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State of New Hampshire

DEPARTMENT OF SAFETY
JAMES H. HAYES BLDG. 33 HAZEN DR.
CONCORD, N.H. 03305
(603) 271-2791

ROBERT L. QUINN
COMMISSIONER

EDDIE EDWARDS
ASSISTANT COMMISSIONER

STEVEN R. LAVOIE
ASSISTANT COMMISSIONER

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
State House
Concord, New Hampshire 03301

August 12, 2024

REQUESTED ACTION

The Department of Safety, Division of Fire Safety requests authorization to accept and expend federal funds from the U.S. Consumer Products Safety Commission, Nicholas, and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Grants, in the amount of $90,772.00 for a statewide carbon monoxide (CO) poisoning prevention campaign consisting of the purchase of CO alarms to be distributed and installed in dwelling units and public, charter and private schools and the creation and the distribution of public service announcements for statewide broadcasting. This will be effective upon Governor and Council approval through June 27, 2026. 100% Federal Funds

Funds are to be budgeted as follows:
02-23-23-238010-69310000 Department of Safety – Div. of Fire Safety Grants

Class	Description	FY2025 Current Adjusted Authorized	Requested Action	SFY2025 Revised Adjusted Authorized
000-400336-16	Federal Funds	($0.00)	($90,772.00)	($90,772.00)
020-500200	Current Expenses	$0.00	$80,682.00	$80,682.00
022-500255	Rents-Leases Other Than Sta	$0.00		$0.00
037-500165	Technology-Hardware	$0.00		$0.00
039-500179	Telecommunications	$0.00		$0.00
040-500801	Audit Fund Set Aside	$0.00	$90. 00	$90.00
050-500109	Personal Service Temp App.	$0.00		$0.00
060-500601	Benefits	$0.00		$0.00
070-500707	In State Travel Reimb.	$0.00		$0.00
103-502664	Contracts for Operational Serv	$0.00	$10,000.00	$10,000.00
		$0.00	$90,772.00	$90,772.00

EXPLANATION

The US Consumer Product Safety Commission introduced a new grant program called the Carbon Monoxide Poisoning Prevention Grant Program. The federal government has funded the program with $2,000,000 for project awards of $50,000 to $400,000. It requires a 25% cost share which will be met through personnel, travel, and facility costs; therefore, the total project cost will result in a total of $121,030.00. Carbon monoxide (CO) is a colorless, tasteless, odorless, and non-irritating gas that human senses cannot detect. CO is a leading cause of poisoning in the United States. According to the Center for Disease Control and Prevention, it is responsible for over 400 unintentional CO poisoning deaths each year and more than 100,000 emergency room visits of

which over 14,000 were hospitalized. In New Hampshire alone, there were 7,118 carbon monoxide incidents that NH fire departments responded to between 2020 and 2022. A recent poll of NH public schools showed that 75% of respondents stated they do not have CO alarms in their schools.

The NH State Fire Marshal's Office Carbon Monoxide Poisoning Prevention Campaign promotes the installation of carbon monoxide (CO) alarms and quickly raises the awareness of the citizens of New Hampshire about the risks associated with carbon monoxide as a poison. The program focuses on our highest-risk populations, especially children and the elderly. This campaign has been designed to produce the following outcomes:

- Partnership with the American Red Cross, HSEM, NH Department of Education
  - The American Red Cross will use their 'Sound the Alarm' program model and their risk map of NH to target 500 households to receive CO poisoning prevention training and to have CO detectors installed in their homes.
  - We will coordinate with NH Department of Education to contact all New Hampshire schools (public, charter and private) to schedule visits that will include CO poisoning prevention training and the installation of CO detectors.
  - Through the School Safety Task Force, HSEM and SFMO personnel will install the CO detectors in each school.
- Establish, promote, and maintain access for our NH citizens and visitors to CO poisoning prevention training and education materials disseminated through the NH State Fire Marshal's Office website.
- Statewide messaging and information through the public-school networks directly to families with training and education materials, as well as the Center for Disease Control and Prevention's 'Carbon Monoxide Poisoning Prevention: A Toolkit'.
- Messaging that emphasizes how to protect one's family from the dangers of CO poisoning and motivates individuals to take action.

The funds will be allocated as follows:

Class 020 – Current Expense - Funds will be used for the purchase of CO alarms, supplies, and educational materials.

Class 040 – Audit Fund Set Aside - Funds will be used to cover the audit requirements of this federal grant.

Class 103 – Contracts for Operational Services - Funds will be used to hire a company to assist in the production and distribution of public service announcements.

