



GUAM BEHAVIORAL
HEALTH & WELLNESS
CENTER

790 Governor Carlos Camacho Road
Tamuning, Guam 96913

REQUEST FOR PROPOSAL
Professional Services
For Adults With Serious Mental Illness Who Are Homeless
Or At Imminent Risk for Homelessness

GBHWC RFP 03-2020

AMENDMENT NO. 2

NOTICE OF AWARD

To: All Prospective Offerors

The above numbered and described solicitation is amended as set forth below:

Additional Document to Page 21 of 97, Section III.A.22, Proposed Content, Requirements and Instructions.

SAMHSA Notice of Award No 1X06SM083704-01 issued August 24, 2020 for the PATH Program is attached and incorporated in Form G of the request for proposal.

Except as provided herein, all terms and conditions of the document referenced in the solicitation number above remain unchanged and in full force and effect.

Theresa C. Arriola
Director
August 27, 2020

THIS AMENDMENT AND ACKNOWLEDGMENT RECEIPT MUST BE SUBMITTED WITH THE PROPOSAL OFFER.



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ACKNOWLEDGEMENT RECEIPT

GBHWC RFP 03-2020
AMENDMENT NO. 2
PATH NOTICE OF AWARD NO. 1X6SM083704-01

The party identified below is a registered interested party and/or prospective Offeror for a request for proposal identified above.

Such party acknowledges receipt of the amendment identified hereinabove and as expressed on Page 21 of 97, and the party further understands that said amendment and this receipt must be included as part of the proposal offer.

Received and submitted by:

Name	
Title	
Company/Organization	
Date	

This acknowledgment receipt must be emailed to marilyn.aflague@gbhwc.guam.gov or faxed to (671) 649-6948 and **included** in the proposal offer.



PATH Formula Grant
Department of Health and Human Services
Substance Abuse and Mental Health Services Administration

Notice of Award

Issue Date: 08/24/2020

Center for Mental Health Services

Grant Number: 1X06SM083704-01
FAIN: X06SM083704-01
Contact Person: Theresa Arriola (contact)
Reina Sanchez

Program: PATH

GUAM DEPARTMENT OF ADMINISTRATION
Arriola, Theresa
Clinic Services Division
790 Governor Carlos G. Camacho Road
Tamuning, GU 96913

Award Period: 09/01/2020 – 08/31/2021

Dear Grantee:

The Substance Abuse and Mental Health Services Administration hereby awards a grant in the amount of \$50,000 (see "Award Calculation" in Section I) to GUAM DEPARTMENT OF ADMINISTRATION in support of the above referenced project. This award is pursuant to the authority of P.L. 101-645 and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Acceptance of this award including the "Terms and Conditions" is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

If you have any questions about this award, please contact your Grants Management Specialist and your Government Project Officer listed in your terms and conditions.

Sincerely yours,
Odessa Crocker
Grants Management Officer
Division of Grants Management

See additional information below

SECTION I – AWARD DATA – 1X06SM083704-01

FEDERAL FUNDS APPROVED: \$50,000
AMOUNT OF THIS ACTION (FEDERAL SHARE): \$50,000
CUMULATIVE AWARDS TO DATE: \$50,000
UNAWARDED BALANCE OF CURRENT YEAR'S FUNDS: \$0
NON-FEDERAL SHARE: \$0

Fiscal Information:

CFDA Number: 93.150
EIN: 198001894712
Document Number: 20SM16052A
Fiscal Year: 2020

IC	CAN	01
SM	C96J570	\$50,000

PCC: PATH / OC: 4115

SECTION II – PAYMENT/HOTLINE INFORMATION – 1X06SM083704-01

Payments under this award will be made available through the HHS Payment Management System (PMS). PMS is a centralized grants payment and cash management system, operated by the HHS Program Support Center (PSC), Division of Payment Management (DPM). Inquiries regarding payment should be directed to: The Division of Payment Management System, PO Box 6021, Rockville, MD 20852, Help Desk Support – Telephone Number: 1-877-614-5533.

The HHS Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. The telephone number is: 1-800-HHS-TIPS (1-800-447-8477). The mailing address is: Office of Inspector General, Department of Health and Human Services, Attn: HOTLINE, 330 Independence Ave., SW, Washington, DC 20201.

SECTION III – TERMS AND CONDITIONS – 1X06SM083704-01**STANDARD TERMS AND CONDITIONS****PATH FY 2020 Award Terms and Reporting Requirements****1) Acceptance of the Terms of an Award**

By drawing or otherwise obtaining funds from the HHS Payment Management System, the recipient acknowledges acceptance of the terms and conditions of the award and is obligated to perform in accordance with the requirements of the award. Once an award is accepted by a recipient, the contents of the Notice of Award (NoA) are binding on the recipient unless and until modified by a revised NoA signed by the GMO.

