

RESOLUTION NO. 2023-448

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING AND APPROPRIATING \$54,785.66 IN GRANT FUNDING FROM U. S. DEPARTMENT OF VETERANS AFFAIRS (“VA”) THROUGH THE ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND DISABLED MEMBERS OF THE ARMED FORCES GRANT PROGRAM; APPROVING AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE GRANT AGREEMENT BETWEEN THE VA AND COUNTY.

RECITALS

WHEREAS, on April 4, 2023, the Board of County Commissioners granted authority to the Parks and Recreation Department to apply for a grant under the U.S. Department of Veterans Affairs (“VA”) (Resolution 2023-111); and

WHEREAS, on September 26, 2023, the VA notified the County it was awarded \$54,785.66 through the Adaptive Sports Programs for Disabled Veterans and Disabled Members of the Armed Forces Grant Program (“Adaptive Sports Grant”); and

WHEREAS, the Adaptive Sports Grant is awarded subject to the *Adaptive Sports Programs for Disabled Veterans and Disabled Members of the Armed Forces Grant Agreement* attached to hereto; and

WHEREAS, St. Johns County, Florida, when preparing the budget for Fiscal Year 2024, did not anticipate receiving the Adaptive Sports Grant from the VA; and

WHEREAS, accepting the terms of and entering into the grant agreement will serve the interests of the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida that:

Section 1. The above recitals are hereby incorporated into the body of this Resolution and are adopted as findings of fact.

Section 2. The Board of County Commissioners hereby recognize and appropriate the \$54,785.66 in grant funding awarded by U.S. Department of Veterans Affairs to the County under the Adaptive Sports Programs for Disabled Veterans and Disabled Members of the Armed Forces Grant Program as unanticipated revenue within the Fiscal Year 2024 General Fund Parks and Recreation Department budget.

Section 3. The Board of County Commissioners hereby approves and the County

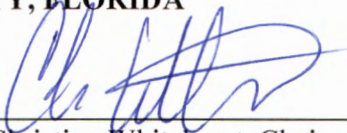
Administrator or designee is authorized to execute and deliver, on behalf of the County, the Adaptive Sports Programs for Disabled Veterans and Disabled Members of the Armed Forces Grant Agreement between the County and VA, in substantially the same form as attached hereto.

Section 4. To the extent that there are typographical or administrative errors that do not change the tone, tenor, or concept of this Resolution, this Resolution may be revised without subsequent approval by the Board of County Commissioners.

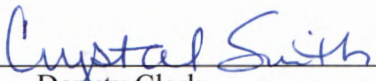
PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 7th day of November, 2023.

**BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS
COUNTY, FLORIDA**

Rendition Date: NOV 08 2023


By: 
Christian Whitehurst, Chair

ATTEST:
Brandon J. Patty,
Clerk of the Circuit Court and Comptroller

By: 
Deputy Clerk





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|---|--|---|-------------------------|
| 1. Recipient Name and Address: Saint Johns County 500 San Sebastian View St. Augustine, FL 32084-8686 | | 2. Award Date: 09/01/2023 | 3. Action: New Award |
| | | 4. Project Period: From 09/30/2023 to 09/30/2024 Budget Period: From 09/30/2023 to 09/30/2024 | |
| 5. Recipient UEI Number: DKTCSFFFL3Q8 | | 6. Grantee IRS/Vendor Number: 59-6000825 | |
| 7. Unique Federal Award Identification Number (FAIN): SPORTS-23-070 | | 8. Assistance Listing Number/Name: 64.034/Grants for Adaptive Sports Programs for Disabled Veterans and Disabled Members of the Armed Forces | |
| 9. Amount of Federal Funds Obligated by this Action: \$54,785.66 | 10. Total Amount of Federal Funds Obligated: \$54,785.66 | 11. Total Amount of Federal Award: \$54,785.66 | |
| 12. Budget Approved by VA: Yes | 13. Total Approved Cost Sharing/Matching: Not applicable | 14. Supplement Number: 0 | |
| 15. Is this a Research & Development Award: No | | 16. In accordance with 38 U.S.C. § 521A(d)(4)(A), administrative and personnel expenses may not be more than 5% of the total amount of the grant. | |
| 17. Project Title: Adaptive Outdoor Recreation | | | |
| 18. Statutory Authority for Grant: 38 USC 521A – Adaptive sports programs for disabled veterans and members of the Armed Forces. | | | |
| 19. Method of Payment: Provisioning/Automated Clearing House | | | |
| 20. Project Description: St. Johns County's Veteran Exclusive Adaptive Sports Project | | | |
| 21. VA Contact: Vanietta Armstrong, Supervisory Grants Management Specialist, Office of National Veterans Sports Programs and Special Events | | | |
| AGENCY APPROVAL | | GRANTEE ACCEPTANCE | |
| 22. Title and name of VA awarding official: Shereef Elnahal, M.D., MBA Under Secretary for Health | | 23. Title and name of authorized grantee official: | |
| 24. Signature of VA awarding official:  | | 25. Signature of authorized grantee official: | |