In the event that Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,

Robert L. Quinn
Commissioner of Safety

1. DATE ISSUED *MM/DD/YYYY* 06/28/2024	**1a. SUPERSEDES AWARD NOTICE dated** except that any additions or restrictions previously imposed remain in effect unless specifically rescinded

2. CFDA NO.
87.003 - Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Grants

3. ASSISTANCE TYPE Project Grant

4. GRANT NO. 1 NZBCP240007-01-00 Formerly	**5. TYPE OF AWARD** Other
4a. FAIN NZBCP240007	**5a. ACTION TYPE** New
6. PROJECT PERIOD *MM/DD/YYYY* From 06/28/2024	Through *MM/DD/YYYY* 06/27/2026
7. BUDGET PERIOD *MM/DD/YYYY* From 06/28/2024	Through *MM/DD/YYYY* 06/27/2026

8. TITLE OF PROJECT (OR PROGRAM)
2023 Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Grant Program

U.S. Consumer Product Safety Commission
Consumer Product Safety Commission
Office of Financial Management, Planning and Evaluation

4330 East West Highway
Bethesda, MD 20814-4408

NOTICE OF AWARD

AUTHORIZATION (Legislation/Regulations)
Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2022

9a. GRANTEE NAME AND ADDRESS
NEW HAMPSHIRE DEPARTMENT OF SAFETY
33 Hazen Dr
New Hampshire State Police
Concord, NH 03305-0011

9b. GRANTEE PROJECT DIRECTOR
Sean P Toomey
33 Hazen Dr
New Hampshire State Police
Concord, NH 03305-0011
Phone: 6032234375

10a. GRANTEE AUTHORIZING OFFICIAL
Ms. Erin Newnan
33 Hazen Dr
Division of Motor Vehicles
Concord, NH 03305-0011

10b. FEDERAL PROJECT OFFICER
Jonathan Midgett
4330 East West Hwy
Bethesda, MD 20814-4408
Phone: 240-429-3946

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)

I Financial Assistance from the Federal Awarding Agency Only		
II Total project costs including grant funds and all other financial participation		II
a. Salaries and Wages		20,000.00
b. Fringe Benefits		0.00
c. Total Personnel Costs		20,000.00
d. Equipment		0.00
e. Supplies		80,530.00
f. Travel		10,500.00
g. Construction		0.00
h. Other		0.00
i. Contractual		10,000.00
j. TOTAL DIRECT COSTS →		121,030.00
k. INDIRECT COSTS		0.00
l. **TOTAL APPROVED BUDGET**		121,030.00
m. Federal Share		90,772.50
n. Non-Federal Share		30,257.50

12. AWARD COMPUTATION

a. Amount of Federal Financial Assistance (from item 11m)	90,772.50
b. Less Unobligated Balance From Prior Budget Periods	0.00
c. Less Cumulative Prior Award(s) This Budget Period	0.00
d. **AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION**	90,772.50
13. Total Federal Funds Awarded to Date for Project Period	90,772.50

14. RECOMMENDED FUTURE SUPPORT
(Subject to the availability of funds and satisfactory progress of the project):

YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS
a. 2		d. 5	
b. 3		e. 6	
c. 4		f. 7	

15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:
a. DEDUCTION
b. ADDITIONAL COSTS
c. MATCHING
d. OTHER RESEARCH (Add / Deduct Option)
e. OTHER *(See REMARKS)*

b

16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:
a. The grant program legislation
b. The grant program regulations.
c. This award notice including terms and conditions, if any, noted below under REMARKS.
d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.

In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.

REMARKS (Other Terms and Conditions Attached - ◉ Yes ○ No)

GRANTS MANAGEMENT OFFICIAL:
Janet Davis, Grants Management Officer
510 L Street
Suite 410
Anchorage, AK 99501
Phone: 9072713036

17.OBJ CLASS 410001	**18a. VENDOR CODE** 4589111	**18b. EIN** 026000618	**19a. UEI** V9GSW38ZEVC5 **19b. DUNS** 060340564	**20. CONG. DIST.** 02
FY-ACCOUNT NO.	**DOCUMENT NO.**	**ADMINISTRATIVE CODE**	**AMT ACTION FIN ASST**	**APPROPRIATION**
21. a. FY24 CO Grants	b. NZBCP0007A	c. NZBCP	d. $90,772.50	e.
22. a.	b.	c.	d.	e.
23. a.	b.	c.	d.	e.