Certification Statement: By drawing down funds, the recipient certifies that proper financial management controls and accounting systems, to include personnel policies and procedures, have been established to adequately administer federal awards and funds drawn down. Recipients of Department of Health and Human Services (DHHS) grants or cooperative

agreement awards must comply with all terms and conditions of their awards, including: (a) including the requirements of HHS grants administration regulations; (b) requirements of the authorizing statutes and implementing regulations for the program under which the award is funded; (c) applicable requirements or limitations in appropriations acts; and (d) any requirements specific to the particular award specified in program policy and guidance the Funding Opportunity Announcement, or the NoA.

2) Key Personnel

The State PATH Contact is considered key personnel for this grant.

The SAMHSA GMO and the PATH Project Officer must be notified immediately before any changes in this key position are made. Please note that individuals that are suspended or debarred are prohibited from serving on Federal grant awards (reference 45 CFR 75.213).

3) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards

The NoA issued is subject to the administrative requirements, cost principles, and audit requirements that govern federal monies associated with this award, as applicable, in the Uniform Guidance 2 CFR Part 200 as codified by HHS at 45 CFR Part 75

(<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=0ddb69baec587eeea4ab7e6a68c4acb0&mc=true&r=PART&n=pt45.1.75>).

4) Award Expectations

The recipient agrees to abide by the terms and conditions of all applicable PATH statutes, including the following:

- 1) State agencies must comply with statutory requirements in the PATH authorizing statutes per 521 - 535 of the Public Health Service Act (42 USC 290cc-21 290cc-35, as amended, including by P.L. 101-645, Title V, Subtitle B, and P.L. 114-255, as applicable, and as specified in the PATH funding agreement signed by the Governor or his or her designee and submitted with the PATH application.
- 2) The State agency designated by the Governor to be the recipient of the PATH Formula Grant will be legally and financially responsible for all aspects of the grant, including funds granted (subgranted) to political subdivisions of the State and/or private non-profit entities.
- 3) Subgrants will not be made to any entity that
 - (a) Has a policy of excluding individuals from mental health services due to the existence or suspicion of substance abuse; or
 - (b) Has a policy of excluding individuals from substance abuse services due to the existence or suspicion of mental illness.
- 4) The State, in making grants to entities, give special consideration to entities with a demonstrated effectiveness in serving homeless veterans.
- 5) The State agency must revise the Intended Use Plan as necessary, to reflect substantial changes in PATH-funded activities. Revised plans are subject to approval by the Center for Mental Health Services (CMHS).
- 6) The basis for determining the allowability of costs charged to the grant is the PATH Program authorizing statutes and in the Cost Principles under 45 CFR 75.403. In particular, grant funds may not be expended: (a) to support emergency shelters or construction of housing facilities; (b) for inpatient psychiatric or substance abuse treatment costs; or (c) for cash payments to intended recipients of mental health or substance abuse services.
- 7) No more than 4 percent of the payment received under the PATH Formula Grant Program may be expended on administrative expenses. Grantees must track the costs

in this category with records demonstrating that the 4 percent cap has not been exceeded.

8) No more than 20 percent of the PATH Formula Grant may be expended on housing services as defined in the PATH Legislation. Grantees must track the costs in this category with records demonstrating that the 20 percent cap has not been exceeded. This includes: (a) minor renovation, expansion, and repair of housing; (b) planning of housing; (c) technical assistance in applying for housing assistance; (d) improving the coordination of housing services; (e) security deposits; (f) the costs associated with matching eligible homeless individuals with appropriate housing situations; and (g) 1-time rental payments to prevent eviction.

5) Flowdown of requirements to sub-recipients

The State, as the grantee, is legally and financially responsible for all aspects of this award including funds provided to sub-recipients, in accordance with 45 CFR 75.351 75.306, Sub-recipient monitoring and management.

6) Availability of Funds

The PATH funds must be obligated within the 12 month grant period for goods and services purchased within 24 months of the beginning date of the grant period, with all funds liquidated within 27 months.

7) Unallowable Costs

All costs incurred prior to the award issue date and costs not consistent with the PATH authorizing statutes per 521 - 535 of the Public Health Service Act (42 USC 290cc-21 290cc-35, as amended, including by P.L. 101-645, Title V, Subtitle B, and P.L. 114-255, as applicable, are not allowable under this award.

