

## Attachment A-2

### Federally Funded Grants and Requirements Mandated by Federal Laws

#### I. Relation of Attachment and Master Contract

The terms of this Attachment shall supplement those terms specified elsewhere in this Master Contract.

All or a portion of the funding provided under this contract is supported by Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant funding. The Contractor acknowledges receipt of the information contained herein from the Office of Addiction Services and Supports (OASAS) and its Commissioner, who is the awarding official:

- The Federal SAPT Block Grant funding is awarded by the Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA) to OASAS.
- The Catalog of Federal Domestic Assistance (CFDA) name and number for this grant is Block Grants for Prevention and Treatment of Substance Abuse, No. 93.959.
- No federal grant funds may be used, directly or indirectly, to purchase, prescribe, or provide marijuana or to provide treatment using marijuana for substance use or mental health disorders.
- The SAPT Block Grant is not subject to Federal Funding Accountability and Transparency Act (FFATA) reporting and is not a Research and Development (R&D) award.
- Limitations on agency administration/indirect costs will be specified with in the scope of work, solicitation, or budgetary documentation for each applicable project.
- Award-specific information includes:

|                     | SAPT Supplemental Award #1<br>as awarded under the<br>Coronavirus Response and<br>Relief Supplemental<br>Appropriations Act | SAPT Supplemental Award #2<br>as awarded under the American<br>Rescue Plan Act |
|---------------------|---|--|
| FAIN:               | B08TI083539   | B08TI083958  |
| Award Period:       | 03/15/2021-03/14/2023   | 09/01/2021-09/30/2025  |
| Federal Award Date: | 03/11/2021  | 05/17/2021   |

- The estimated amount of federal funds obligated to your organization and subaward period under these awards is as shown on the Attachment B Budget.
- Questions related to the information above may be directed to:  
[COVIDFunds@oasas.ny.gov](mailto:COVIDFunds@oasas.ny.gov).

## **II. Lobbying**

- (a) In accepting this Master Contract, the Contractor certifies that no federal funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of a Member of Congress in connection with the awarding of any federal contract, the awarding of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan or cooperative agreement, the Contractor shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) In accepting this Master Contract, the Contractor certifies that no State funds will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of any state or federal agency, a Member of Congress, an officer or employee of a Member of Congress, a member of the New York State Senate or Assembly, an officer or employee of a member of the New York State Senate or Assembly in connection with the awarding of any State or federal contract, the awarding of any State or federal grant, the making of any State or federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any State or federal contract, grant, loan, or cooperative agreement
- (d) Dues or portions of dues paid to any professional association or parent agency whose primary function is of a political or lobbying nature and whose intent is to influence legislation or appropriation actions pending before Local, State, or federal bodies are considered a Non-Allowable Cost and must be identified as such on all Mid-Year and Final Claim submissions.
- (e) The Contractor shall require that the language of this section be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

## **III. Federal Suspension and Debarment**

The State and its Contractors are prohibited from contracting with, subcontracting with, or making sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include

procurement contracts for good or services equal to or in excess of \$100,000 and all non-procurement transactions (e.g., sub-awards to subrecipients). Contractors receiving \$100,000 or more and all subcontractors must certify that the organization and its principals are not suspended or debarred. The State and its Contractors may rely upon the certification unless it knows that the certification is erroneous.

#### **IV. Requirements of the Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant**

Contractor acknowledges and agrees to comply with the requirements of the *Administrative and Fiscal Guidelines for OASAS-Funded Providers* and Local Services Bulletin No. 2019-03, or latest update as they relate to requirements of providers receiving State Aid which may include SAPT Block Grant funds.

#### **V. Charitable Choice Requirements**

The Contractor and any Subcontractor agree that they will adhere to Federal requirements governing program beneficiary or prospective program beneficiary rights, as promulgated under 42 CFR Part 54, pertaining to these Federal requirements. To ensure compliance with Federal requirements, the Contractor and Subcontractor agree that:

- a) If an otherwise eligible program beneficiary or prospective program beneficiary (beneficiary) objects to the religious character of the Subcontractor, the Contractor and Subcontractor shall ensure that the beneficiary receives timely notice of the beneficiary's right to services from an alternative provider.
- b) The Contractor and Subcontractor further agree to refer such beneficiaries who have objected to the religious character of the Subcontractor to an alternative provider that is reasonably accessible and has the capacity to provide comparable services to the individual.
- c) The Contractor and/or Subcontractor agree to notify OASAS of any instance in which a beneficiary objects to the religious character of the Subcontractor.
- d) The Contractor and/or Subcontractor will ensure that OASAS receives notice within thirty days of any instance in which there is no alternative provider that is reasonably accessible to the beneficiary or there is no alternative provider with capacity to provide comparable services.

#### **VI. Marijuana Restriction**

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 expended...in full accordance with U.S. statutory...requirements.); 21 U.S.C. 812(c) (10) and 841 (prohibiting the possession, manufacture, sale, purchase, or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the DEA and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

## **VII. The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(G)), as amended, and 2 C.F.R. 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. SAMHSA may unilaterally terminate this award, without penalty, if a private entity recipient, or a private entity subrecipient, or their employees: a) Engage in severe forms of trafficking in persons during the period of time that the award is in effect; b) Procure a commercial sex act during the period of time that the award is in effect; or c) Use forced labor in the performance of the award or subawards under the award.

## **VIII. 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. Contractor agrees it will provide a drug-free workplace. 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.

## **IX. Accessibility Provisions**

Grant recipients of Federal financial assistance (FFA) from HHS must administer their programs in compliance with Federal civil rights law. This means that Contractor 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. 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/index.html> 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. For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=1&lvlid=6>.