AWARD ATTACHMENTS

NEW HAMPSHIRE DEPARTMENT OF SAFETY 1 NZBCP240007-01-00

1. New Hampshire Terms and Conditions
2. 23-001 COPPGP Term and Conditions ALL RECIP

U.S Consumer Product Safety Commission
Award Terms and Conditions- Recipient Specific

1. PROJECT DESCRIPTION

CPSC authorizes Carbon Monoxide Poisoning Prevention Grant Program funds to the New Hampshire Department of Safety:

> The goal of the NH State Fire Marshal's Office is to significantly reduce incidents of CO poisoning and bring accidental deaths from CO to zero. We will increase our prevention efforts using a targeted campaign to promote the installation of CO alarms and educate our residents and visitors to recognize CO sources and understand CO poisoning risks. Our project has three components. We seek to influence children and the elderly; parts of our population that are most at risk. Our objectives will be to purchase CO alarms and distribute and install them through two campaigns, one for residential units and one for the NH public schools. An educational component delivered both in person and virtually will fortify both campaigns. Finally, public service announcements (PSAs) will be produced and distributed by the media to offer messages that educate and empower our residents to take action in their homes and communities to prevent CO poisoning.

The period of performance is 2 years and commences on the award issuance date.

3. AWARD REPORTING REQUIREMENTS

3.1 Progress Reports Schedule

Your organization must submit Performance Progress Reports (PPR) to CPSC, for review and approval by the Project Officer. Due dates for federal progress reports follow the federal fiscal year:

Quarter 1, October 1–December 31
Quarter 2, January 1–March 31
Quarter 3, April 1–June 30
Quarter 4, July 1–September 30

Progress reports are due within 30 calendar days following the close of the quarter.

The first progress report is due within 30 calendar days of September 30, 2024.

Subsequent Performance Progress reports are due within 30 calendar days of the following dates:

December 31, 2024
March 31, 2025
June 30, 2025
September 30, 2025

December 31, 2025
March 31, 2026

The final Performance Progress Report is due within 120 days of June 30, 2026.

5. **ADMINISTRATIVE REQUIREMENTS**
5.1.3 Advance or Reimbursement Allowance

The recipient may submit payment requests as an advance or reimbursement.

U.S Consumer Product Safety Commission
Award – General Terms and Conditions

The Notice of Award (NoA) issued is based on the application submitted to, and as approved by, the U.S. Consumer Product Safety Commission (CPSC) and is subject to the terms and conditions incorporated either directly, or by reference, in the following:

a. The authorizing program statute - Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2022, Public Law No. 117-103, 15 U.S.C §§ 2051-2090;
b. Funding Opportunity Announcement (FOA) CP-NZB-23-001;
c. Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts;
d. Uniform administrative requirements, cost principles, and audit requirements, as applicable to state and local governments in 2 CFR and OMB Grant Circulars;
e. The NoA, including all terms and conditions cited or incorporated in the NoA or attachments.

Additional Resources and forms are available at: https://www.cpsc.gov/Safety-Education/Safety-Education-Centers/Carbon-Monoxide-Information-Center

1. PROJECT DESCRIPTION

[See Recipient Specific Terms and Conditions]

2. AWARD CONDITIONS

2.1 Acceptance of award - Due 5 business days after notification of award
The grantee's Authorized Official must notify by email the CPSC Program Officer (PO) listed on the NoA of acceptance within 5 business days after the notification of award. Once the NoA is accepted, unless specifically restricted by a condition of award listed in this document, the NoA, or related documents, the NoA from CPSC authorizes a grantee to initiate work on an approved grant project. The award date of the NoA will be the date the CPSC notifies the applicant and will be reflected in the NoA.

Waivers and deviations from the terms and conditions contained in this document, the NoA, and related documents must be requested and approved in writing by the Grants Management Officer (GMO). CPSC's determination of applicable conditions of award, or a GMO's denial of a request to change the terms and conditions, is discretionary and not subject to appeal.

If a recipient cannot accept an award for any reason, including the inability to perform in accordance with the provisions set forth in the NoA and in the NoA, the recipient shall notify the PO and GMO immediately in writing upon receipt of the NoA. If resolution cannot be reached within 2 months after the award date, the GMO will void the grant in writing. Once an award is accepted by a recipient, as prescribed in this document, the contents of the NoA are binding on the recipient and CPSC, unless and until modified by a revised NoA signed by the GMO.

The terms and conditions in this document, the NoA, and related documents apply to the recipient of CPSC funds, unless a specific written waiver is granted by the GMO. The recipient is accountable for the performance of the project, program, or activity; the appropriate expenditure of funds under the award by all parties; and all other obligations of the recipient, as provided in the NoA, this document, and related documents. In general, the requirements that apply to the recipient, including public policy requirements, also flow to other entities performing work under the grant award, unless an exception is specified, in regulation, or authorized in writing by the GMO.

