

**ASSURANCES
NON-CONSTRUCTION PROJECTS**

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will 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.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 [42 U.S.C. (4728-4763)] relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
6. Will comply with all federal statutes relating to non-discrimination. These include but are not limited to:
 - (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin;
 - (b) Title IX of the Education Amendments of 1972, as amended [20 U.S.C. (1681-1683, and 1685-1686)] which prohibits discrimination on the basis of sex;
 - (c) Section 504 of the Rehabilitation Act of 1973, as amended [29 U.S.C. (794)] which prohibits discrimination on the basis of handicaps;
 - (d) The Age Discrimination Act of 1975 as amended [42 U.S.C. (6101-6107)] which prohibits discrimination on the basis of age;
 - (e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended,

relating to non-discrimination on the basis of drug abuse;

- (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism;
 - (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended relating to confidentiality of alcohol and drug abuse patient records;
 - (h) Title VIII of the Civil Rights Act of 1968 [42 U.S.C. (3601 et seq.)], as amended relating to non-discrimination in the sale, rental or financing of housing;
 - (i) Any other non-discrimination provisions in the specific statute(s) under which application for federal assistance is being made, and
 - (j) The requirements on any other non-discrimination Statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act [5 U.S.C. (1501-1508 and 7324-7328)] which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act [40 U.S.C. (276a to 276a-7)], the Copeland Act [40 U.S.C. (276c) and 18 U.S.C. (874)], the Contract Work Hours and Safety Standards Act [40 U.S.C. (327-333)] regarding labor standards for federally assisted construction subagreements (construction projects).
10. Will comply with the Flood Insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following:
 - (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (b) Notification of violating facilities pursuant to EO 11738;
 - (c) Protection of wetlands pursuant to EO 11990;
 - (d) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (e) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 [16 U.S.C. (1451 et seq.)];
 - (f) Conformity of federal actions to state (Clean Air) Implementation Plans under Section 176c of the Clean Air Act of 1955, as amended [42 U.S.C. (7401 et seq.)];
 - (g) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
 - (h) Protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-250).
12. Will comply with the Wild and Scenic Rivers Act of 1968 [16 U.S.C. (1271 et seq.)] related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. (470)], EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 [16 U.S.C. (469a-1 et seq.)].
14. Will comply with PL 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (PL 89-544, as amended, 7 USC 2131 et seq.) pertaining to the care, handling, treatment of warm blooded animals held research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act [42 U.S.C. (4801 et seq.)] which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed required financial and compliance audits in accordance with the Single Audit Act of 1996 and OMB Circular No. A-133 Audits of States and Local Governments, and Nonprofit Organizations.
18. In accordance with the provisions of Section 319 of P.L. 101-121, and implementing regulations at 44 CFR Part 18, the subgrantee shall submit to the Department of Military Affairs, Division of Emergency Management, a "Certification Regarding Lobbying" and "Disclosure of Lobbying Activities" (Form SF-LLL) for Public Assistance awards of \$100,000 or more. The subgrantee shall require that the language of this certification be included in all award documents for all subawards of \$100,000 or more at all tiers (including subcontracts, subgrants, and contracts under grants) and that all subgrantees shall certify and disclose accordingly. "Certifications Regarding Lobbying" and Forms SF-LLL must be submitted to the Department of Military Affairs with the subgrantee's request for final reimbursement.
19. Project will be implemented in accordance with 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
20. Will comply with all applicable requirements of all other federal laws, executive orders, regulations and policies governing this program.
21. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 USC Section 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.

ASSURANCES CONSTRUCTION PROJECTS

In addition to the assurances for non-construction projects, the following assurances apply to construction projects.

1. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
2. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.

3. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the cost of the project, use of space, or functional layout, that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.
4. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State, and local agencies for the maintenance and operation of such facilities.
5. It will require the facility to be designed to comply with the "American Standard Specification for Making Buildings and Facilities Accessible to, and usable by, the Physically Handicapped." Number A117.-1961, as modified (41 CFR 101-17.703). The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.
6. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transfer, for the period during which real property, or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
7. In making subgrants with nonprofit institutions under the Comprehensive Cooperative Agreement, it agrees that such grants will be subject to OMB Circular A-122, "Cost Principles for Nonprofit Organizations" included in Vol. 49, Federal Register, pages 18260 through 18277 (April 27, 1984.)

FEDERAL AUDIT REQUIREMENTS

For subgrantees who are state (includes Indian tribes) or local governments:

If the subgrantee expends total direct and indirect federal assistance of:

** \$500,000 or more per year, the subgrantee agrees to obtain a financial and compliance audit made in accordance with the Single Audit Act of 1996 (P.L. 104-156) and the federal Office of Management and Budget (OMB) Circular A-128. The law and circular provide that the audit shall cover the entire operations of the subgrantee government or, at the option of the subgrantee government, it may cover departments, agencies or establishments that received, expended, or otherwise administered federal financial assistance during the year.

Audits shall be made annually unless the state or local government has, by January 1, 1987, a constitutional or statutory requirement for less frequent audits. For those governments, the cognizant agency shall permit biennial audits, covering both years, if the government so requests. It shall also honor requests for biennial audits by governments that have an administrative policy calling for audits less frequent than annual, but only for fiscal years beginning before January 1, 1987.

For subgrantees who are institutions of higher education, hospitals, or other nonprofit organizations:

If the subgrantee receives total direct and indirect federal assistance of \$300,000 or more per fiscal year, the subgrantee agrees to obtain a financial and compliance audit made in accordance with OMB Circular A-133 (or a federal law or OMB Circular that supersedes Circular A-133). The audit shall cover either the entire organization or all federal funds of the organization. The audit must determine whether the subgrantee spent federal assistance funds in accordance with applicable laws and regulations.

