

Attachment D - Representations and Certifications

The organization on whose behalf these Representations and Certifications are signed, hereinafter called "Applicant" or "Grantee" is being considered for a grant by the Foundation for Food and Agriculture Research (FFAR). To be eligible for a FFAR grant, the Grantee is required to complete this form. Failure to furnish such Representations and Certifications may result in the Grantee not being eligible to receive a grant from FFAR.

CERTIFICATION FOR AUTHORIZED REPRESENTATIVE

When signing an application (electronic submission through Proposal Central) and Grant Agreement, the Authorized Representative is providing certification for the accuracy and completeness of statements contained in the application, as well as to certify that the Grantee and its principal investigator(s) agree to accept the obligation to comply with the grant's terms and conditions.

Organization Name: _____

Authorized Representative Full Name: _____

Address: _____

City, State, Zip: _____

Phone: _____ Email: _____

CERTIFICATION REGARDING A DRUG-FREE WORKPLACE

A. Definitions. As used in this provision:

"Controlled substance" means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in regulation at 21 CFR 1308.11 - 1308.15.

"Conviction" means a finding of guilt (including pleas of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

"Criminal drug statute" means a Federal or non-Federal Criminal Statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.

"Drug-free workplace" means the site(s) where the proposed work will be done in connection with a FFAR grant are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of the controlled substance.

B. The Grantee certifies that it will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - a. The dangers of drug abuse in the workplace;

- b. The Applicant's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace.
3. Making it a requirement that each employee to be engaged in the performance of the funded work be given a copy of the statement required by paragraph (B.1.).
4. Notifying the employee in the statement required by paragraph (B.1.) that, as a condition of employment under the Grant, the employee will –
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying FFAR in writing, within ten calendar days after receiving notice under subparagraph (B.4.b.) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to FFAR Scientific Program Director on whose grant activity the convicted employee was working. Notice shall include the grant identification number of the affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (B.4.b.), with respect to any employee who is so convicted –
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or, local health, law enforcement, or another appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (B.1. through B.6.).

PLACE OF PERFORMANCE

Address: _____

City, State, Zip: _____

Check ☐ if there are workplaces on file that are not identified here.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (EXECUTIVE ORDER 12549)

When signing an application or Grant Agreement, the Authorized Representative is providing the certification regarding Debarment and Suspension. The Grantee certifies to the best of its knowledge and belief, that it and its principal investigator(s) on the awarded Grant:

1. Are not presently debarred, suspended, or proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this Grant had one or more public transactions (Federal, State or local) terminated for cause or default.

CERTIFICATION REGARDING LOBBYING

When signing an application or Grant Agreement, the Grantee certifies to the best of its knowledge and belief, that:

1. No FFAR appropriated funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of a Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making and awarding of any FFAR grant, and the extension, continuation, renewal, amendment, or modification of any FFAR grant.
2. If any funds other than FFAR appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this FFAR grant, the Grantee shall complete and submit Standard [Form-LLL](#), "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this certification is a prerequisite for entering a grant agreement or receiving a Grant from FFAR imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
3. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this Agreement was made or entered. Submission of this certification is a prerequisite for entering a grant agreement or receiving a Grant from FFAR, imposed by section 1352, title 31, U.S. Code. Any Grantee who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CERTIFICATION REGARDING CIVIL RIGHTS COMPLIANCE

The Authorized Representative is required to complete a certification regarding civil rights compliance. When signing an application or Grant Agreement, the Authorized Representative is providing the certification that it will offer its programs to all eligible persons without regard to race, color, national origin, sex, disability, age, political beliefs, religion, marital status, or familial status and that people will not be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives FFAR funding; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement. This assurance is given in consideration of and for obtaining all FFAR grants extended after the date hereof to the Applicant/Grantee by FFAR, including installment payments after such date on account of applications for FFAR funding which were approved before such date. The Applicant/Grantee recognizes and agrees that such funding will be extended in reliance on the representations and agreements made in this assurance, and that FFAR shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant/Grantee, its successors, transferees, and assignees.

CERTIFICATION REGARDING UNPAID FEDERAL TAX LIABILITY AND CRIMINAL CONVICTIONS

If the Applicant/Grantee is a corporation, the Authorized Representative (or equivalent) is required to complete a certification that the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and that the corporation has not been convicted of a felony criminal violation under any Federal or State law within the 24 months preceding the date on which the certification is signed.

Check ☐ if Applicant is a corporation. If so answer the question below.

Does the Grantee have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability? ☐ YES ☐ NO

If yes, provide Tax ID Number: _____

Has the Grantee been convicted of a felony criminal violation under Federal law in the 24 months preceding the date of the application? ☐ YES ☐ NO

Has any officer or agent of the Grantee been convicted of a felony violation for actions on behalf of Applicant under Federal law in the 24 months preceding the date of application? ☐ YES ☐ NO

Providing the requested information is voluntary. However, failure to furnish the requested information may result in the Grantee not being eligible to receive a grant from FFAR.

REPRESENTATION REGARDING PROHIBITION ON CERTAIN INTERNAL CONFIDENTIALITY AGREEMENT

When signing an application or Grant Agreement with FFAR, the Authorized Representative is providing the representation that the Applicant/Grantee does not require any of its employees, contractors, or sub-recipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting those employees, contractors, or sub-recipients from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information. Note that the basis for this representation is a prohibition in sections 743 and 744 of the Consolidated Appropriations Act, 2016, Pub. L. 114-113 (Division E, Title VII, General Provisions Government-wide) and any successor provisions of law on making funds available through grants and cooperative agreements to entities with certain internal confidentiality agreements or statements.

PREVENTING TERRORISM FINANCING (EXECUTIVE ORDER 13224)

The Applicant/Grantee must not engage in transactions with, or provide resources or support to, individuals and organizations associated with terrorism, including those individuals or entities that appear on the Specialty Designated Nationals and Blocked Persons List maintained by the U.S. Treasury (online at: www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx) or the United Nations Security designation list (online at: www.un.org/sc/committees/1267/aq_sanctions_list.html).

The Representations and Certifications made herein are accurate and current as of the date indicated below.

Applicant/Grantee Name: _____

Name of Authorized Representative: _____

Signature of Authorized Representative: _____

Date: _____