2.2 Grant Solutions
All progress reports, financial reporting, and payment requests (SF-270) must be submitted in Grant Solutions. After acceptance of the award, personnel listed in the SF-424 who do not already have a Grant Solutions account will receive an email requesting that an account be established.

2.3 Period of Performance
The period of performance is 2 years and begins on the award issuance date on the Notice of Award face page and in Grant Solutions.

3. AWARD REPORTING REQUIREMENTS
3.1 Progress Reports
[See Recipient Specific Terms and Conditions]

3.2 Carbon Monoxide Poisoning Prevention Grant Program Final Report
The final report is due within 120 calendar days after the end of the award project period.

3.2 Federal Financial Report, FFR (SF-425)
An annual FFR is due within 90 days of the 1-year anniversary of the award date.

A Final FFR is due within 120 calendar days after the end of the award project period.

The FFR is a financial report which documents financial progress by providing information on expenditures and unobligated balances.

3.3 Tangible Personal Property (SF-428)
A final SF-428 is due within 120 calendar days after the end of the award project period.

The SF-428 (cover page and final report, SF-428B and, if necessary, SF-428C) indicates whether the recipient has equipment or supplies which exceed $5,000. If so, the SF-428C is used to request disposition.

4. AWARD SPECIFIC TERMS
4.1 Budget

Budget (federal share, non-federal share and total project costs) is as indicated on the Notice of Award face page.

4.2 Use of program income – additive
If program income is earned during the project period from this award, grantees may add the program income to the funds committed to the award and only use it to advance eligible project objectives.

4.3 Pre-award costs
Pre-award costs for this award are not authorized.

4.4 CPSC Guidelines
Information, training, and campaigns must conform with recommended CPSC safety guidelines, which can be found at: https://www.cpsc.gov/Safety-Education/Safety-Education-Centers/Carbon-Monoxide-Information-Center.

4.5 Cost Share
This grant award includes a non-Federal share, which, at a minimum, must be 25% of the federal share. The costs that the recipient incurs in fulfilling its matching or cost-sharing requirement are subject to the same requirements, including the cost principles that are applicable to the use of Federal funds. Such costs must be reasonable, allocable and allowable to the program. In addition, those costs must adhere to the guidelines specified in 2 CFR 200.306 and be verifiable in the recipient's records with proof that prior approval where required was obtained. Whether in cash or in-kind, the non-Federal share is expected to adhere to the same cost limitations. The grant award recipient cannot claim a cost as both an allowable cost and as a match expenditure. The match or cost-sharing requirement must be met at the time all such funds have been expended or the period of availability of such funds has expired, whichever comes first. If the required match is not met, grant recipients will be responsible for reimbursing CPSC the amount of unmet match when the grant is closed. Cost share or match must be reported on the SF-425, federal financial report, under the Recipient Share section.

5. ADMINISTRATIVE REQUIREMENTS

5.1 Payment Requirements
To request an advance or reimbursement of allowable grant costs, award recipients must submit for SF-270, Request for Advance or Reimbursement.

Grantees must request payments using the form SF-270, Request for Advance or Reimbursement, which is available at: https://grants.gov/forms/forms-repository/post-award-reporting-forms. The form must be filled out correctly and uploaded to GrantsSolutions.gov.

- If the SF-270 form is incomplete or inaccurate, payment will be delayed or rejected.
- The SF-270 must be signed by the grantee Authorizing Official or authorized designee.

- Grantees may submit a payment request as grant funds are needed. Payment requests are normally processed within 15 business days after submission of the SF-270 request.
- Any costs incurred outside of the grant award's period of performance cannot be paid with grant funds.

5.1.1 Advance Payments
In accordance with 2 CFR § 200.305, the grantee must maintain procedures to minimize the time elapsed between receiving an advance payment and disbursing the funds. Advance payments to a grantee must be limited to the minimum amounts needed and must be timed with the actual, immediate cash requirements of the grantee in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the grantee for direct program or project costs and the proportionate share of any allowable indirect costs.

Unless otherwise stated in the special terms and conditions of the NoA (or subsequent action), grantees are authorized to be paid in advance through electronic funds transfer, provided that the following conditions exist:

a. Funds for the project period have been obligated in the form of a signed grant award notification.
b. The grantee must minimize the time elapsing between the transfer of funds from the U.S. Treasury and the grantee's disbursement and must maintain or demonstrate the willingness to maintain written procedures to so minimize the time elapsing between the transfer of funds to the grantee from the U.S. Treasury and the disbursement of such funds.
c. The grantee financial management system meets the standards for fund control and accountability prescribed in OMB Circular A-102; and
d. The grantee SAM.gov registration is current and active.