Per Section 531 of the Public Health Service Act (42 U.S.C. 290cc-31), the Secretary may, subject to the opportunity for a hearing, require a State to repay any payments received by the State under section 521 of this title that the Secretary determines were not expended by the State in accordance with the agreements required to be contained in the application submitted by the State pursuant to section 529 of this title.

If a State fails to make a repayment the Secretary may offset the amount of the repayment against the amount of any payment due to be paid to the State under the PATH program.

8) Program Income

PATH is subject to program income requirements under 45 CFR 75.307. Program income generated under the PATH program is additive (additional costs alternative) and must be used to further the program's objectives and is subject to the same award terms and conditions as PATH grant funds.

9) Prior Approval

SAMHSA anticipates that the recipient 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, recipients 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 45 CFR, as applicable.

Generally, items that require prior approval (i.e. formal written approval) from the GMO, as indicated in 45 CFR Part 75 must be submitted in writing to the GMO. Based on the nature, extent, and timing of the request, the SAMHSA GMO may approve, deny, or request additional material to further document and evaluate your request. Only responses provided by the GMO are considered valid. If SAMHSA approves the request, an amended Notice of Award (NoA) will be issued. Verbal authorization is not approval and is not a binding agreement with

SAMHSA. Recipients that proceed on the basis of actions by unauthorized officials do so at their own risk, and SAMHSA is not bound by such responses.

Submission of PATH Prior Approval Requests

Recipients must submit a post-award request by email. The request must be submitted to the Grants Management Specialist (GMS), and PATH Project Officer identified on the Notice of Award (NoA) for the grant. The prior approval request email must contain the following:

- Email Subject line with grant number, organization name, and state.
- Signature line with the State PATH Contact name, title, and grantee institution
- Attach the prior approval information and supporting documentation.

10) Financial Management Standards

Recipients are required to meet the standards and requirements for financial management systems set forth or referenced in 45 CFR 75.302, as applicable. The standards and requirements for a financial management system are essential to the grant relationship. SAMHSA must have an assurance that its funds will be used appropriately, adequate documentation of transactions will be maintained, and assets will be safeguarded.

Recipients must have in place accounting and internal control systems that provide for appropriate monitoring of grant accounts to ensure that obligations and expenditures are reasonable, allocable, and allowable. In addition, the systems must be able to identify large unobligated balances, accelerated expenditures, inappropriate cost transfers, and other inappropriate obligation and expenditure of funds. Grantees must notify SAMHSA when problems are identified.

Failure to establish adequate control systems constitutes a material violation of the terms of the award and can result in remedies described in 45 CFR 75.371 remedies for noncompliance.

11) Prohibition against Certain False Statements

The State, sub-recipients, and contractors carrying out PATH supported activities shall comply with the requirements of Section 532 of the Public Health Service Act (42 U.S.C. 290cc-32).

12) Non-Discrimination The State, sub-recipients, and contractors carrying out PATH supported activities shall comply with the requirements of Section 533 of the Public Health Service Act (42 U.S.C. 290cc-33).

13) Administrative and National Policy Requirements

Public policy requirements are requirements with a broader national purpose than that of the Federal sponsoring program or award that an applicant/recipient must adhere to as a prerequisite to and/or condition of an award. Public policy requirements are established by statute, regulation, or Executive order. In some cases they relate to general activities, such as preservation of the environment, while, in other cases they are integral to the purposes of the award-supported activities. An application funded with the release of federal funds through a grant award does not constitute or imply compliance with federal statute and regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable federal regulations.

14) Executive Pay

The Further Consolidated Appropriations Act, 2020 (P. L. 116-94) signed into law on December 20, 2019, restricts the amount of direct salary to Executive Level II of the Federal Executive Pay scale. The Executive Level II salary was increased to \$197,300 effective January 2020.

For awards issued prior to this change, if adequate funds are available in active awards, and if the salary cap increase is consistent with the institutional base salary, recipients may rebudget to accommodate the current Executive Level II salary level. However, no additional funds will be provided to these grant awards.

15) SAM and DUNS Requirements

This award is subject to requirements as set forth in 2 CFR 25.110 Central Contractor Registration (CCR)(Now SAM) and Data Universal Number System (DUNS) numbers. 2 CFR Part 25 - Appendix A4

System of Award Management (SAM) and Universal Identifier Requirements

A. Requirement for System of Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you, as the recipient, must maintain the currency of your information in the SAM, until you submit the final financial report required under this 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 award term.