Audits shall usually be made annually, but not less frequently than every two years.

The audit shall be made by an independent auditor. An independent auditor is a state or local government auditor or a public accountant who meets the independence standards specified in the General Accounting Office's Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.

The audit report shall state that the audit was performed in accordance with the provisions of OMB Circular A-128 (or A-133 as applicable.)

The reporting requirements for audit reports shall be in accordance with the American Institute of Certified Public Accountant's (AICPA) audit guide, "Audits of State and Local Governmental Units" issued in 1986. The federal government has approved the use of the audit guide.

In addition to the audit report, the subgrantee shall provide comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings. If corrective action is not necessary a statement describing the reason it is not should accompany the audit report.

The subgrantee agrees that the grantor, the Legislative Auditor, the State Auditor and any independent auditor designated by the grantor shall have such access to subgrantee's records and financial statements as may be necessary for the grantor to comply with the Single Audit Act the OMB Circular A-128.

Grantees of federal financial assistance from subgrantees are also required to comply with the Single Audit Act and the OMB Circular A-128.

The subgrantee agrees to retain documentation to support the schedule of federal assistance.

Required audit reports must be filed with the State Legislative Audit Bureau and with the Department of Military Affairs within six months of the subgrantee's fiscal year end. If a federal cognizant audit agency has been assigned for the subgrantee, copies of the required audit reports will be filed with that agency also.

The Department of Military Affairs' audit report should be addressed to:

Wisconsin Department of Military Affairs
Division of Emergency Management
2400 Wright Street
P.O. Box 7865
Madison, WI 53707-7865

STATE ASSURANCES OF DISASTER APPLICATION SUBGRANTEES

In accordance with the State Department of Military Affairs, Division of Emergency Management, State Administrative Plan, as a subgrantee I agree to the following:

1. Subgrantee's Duties

The subgrantee shall perform the tasks specified in the State Administrative Plan and shall complete the tasks therein during the period specified in the Federal/State Agreement dated _____.

2. Terms for Reimbursement

- a. The Department of Military Affairs, Wisconsin Division of Emergency Management, shall reimburse the subgrantee their eligible costs incurred by the subgrantee in accordance with the Hazard Mitigation Grant Program. This reimbursement will be made from funds made available through the Federal Emergency Management Agency (P.L. 93-288 as amended by P.L. 100-707) and the State Legislature. The subgrantee shall be reimbursed only for those costs specified in the approved Hazard Mitigation Grant and supplements thereto.
- b. The Department of Military Affairs, Division of Emergency Management, shall reimburse the federal and state shares to the subgrantee in accordance with the requirements specified in the Federal/State Agreement.
- c. All claims for reimbursement shall be supported by written documentation including receipts, invoices.

- d. Reimbursement for costs will not be paid on any encumbrance made by the subgrantee prior to the dates as specified in an approved grant unless approved in the grant.

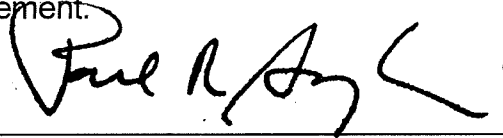
3. Records and Documentation

- a. The subgrantee shall be responsible for keeping records that fully disclose the amount and disposition of funds and the total costs of each project for which the funds are provided. The accounting procedures utilized by the subgrantee shall provide for the accurate and timely recording of the receipt of funds and expenditures.
- b. The books, records, documents and accounting procedures and practices of the subgrantee relevant to this agreement are subject to examination by the Department of Military Affairs, by either the legislative auditor or state auditor as appropriate, and by the federal government.
- c. Subgrantee shall obtain an annual (or biennial covering both years) financial and compliance audit, made by an independent auditor, in accordance with the Single Audit Act of 1996 (P.L. 104-156) and Office of Management and Budget Circular A-128, (or Circular A-133), as applicable. See assurance 17.
- d. All accounts and records shall be retained by the subgrantee for a period of three years after the closeout of the federal declaration for which funds were awarded, completion of the final audit or until all litigation, claims, or audit findings involving the records have been resolved, whichever is later.
- e. The subgrantee shall provide written quarterly progress reports on a form prescribed by the Department of Military Affairs, Division of Emergency Management.

4. Miscellaneous

- a. When the Department of Military Affairs, Division of Emergency Management, finds that there has been a failure to comply with the provisions of this agreement or with provisions of the Hazard Mitigation Grant Program, or that the purposes for the funds have not been, or will not be fulfilled, notwithstanding any other provisions of this agreement to the contrary, The Department of Military Affairs, Division of Emergency Management may take such action as it deems necessary and appropriate to protect the interest of the federal government and State of Wisconsin, including the refusal to disburse additional funds and requiring the repayment of any funds already disbursed.

- b. The State of Wisconsin and the Department of Military Affairs, Division of Emergency Management, its agents and employees shall not be liable to the Subgrantee, or to any individuals or entities with whom the Subgrantee contracts for any direct, indirect, incidental, consequential or other damages sustained or incurred as a result of activities, actions or inactions on the part of the Grantee for services rendered pursuant to the Grant Agreement. The subgrantee agrees to indemnify and save and hold the Department of Military Affairs, Division of Emergency Management, its agents and employees harmless from all claims or causes of action arising from the performance of this grant by the subgrantee or subgrantee's agent or employees.
- c. The Department of Military Affairs' authorized agent for the purposes of this contract is Jeff Whittow, Administrative Officer, Division of Emergency Management.



Signature of Authorized Certifying Official

MAYOR
Title

Applicant Organization

City of Madison

05/04/12
Date

John R. Ford