Requests for advance payment must be limited to immediate cash needs for the approved award. Advance payments must be fully disbursed (*e.g.,* checks written, signed, and issued to the payees) within 30 days after the date that the grantee receives advance funds from the U.S. Treasury. Advance payment requests must be submitted no earlier than 15 business days before the beginning of the period for which the funds are requested.

All advances will be at the discretion of the CPSC and negotiated and approved by the CPSC. Additional justification may be required.

Unless a grantee receives less than $120,000 per year in advance grant funds, a grantee must maintain advances of federal funds in interest-bearing insured bank accounts or the most reasonably available interest-bearing account that would not earn more than $100 (if the grantee is a state, local, or Indian Tribal Government), or $250 (if the grantee is an institution of higher education, hospitals, or other non-profit

organization) per year on the federal cash balance, or would entail bank services charges in excess of the interest earned. (Note: grantees are encouraged to use women-owned and minority-owned banks or banks that are owned at least 50 percent by women or minority group members).

Interest greater than $600 annually that is earned on advance payments must be remitted annually to CPSC.

5.1.2 Reimbursable Payments
Grantees may elect to request reimbursement payments, rather than advance payments, even if they meet the criteria for advance payments. Grantees who are unwilling or unable to maintain procedures to minimize the time elapsed between receiving an advance payment and disbursing the funds can only request reimbursement payments.

Any remaining advanced funds at the end of the award's period of performance must be returned to the government and cannot be spent on additional purchases.

5.1.3 Advance or Reimbursement Allowance
[See Recipient Specific Terms and Conditions]

5.2 Federal, State, and municipal requirements
Grantees must obtain any required permits and comply with applicable federal, state, and municipal laws, codes, and regulations for work performed under this award.

5.3 Prior approval
CPSC anticipates that the grantee may need to modify the recipient's award budget or other aspects of its approved application during performance, to accomplish the award's programmatic objectives. In general, grantees are allowed a certain degree of latitude to re-budget within and between budget categories to meet unanticipated needs and to make other types of post-award changes, provided that the changes still meet the statutory program requirements and the regulatory requirements under 2 CFR part 200, as applicable. Situations that require CPSC written prior approval are outlined in 2 CFR § 200.407 – Prior written approval (prior approval).

When CPSC prior approval is required, the requirement applies whether the costs/activities are proposed in the application or in a separate request following award. If an application includes general language about a cost or activity that requires CPSC prior approval, approval of the application does not satisfy the prior-approval requirement. The grantee must obtain any applicable CPSC prior approval before a specific activity may be undertaken or before a specific cost is incurred.

Actions that require prior approval must be submitted in writing to the GMO. The request must bear the signature of the grantee Authorizing Official, as well as the project director's signature. Approval of the request can be granted only by the GMO

and will be in writing. No other written or oral approval will be accepted; no such other written or oral approval will be binding on CPSC.

5.4 Site Visits

CPSC's authorized representatives have the right to make site visits at reasonable times to review project accomplishments and management control systems and to provide technical assistance, if required. Grantees must provide reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives performing their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

5.5 Public acknowledgement of federal funding

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

5.8 AUDITS

Under the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3, § 1 et seq., an audit of the award may be conducted at any time. The Inspector General of the CPSC, or any of his or her duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, whether written, printed, recorded, produced, or reproduced by any electronic, mechanical, magnetic, or other process or medium, in order to make audits, inspections, excerpts, transcripts, or other examinations as authorized by law. When the CPSC Office of Inspector General (OIG) requires a program audit on a CPSC award, the OIG will usually make the arrangements to audit the award, whether the audit is performed by OIG personnel, an independent accountant under contract with CPSC, or any other federal, state, or local audit entity.

5.8.1 Organization-Wide, Program-Specific, and Project Audits

Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996, as implemented by OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." Per 2 CFR § 200.501, Audits, recipients that are subject to the provisions of OMB Circular A-133 and that expend $750,000 or more in a year in federal awards shall have an audit conducted for that year in accordance with the requirements contained in OMB Circular A-133. A copy of the audit shall be submitted to the Bureau of the Census, which has been designated by OMB as a central clearinghouse, by electronic submission to the Federal Audit Clearinghouse website http://harvester.census.gov/sac/. If it is necessary to submit by paper, the address for submission is:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street
Jeffersonville, IN 47132

5.8.2 Audit Resolution
An audit of the award may result in the disallowance of costs incurred by the recipient and the establishment of a debt (account receivable) due to CPSC. Therefore, the recipient should take seriously its responsibility to respond to all audit findings and recommendations with adequate explanations and supporting evidence whenever audit results are disputed.