B. Requirement for unique entity identifier If you are authorized (reference project description) to make sub-awards under this award, you:

1. Must notify potential sub-recipients that no entity (see definition in paragraph C of this award term) may receive a sub-award from you, unless the entity has provided its unique entity identifier to you.
2. May not make a sub-award to an entity, unless the entity has provided its unique entity identifier to you.

C. Definitions. For purposes of this award term:

1. System of Award Management (SAM) means the federal repository into which an entity 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: <http://www.sam.gov>).
2. Unique entity identifier means the identifier required for SAM registration to uniquely identify business entities.
3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A governmental organization, which is a state, local government, or Indian Tribe; b. A foreign public entity; c. A domestic or foreign nonprofit organization; d. A domestic or foreign for-profit organization; and e. A Federal agency, but only as a sub-recipient under an award or sub-award to a nonfederal entity.
4. Sub-award:
 - a. 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 sub-recipient.
 - b. 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 200.330).
 - c. A sub-award may be provided through any legal agreement, including an agreement that you consider a contract.
5. Sub-recipient means an entity that:
 - a. Receives a sub-award from you under this award; and
 - b. Is accountable to you for the use of the federal funds provided by the sub-award.

16) Federal Financial Accountability and Transparency Act (FFATA)

This award is subject to FFATA reporting.

<https://www.fsrs.gov/>

17) FAPIIS - Recipient Integrity and Performance

Appendix XII to 45 CFR Part 75

A. Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five year period; and
- c. If one of the following:
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - (3) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgement of fault on your part; and
 - (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to this requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in

order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes

(1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised

[81 FR 3019, Jan. 20, 2016]

18) Acknowledgement of Federal Funding in communications and contracting

As required by HHS appropriations acts, all HHS recipients must acknowledge federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds. Recipients are required to state: (1) the percentage and dollar amounts of the total program or project costs financed with federal funds; and (2) the percentage and dollar amount of the total costs financed by nongovernmental sources.

The grantee must place on its stationary and publications the following statement: This publication was made possible by funding support from SAMHSA. These contents are solely the responsibility of the grantee and do not necessarily represent the official views of SAMHSA.

19) Rights in Data and Publications

As applicable, recipients agree to the requirements for intellectual property, rights in data, access to research data, publications, and sharing research tools, and intangible property and copyrights as described in 45 CFR 75.322.

Recipients may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. SAMHSA reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

20) Mandatory Disclosures

Consistent with 45 CFR 75.113, applicants and recipients must disclose in a timely manner, in writing to the HHS awarding agency with a copy to the HHS Office of Inspector General (OIG), all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Sub-recipients must disclose, in a timely manner, in writing to the prime recipient (pass through entity) and the HHS OIG, all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Disclosures must be sent in writing to the awarding agency and to the HHS OIG at the following addresses:

SAMHSA

Attention: Office of Financial Advisory Services

5600 Fishers Lane

Rockville, MD 20857 AND U.S. Department of Health and Human Services Office of

Inspector General

ATTN: Mandatory Grant Disclosures, Intake Coordinator 330 Independence Avenue, SW,
Cohen Building

Room 5527

MandatoryGranteeDisclosures@oig.hhs.gov

DOI: 10.1002/for

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

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

b) 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 sub-award you make to a private entity.

d. Definitions. For purposes of this award term:

1) d. Definitions. For purposes of this award term:

1) Employee means either:

An individual employed by you or a sub-recipient who is engaged in the performance of the project or program under this award; or

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":

- o 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.

Includes

- o 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).
- o 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).

22) Drug-Free Workplace Requirements

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. When the AR signed the application, the AR agreed that the recipient will provide a drug-free workplace and will comply with the requirement to notify SAMHSA if an employee 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; HHS implementing regulations are set forth in 2 CFR part 382.400. All recipients of SAMHSA grant funds must comply with the requirements in Subpart B (or Subpart C if the recipient is an individual) of part 382.

23) Lobbying

No funds provided under the attached Notice of Award (NoA) may be used by you or any sub-recipient under the grant to support lobbying activities to influence proposed or pending federal or state legislation or appropriations. The prohibition relates to the use of federal grant funds and is not intended to affect your right or that of any other organization, to petition Congress or any other level of government, through the use of other nonfederal resources.

Reference 42 CFR 51.6(b); 45 CFR 75.215; and 45 CFR part 93.

24) Accessibility Provisions

Recipients of federal financial assistance (FFA) from HHS must administer their programs in compliance with federal civil rights law. This means that recipients of HHS funds must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age, and in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency. HHS provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency. Please see <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/index.html>.

