Financial Guide for Grantees. The latest version of the VA financial guide can be viewed and downloaded at [Volume X - Grants Management - Office of Finance \(va.gov\)](#).

Electronic Signature:

If the SSVF Program Office identifies discrepancies or concerns with any electronic or scanned signature provided, VA reserves the right to request that the document be resubmitted with a true ink signature.