An appeal of the Audit Resolution Determination does not prevent the establishment of the audit-related debt nor does it prevent the accrual of interest on the debt. If the Audit Resolution Determination is overruled or modified on appeal, appropriate corrective action will be taken retroactively. An appeal will stay the offset of funds owed by the auditee against funds due to the auditee.

CPSC shall review the recipient's appeal and notify the recipient of the results in an Appeal Determination Letter. After the opportunity to appeal has expired or after the appeal determination has been rendered, CPSC will not accept any further documentary evidence from the recipient. No other administrative appeals are available through CPSC.

5.9 Payment of Debts Owed the Federal Government
Any debts determined to be owed the federal government shall be paid promptly by the recipient. CPSC debt collection procedures are set out in 31 U.S.C. § 3701 *et seq.*, delinquent debt is a debt that has not been paid by the date specified in the agency's initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement) unless other satisfactory payment arrangements have been made. In accordance with 31 U.S.C. § 3717, failure to pay a debt by the due date, or if there is no due date, within 30 days of the billing date, shall result in the assessment of interest, penalties, and administrative costs in accordance with the provisions of 31 U.S.C. § 3717 and 31 CFR § 901.9. CPSC entities will transfer any CPSC debt that is more than 180 days delinquent to the Financial Management Service for debt collection services, a process known as "cross-servicing" under 31 U.S.C.§ 3711(g), 31 CFR § 285.12 and may result in CPSC taking further action as specified in the standard terms and condition entitled, "Non-Compliance with Award Provisions." Funds for payment of a debt must not come from other federally sponsored programs. Verification that other federal funds have not been used will be made, *e.g.*, during on-site visits and audits.

5.9.1 Late Payment Charges
Interest shall be assessed on the delinquent debt in accordance with section 3717(a) of the Debt Collection Act (see 31 U.S.C. § 3701 et seq., for the entire Debt Collection Act), as amended. The minimum annual interest rate to be assessed is the Department of the Treasury's Current Value of Funds Rate (CVFR). The CVFR is available online at: http://www.fms.treas.gov/cvfr/index.html. The CVFR is published by the U.S. Department of the Treasury in the *Federal Register* (http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR) and in the Treasury Financial Manual Bulletin. The assessed rate shall remain fixed for the duration of the indebtedness. Penalties shall accrue at a rate of not more than 6 percent per year or such other higher rate as authorized by law. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by the CPSC entity collecting the debt, as directed by the CPSC Chief Financial Officer.

5.9.2 Barring Delinquent Federal Debtors from Obtaining Federal Loans or Loan Insurance Guarantees
Pursuant to 31 U.S.C. § 3720B and 31 CFR § 901.6, unless waived, the CPSC is not permitted to extend financial assistance in the form of a loan, loan guarantee, or loan insurance to any person delinquent on a nontax debt owed to a federal agency. This prohibition does not apply to disaster loans.

5.9.3 Effect of Judgment Lien on Eligibility for Federal Grants, Loans, or Programs
Pursuant to 28 U.S.C. § 3201(e), unless waived by the CPSC, a debtor who has a judgment lien against the debtor's property for a debt to the United States shall not be eligible to receive any grant or loan that is made, insured, guaranteed, or financed directly or indirectly by the United States or to receive funds directly from the federal government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

5.10 Government Wide Department and Suspension
The recipient shall comply with the provisions of Subpart C of 2 CFR part 1326, "Nonprocurement Debarment and Suspension" (published in the *Federal Register* on December 21, 2006, 71 FR 76573), which generally prohibit entities that have been debarred, suspended, or voluntarily excluded from participating in federal nonprocurement transactions either through primary or lower tier covered transactions, and which sets forth the responsibilities of recipients of federal financial assistance regarding transactions with other persons, including subrecipients and contractors.

5.11 Fraud, Waste and Abuse
Anyone who becomes aware of the existence (or apparent existence) of fraud, waste, or abuse related to CPSC grants or use of grant funds should report this information to CPSC. The CPSC OIG provides several means, including toll-free numbers, for this purpose.

The OIG hotline may be reached by telephone at: (301) 504-7906; online using the OIG's Contact Form; or by mail at:

Office of the Inspector General
U.S. Consumer Product Safety Commission
4330 East-West Highway
Room 702
Bethesda, MD 20814

Fraud, waste, and abuse includes, but is not limited to, embezzlement, misuse, or misappropriation of grant funds or property, and false statements, whether by organizations or individuals. Examples are theft of grant funds for personal use; using funds for non-grant-related purposes; theft of federally owned property or property acquired or leased under a grant; charging inflated building rental fees for a building owned by the recipient; submitting false financial reports; and submitting false financial data in bids submitted to the recipient (for eventual payment under the grant).