The HHS Office for Civil Rights also provides guidance on complying with civil rights laws enforced by HHS. Please see <http://www.hhs.gov/ocr/civilrights/understanding/section1557/index.html>.

Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see <http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html>. Please contact the HHS Office for Civil Rights for more information about obligations and prohibitions under federal civil rights laws at <https://www.hhs.gov/civil-rights> or call 1-800-368-1019 or TDD 1-800-537-7697. Also note that it is an HHS Departmental goal to ensure access to quality, culturally competent care, including long-term services and supports, for vulnerable populations.

25) Confidentiality of Alcohol and Drug Abuse Patient Records

Section 543 of the Public Health Service Act (42 U.S.C. 209dd-2) and the regulations at 42 CFR part 2 are applicable to any information about alcohol and other drug abuse patients obtained by a "program" (42 CFR 2.11), if the program is federally assisted in any manner (42 CFR 2.12b). Accordingly, all project patient records are confidential and may be disclosed and used only in accordance with 42 CFR part 2. The recipient is responsible for assuring compliance with these regulations and principles, including responsibility for assuring the security and confidentiality of all electronically transmitted patient material.

26) Federal Recognition of Same-Sex Spouses/Marriages

On June 26, 2013, in *United States v. Windsor*, the Supreme Court held that section 3 of the Defense of Marriage Act (DOMA) (P.L. 104-199), which prohibited federal recognition of same-sex marriages, was unconstitutional. As a result of that decision and consistent with HHS policy, SAMHSA recognizes same-sex marriages and same-sex spouses on equal terms with opposite sex-marriages and opposite-sex spouses, regardless of where the couple resides.

On June 26, 2015, in *Obergefell v. Hodges*, the Court held that the Fourteenth Amendment requires a State to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state. Consistent with both of these decisions, you must treat as valid the marriages of same-sex couples. This policy does not apply to registered domestic partnerships, civil unions or similar formal relationships recognized under state law as something other than a marriage.

27) Legislative Mandates

Certain statutory provisions limit the use of funds on SAMHSA grants, cooperative agreements, and contract awards. Such provisions are subject to change annually based on specific appropriation language that restricts the use of grant funds. A list of Appropriation Mandates applicable to each fiscal year can be found at <https://www.samhsa.gov/grants/grants-management/policies-regulations/additional-directives>.

28) Audits

Non-Federal recipients that expend \$750,000 or more in federal awards during the recipient's fiscal year must have a single or program-specific audit conducted for that year in accordance

with the provisions of 45 CFR 75.501(a). Guidance on determining Federal awards expended is provided in 45 CFR 75.502.

Recipients are responsible for submitting their Single Audit Reports and the Data Collections Forms (SF-FAC) electronically to the Federal Audit Clearinghouse Visit disclaimer page (FAC) within the earlier of 30 days after receipt or nine months after the FY s end of the audit period. The FAC operates on behalf of the OMB.

For specific questions and information concerning the submission process:

- o Visit the Federal Audit Clearinghouse at <https://facweb.census.gov/>
- o Call FAC at the toll-free number: (800) 253-0696

29) Ad Hoc Submissions

Throughout the project period, SAMHSA may determine that a grant requires submission of additional information beyond the standard deliverables. This information may include, but is not limited to, the following:

- o Payroll
- o Purchase orders
- o Contract documentation
- o Proof of project implementation

30) Submitting Responses to Conditions and Reporting Requirements

Unless otherwise identified in the special terms and conditions of award and post award requests, all responses to special terms and conditions of award and post award requests must be sent to the Division of Grants Management Specialist and to the Government Program Official as identified in the Notice of Award.

The grant award number MUST be included in the SUBJECT line of the email.

31) Record Retention and Access

Grantees and sub-recipients must comply with regulations 45 CFR 75.364 75.365, and maintain records, which adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to grant or sub-grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income. The awarding agency or its authorized representative may review these as well as the adequacy of the financial management system of any grantee or sub-recipients of financial assistance, as part of any post award review subsequent to the funding of a grant.

32) Remedial Action

Failure to comply with the above stated reporting requirement may result in actions in accordance with 45 CFR 75.371, remedies for non-compliance.

33) Marijuana Attestation:

Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. § 75.300(a) (requiring HHS to "ensure that Federal funding is

administrative proceedings in connection with the award or performance of a Federal award that reached final disposition within the most recent five-year period. The recipient must also make semiannual disclosures regarding such proceedings. Proceedings information will be made publicly available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). Full reporting requirements and procedures are found in Appendix XII to 45 CFR Part 75.

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