In accepting a Department of Veterans Affairs (VA) award, the grantee (or "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, Executive Orders governing assistance awards, Notice of Funding Availability requirements, 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 Office of National Veterans Sports Programs and Special Events.

1. The grantee agrees that it is responsible for the use of grant funds provided by VA. In accordance with 2 C.F.R. § 200.339 – 200.343, 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, notice of funding availability or notice of award.
2. The grantee agrees to comply with the organizational audit requirements of 2 C.F.R. 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 C.F.R. Part 200 Subpart F audits (and any other audits of VA grant funds) are not satisfactorily and promptly addressed.
3. Grant funds may be used only for the purposes in the grantee's approved application and allocated as directed in 2 C.F.R. Part 200, Subpart E. The grantee shall not undertake any work or activities that are not described in the grant application, and that 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 that do not acquire and provide a Unique Entity Identification (UEI) number. (The Recipient agrees there will not be second-tier subgrants awarded under this grant. The grantee will work with 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 website at <https://www.sam.gov/SAM/>.
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 subgrantees of award funds. Bonuses to any individuals utilizing Federal funds must conform to 2 C.F.R. 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), P.L. 109-282, as amended; 31 U.S.C. § 6101, note) are posted on the FFATA Subaward Reporting System (FSRS) website at <https://www.fsrs.gov/>.
6. The grantee will comply with Federal laws and regulations applicable to grants and grantees, including applicable provisions of 2 C.F.R. Part 200 and 38 C.F.R. Part 77. The grantee will provide source documentation of all administrative costs. Grantee must be able to provide invoices, payroll, time and attendance records, and other financial documents to support administrative costs, when requested.



7. Standards for Financial Management Systems prescribe a Recipient's system that controls and accounts for Federal funds and cost sharing under the award and produces financial reports.

The financial management system must enable Recipients to meet the following Office of Management and Budget (OMB) requirements:

- a) 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 for ensuring the receipt of financial reports from each sub-recipient in sufficient time to allow the Recipient to prepare reports.
 - b) Accounting Records. Recipients must maintain records that adequately identify the sources of funds for federally assisted activities and the purposes for which funds are to be used. The records must contain information about the award and any sub-award, including authorizations, obligations, unobligated 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, payrolls, and time and attendance records.
 - c) 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 of these assets and ensure that they are used only for authorized purposes.
 - d) Budget Control. Recipients must be able to compare actual expenditures or outlays with the approved budget.
 - e) 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.
 - f) 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.
 - g) 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.
 - h) 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.
8. **Period of Availability of Funds:** The project and budget periods under the award are indicated on box 4 on page 1 of this grant agreement. The recipient may charge to the award only allowable costs resulting from obligations incurred during the budget period. Expenditures only for staff costs that are obligated during the award budget period may be charged to the award up to 90 days following the



award expiration date. Grant monies shall be available for closeout activities limited to the preparation of final reports. No other staff costs should be obligated and expended for closeout activities.