Callers are not required to give their names and, if they do, their identities are kept confidential. The federal government may pursue administrative, civil, or criminal action under a variety of statutes that relate to fraud and false statements or claims. Even if a grant is not awarded, the applicant may be subject to penalties if the information is false.

The Program Fraud Civil Remedies Act (31 U.S.C. § 3801 et seq.), provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the federal government for money (including money representing grants, loans, or other benefits).

The False Claims Amendments Act and the False Statements Act (18 U.S.C. §§ 287 and 1001, respectively) provide that whoever makes or presents any false, fictitious, or fraudulent statement, representation, or claim against the United States shall be subject to imprisonment of not more than five years and shall be subject to a fine in the amount provided by 18 U.S.C. § 287.

The Civil False Claims Act (31 U.S.C. § 3729 et seq.) provides that lawsuits can be brought by the government, or a person on behalf of the government, for false claims made under federal assistance programs.

6. NATIONAL POLICY REQUIREMENTS

6.1 Executive Order 13798

The grantee shall comply with Executive Order 13798, "Promoting Free Speech and Religious Liberty," when contracting with other entities. The grantee shall allow religious organizations to compete on equal footing for contracts used to support this government program. Generally, such organizations are not required to alter their religious character to participate in a government program, nor to cease engaging in explicitly religious activities outside the program, nor effectively to relinquish their federal statutory protections for religious hiring decisions.

6.2 Lobbying Restrictions

By accepting funds under this award, grantees agree that none of the funds obligated on the award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation. (See also statutory requirements for whistleblower protections at 41 U.S.C. § 4712, and 41 U.S.C. §§ 4304 and 4310.)

6.3 Hatch Act

The Hatch Act restricts political activity of executive branch employees of the federal government and District of Columbia government employees (5 U.S.C. §§ 7321–7326) and state or local officers or employees (5 U.S.C. 1501–1508). "State or local officer or employee" means an individual employed by a state or local agency whose principal employment is in connection with an activity that is financed in whole or in part by loans or grants made by the United States or a federal agency. (Certain state educational or research institutions are excluded from this definition.)

6.4 Codes of Conduct and Subaward, Contract and Subcontract Provisions

6.4.1 Code of Conduct for Recipients

Pursuant to the certification on the Assurances Form SF-424B, paragraph 3, the recipient must maintain written standards of conduct to establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain in the administration of this award.

If subrecipients are authorized under the award, the recipient shall require all subrecipients, including lower tier subrecipients, under the award to comply with the provisions of the award, including applicable cost principles, administrative, audit requirements, and all associated terms and conditions.

6.4.2 Federal Employee Expenses

Federal agencies are generally barred from accepting funds from a recipient to pay transportation, travel, or other expenses for any federal employee. Use of award funds (federal or non-federal) or the recipient's provision of in-kind goods or services, for the purposes of transportation, travel, or any other expenses for any federal employee may raise appropriation augmentation issues. In addition, CPSC policy prohibits the acceptance of gifts, including travel payments for federal employees, from recipients or applicants, regardless of the source.

6.4.3 Civil Rights Act of 1964 (Title VI)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

6.4.4 Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. These requirements pertain to the provision of benefits or services, as well as to employment.

6.4.5 Age Discrimination Act of 1975

The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., prohibits discrimination based age in any program or activity receiving federal financial assistance.

6.4.6 Education Amendments of 1972 (Title IX)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681, 1682, 1683, 1685, and 1686, provides that no person in the United States will, based on 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.

6.4.7 Drug-Free Workplace

The Drug-Free Workplace Act of 1988, 42 U.S.C. § 701 *et seq.*, requires that all organizations receiving grants from any federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. Government-wide Requirements for Drug-Free Workplace for Financial Assistance are found in 2 CFR part 182.

6.4.8 Smoke-Free Workplace

CPSC strongly encourages recipients to provide smoke-free workplaces and to promote the nonuse of tobacco products. CPSC defines the term "workplace" to mean office space (including private offices and other workspace), conference or meeting rooms, corridors, stairways, lobbies, rest rooms, cafeterias, and other public spaces.

6.4.9 Limited English Proficiency

Per Title VI of the Civil Rights Act of 1964--Prohibition Against National Discrimination Affecting Persons with Limited English Proficiency (LEP), recipients of Federal financial assistance must take reasonable steps to ensure that people with limited English proficiency have meaningful access to services and that there is effective communication between the service provider and individuals with limited English proficiency.

6.4.10 Resource Conservation and Recovery Act

Under RCRA (42 U.S.C. § 6901 *et seq.*), any state agency or agency of a political subdivision of a state using appropriated federal funds must comply with 42 U.S.C. § 6962. This includes state and local institutions of higher education or hospitals that receive direct CPSC awards. Section 6962 requires that preference be given in

procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA (40 CFR parts 247–254).

6.4.11 Seat Belts

Pursuant to EO 13043 (April 16, 1997), Increasing the Use of Seat Belts in the United States, CPSC recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating vehicles, whether organizationally owned or rented or personally owned.

6.4.12 System for Award Management and Universal Identifier Requirements

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain current information in the SAM. This includes information on your immediate and highest-level owner and subsidiaries, as well as on all of your predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until you submit the final financial report required under this Federal award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another Federal award term.

B. Requirement for Unique Entity Identifier

If you are authorized to make subawards under this Federal award, you:

1. Must notify potential subrecipients that no entity (**see** definition in paragraph C of this award term) may receive a subaward from you until the entity has provided its Unique Entity Identifier to you.
2. May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to you. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.

C. Definitions

For purposes of this term:

1. System for Award Management (SAM) means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site (currently at *https://www.sam.gov*).
2. Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities.
3. Entity includes non-Federal entities as defined at 2 CFR 200.1 and also includes all of the following, for purposes of this part:
   a. A foreign organization;
   b. A foreign public entity;
   c. A domestic for-profit organization; and
   d. A Federal agency.
4. Subaward has the meaning given in 2 CFR 200.1.

5. Subrecipient has the meaning given in 2 CFR 200.1.

6.4.13 Reporting Subawards and Executive Compensation

A. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph (d) of this award term, you must report each action that equals or exceeds $30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph (e) of this award term).

2. Where and when to report.

i. The non-Federal entity or Federal agency must report each obligating action described in paragraph (A)(1). of this award term to *http://www.fsrs.gov*.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at *http://www.fsrs.gov* specify.

B. Reporting total compensation of recipient executives for non-Federal entities.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. The total Federal funding authorized to date under this Federal award equals or exceeds $30,000 as defined in 2 CFR 170.320;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards), and

(B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and,

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at *http://www.sec.gov/answers/execomp.htm*.)

2. Where and when to report. You must report executive total compensation described in paragraph (B)(1) of this award term:

i. As part of your registration profile at *https://www.sam.gov*.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

C. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph (D) of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards) and,

(B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at *http://www.sec.gov/answers/execomp.htm*.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph (C)(1) of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

D. Exemptions.

If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

E. Definitions. For purposes of this award term:

1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).

2. Non-Federal entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

ii. A domestic or foreign nonprofit organization; and,

iv. A domestic or foreign for-profit organization

3. Executive means officers, managing partners, or any other employees in management positions.

4. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. Subrecipient means a non-Federal entity or Federal agency that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

6. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)).

6.4.14 Trafficking in persons, and the implementing regulations at 2 CFR PART 175

The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the federal government, if the recipient or subrecipient engages in certain activities related to trafficking in persons. CPSC hereby incorporates the following award term required by 2 CFR § 175.15(b).

Trafficking in persons.

A. Provisions applicable to a recipient that is a private entity.

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

ii. Procure a commercial sex act during the period of time that the award is in effect; or

iii. Use forced labor in the performance of the award or subawards under the award.

2. As the federal awarding agency, we may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —

i. Is determined to have violated a prohibition in paragraph (A)(1) of this award term; or

ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph (A)(1) of this award term through conduct that is either—

(A) Associated with performance under this award; or

(B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that is

provided in 2 CFR part 180, "OMB Guidelines to Agencies on and Suspension (Nonprocurement)."

B. Provision applicable to a recipient other than a private entity. We as the federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

1. Is determined to have violated an applicable prohibition in paragraph (A)(1) of this award term; or

2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph (A)(1) of this award term through conduct that is either—

   i. Associated with performance under this award; or

   ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1125.

C. Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (A)(1) of this award term.

2. Our right to terminate unilaterally that is described in paragraph (A)(2) or b of this section:

   i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and

   ii. Is in addition to all other remedies for noncompliance that are available to us under this award.

3. You must include the requirements of paragraph (A)(1) of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this award term:

1. "Employee" means either:

   i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

   ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. "Private entity":

   i. Means any entity other than a state, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

   ii. Includes:

a. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

b. A for-profit organization.

4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102)

7. Contacts

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