9. **Publication for Professional Audiences:** Any publications or articles resulting from the award must acknowledge the support of VA and will 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 be included on all brochures, flyers, posters, billboards, or other graphic artwork that are produced under the terms of the award.
- a) Seal/Logo. The VA seal may not be used by Recipients without the express written permission of VA.
10. **Reporting:** The Recipient shall submit quarterly progress reports and an annual report as required by 38 C.F.R. § 77.16. Quarterly progress reports shall be submitted within 30 days after the end of each Federal fiscal quarter of the grant period, which are December 31, March 31, June 30 and September 30. The annual report shall be submitted not later than 60 days after the last day of the Federal fiscal year for which a grant is provided. The quarterly report and annual report will include a detailed record of the time involved in providing adaptive sports activities through direct personal interaction with participants and time expended in adaptive sports activities that do not involve direct personal interaction with participants; a detailed record of the individual adaptive sports activities conducted; a detailed record of the adaptive sports programs carried out at the national and local levels through partnerships with VA, Department of Defense, Veterans Service Organizations, and other adaptive sports entities; the number of veterans and the number of participants in the adapted sports activities funded by the grant including those who participated in any programs carried out through a partnership; the locations where adaptive sports activities were conducted; and a detailed accounting of how the grant funds were used including the administrative and personal expenses incurred by the grantee in carrying out the program and such expenses paid for using grant funds. The quarterly report will also include projected change requests if applicable. Failure to submit the annual report will result in ineligibility to receive a grant for the subsequent fiscal year. Any changes in a grantee's program activities which result in deviations from the grant agreement must be reported to VA.

The Recipient agrees that it will submit quarterly financial status reports to VA on a VA-provided reporting tool or SF 425 Federal Financial Report not later than 30 days after the end of each calendar quarter. The Recipient also agrees to submit an annual financial status report not later than 60 days following the end of the award period. Failure to provide this report may result in the de-obligation of grant funds and discontinuation in future VA Adaptive Sport Grant funding opportunities.

11. **Post-award Requirements for Closeout:** The VA Office of National Veterans Sports Programs and Special Events will provide Recipients with the due dates and where to send 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 provided by the awarding office.

Recipients must submit, within 120 calendar days after the project period end date of the award, all final financial, performance, and other reports as required by the terms and conditions of the award. VA or a pass-through entity may approve written Recipient requests for extensions. Unless VA or pass-through entity authorizes an extension, a Recipient must liquidate all obligations incurred under the award not



later than 120 calendar days after the project period end date specified in the terms and conditions of the award.

VA must make prompt payments to Recipients 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.

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.

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.

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.

12. **Program Income:** Program income may be retained by the Recipient and added to grant funds to further eligible Program objectives, in accordance with 2 C.F.R. § 200.307(e)(2).
13. **Retention and Access Requirements for Records:** The Recipients must maintain financial records, supporting documents, statistical records, and all other records pertinent to an award for a period of 3 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 C.F.R. § 200.334 and include the following:
 - a) If litigation, claim, or audit is started before the expiration of the 3-year period, records must be retained until all litigation, claims, or audit findings involving records is resolved and final action taken.
 - b) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.
 - c) When records are transferred to or maintained by VA, the 3-year retention requirement is not applicable to the Recipient.
14. **Timely and Unrestricted Access:** VA, 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-recipient's 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 grantee 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.

15. **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 online form at <https://www.va.gov/oig/hotline/complainant-release-preference.asp>, by e-mail at vaogh hotline@va.gov, or by mail to VA Inspector General Hotline (53E), 810 Vermont Avenue, 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.
16. **Federal Debt Status:** You 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). You must notify VA immediately if you become delinquent during your project period. We cannot release your award funds until you provide documentation showing a repayment plan has been accepted by the Internal Revenue Service and payments have been made.
17. **Nondiscrimination Policies:** You must execute your project (e.g., productions, workshops, programs, etc.) in accordance with the following laws, where applicable.
 - a) **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 subjected 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.).
 - b) **Title IX of the Education Amendments of 1972** provides that no person in the United States shall, on the basis of sex or blindness or visual impairment, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance (20 U.S.C. §§ 1681 and 1684, et seq.).
 - c) **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 subjected to discrimination under any program or activity receiving Federal financial assistance (29 U.S.C. § 794).
 - d) **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 subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. § 6101, et seq.).
 - e) **The Americans with Disabilities Act of 1990** prohibits discrimination on the basis of disability in employment (Title I), State and local government services (Title II), and places of public accommodation and commercial facilities (Title III) (42 U.S.C. §§ 12101-12213).

18. Environmental and Preservation Policies



- a) **The National Environmental Policy Act of 1969**, as amended, applies to any Federal funds that would support an activity that may have environmental implications. We may ask you to respond to specific questions or provide additional information in accordance with the Act. If 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. Section 4321 et seq.
- b) **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 Section 106. This law also applies to project activities, such as new construction, that would affect such properties. We will consult with your State Historic Preservation Officer, as appropriate, to determine the impact of your plan or renovation on the structure or any affected properties. Any change in your design, renovation, or construction plans must be submitted to us for review and approval prior to undertaking any of the proposed changes. You may be asked to provide additional information on your project to ensure compliance with the Act (54 U.S.C. §§ 300101 - 307108).

19. **Debarment and Suspension:** You must comply with requirements regarding debarment and suspension in Subpart C of 2 C.F.R. Part 180. There are circumstances under which we may receive information concerning your fitness to carry out a project and administer Federal funds, for instance:

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

In these circumstances, we may need to act quickly to protect the interest of the Government by suspending your funding while we undertake an investigation of the specific facts. We may coordinate our suspension actions with other Federal agencies that have an interest in our findings. A suspension may result in your debarment from receiving Federal funding Governmentwide for up to 3 years.

20. **The Drug Free Workplace Act:** requires you to publish a statement about your drug-free workplace program. You 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.

You must maintain on file the place(s) where work is being performed under this award (i.e., street address, city, state and zip code.). You 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 C.F.R. Part 48).

21. **Restrictions for Use of Grant Funds for Individuals:** The Recipients may support or provide services (including adaptive sports activities) to individuals with disabilities who are not Veterans or members of



the Armed Forces, or both, but are prohibited from using grant funds to support or provide services (including adaptive sports activities) to those individuals. The Recipient is also prohibited from using grant funds to support or provide services (including adaptive sport activities) to Veterans or former Service members who are barred from receiving VA benefits based on their service (38 U.S.C. §§ 5303-5303A) and to Veterans or former Service members who, if otherwise eligible, would be barred from receiving VA pension, compensation or dependency and indemnity compensation based on the character of their discharge from military service (38 C.F.R. § 3.12).

22. **Site Visits:** The grantor, through authorized representatives, has the right, at all reasonable times, to make site visits to all grantee locations where grants funds are being used in order to review project accomplishments and management control 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 C.F.R. Part 77. 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.
23. **Lobbying:** You may not conduct political lobbying, as defined in the statutes, regulations and OMB Circulars listed below, within your Federally supported project. In addition, you may not use Federal funds for lobbying specifically to obtain awards. For definitions and other information on these restrictions, refer to the following:
- a) "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).
 - b) 2 C.F.R. § 200.450 – "Lobbying," clarifies that lobbying is an unallowable project cost and is governed by relevant statutes and guidance documents as described in 2 C.F.R. 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 C.F.R. 200.450 for additional restrictions.

- c) **Certification Regarding Lobbying to Obtain Awards.** Pursuant to 31 U.S.C. § 1352 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 is prohibited. 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 definition of lobbying certain professional and technical services by applicants and awardees.

We strongly advise you to review these regulations carefully. They are published at 2 C.F.R. § 200.450 and 38 C.F.R. Part 45, and can be found at www.ecfr.gov.

24. Trafficking in Persons: This Governmentwide award term implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104(g)), implemented in 2 C.F.R. 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

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

A full text description of the award term is provided at 2 C.F.R. § 175.15.

25. 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.

26. Equipment: If the Recipient uses grant funds to procure or operate adaptive sports equipment to directly provide adaptive sports activities, the title to the equipment vests solely in the Recipient, or, for leased equipment, in an identified lessor. The Recipient will at a minimum, provide liability insurance for the adaptive sports equipment to the same extent they would insure adaptive sports equipment procured with their own funds. In addition, adaptive sports equipment will be safe to use and maintained in accordance with the manufacturer's recommendations.

27. 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 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 3 days' estimated cash needs.