

## **Assurances and Certifications**

### **Workforce Innovation and Opportunity Act (WIOA) – OhioMeansJobs (OMJ)**

#### **Center Operator**

Workforce Investment Board of Butler|Clermont| Warren

406 Justice Dr, Suite 301

Lebanon, OH 45036

- 1. Federal Debarment Requirements** – Respondent certifies that neither it nor any of its principals or subcontractors are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency, as set forth in 29 CFR 98. Respondent also affirms that within 3 years preceding this agreement neither it nor any of its principals or subcontractors:
  - a. Have been convicted of, or had a civil judgment rendered against them for commission of fraud or other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; for violation of federal or state antitrust statutes; for commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements; or for receiving stolen property;
  - b. Are presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) for the commission of any of the offenses listed in this paragraph and have not had any public transactions (federal, State, or local) terminated for cause or default.
- 2. Mandatory Disclosures** – Pursuant to 2 CFR 200.113, Respondent must disclose in writing all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award.
- 3. Qualifications to Conduct Business** – Respondent affirms that it and any and all subcontractors have all of the approvals, licenses, or other qualifications needed to conduct business in Ohio and all are current. If at any time during the Agreement period, the Respondent or its subcontractors, for any reason, becomes disqualified from conducting business in the Ohio, Respondent assures it will immediately notify the Board in writing and will take measures to ensure that the disqualified party immediately ceases performance of contracted activities.
- 4. Unfair Labor Practices** – Respondent affirms that neither it, nor its principals or any of its subcontractors, are on the most recent list established by the Ohio Secretary of State, pursuant to ORC 121.23, which would identify the Respondent as having more than one (1) unfair labor practice contempt of court finding.
- 5. Finding for Recovery** – Respondent affirms that it, its principals, and subcontractors are not subject to a finding for recovery under ORC 9.24; or it has taken the appropriate remedial steps required, or otherwise qualifies under ORC 9.24 to contract with the State of Ohio.

- 6. Americans with Disabilities** – Respondent, its officers, employees, members, and subcontractors hereby affirm current and ongoing compliance with all statutes and regulations pertaining to The Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.
- 7. Fair Labor Standards and Employment Practices.**
- a. Respondent certifies that it is in compliance with all applicable federal and state laws, rules, and regulations governing fair labor and employment practices.
  - b. Pursuant to WIOA Section 188, Respondent does not discriminate against any employee or applicant for employment because of race, color, religion, gender, national origin, military status, disability, age, genetic information, or sexual orientation, in making any of the following employment decisions: hiring, layoff, termination, transfer, promotion demotion, rate of compensation, and eligibility for in-service training programs.
  - c. Respondent certifies that it posts notices affirming compliance with all applicable federal and state non-discrimination laws in conspicuous places accessible to all employees and applicants for employment.
  - d. Respondent certifies that it collects and maintains data necessary to show compliance with the foregoing nondiscrimination provisions of WIOA Section 188 and this Paragraph 2 and will incorporate these requirements in all of its subcontracts for the workforce development activities funded hereunder.
- 8. Ethics Laws** – Respondent certifies that it has reviewed, knows, and understands the State of Ohio’s ethics and conflict of interest laws, which includes the Governor’s Executive Order 2011-03K pertaining to ethics. Respondent further affirms that it will not engage in any action(s) inconsistent with Ohio ethics laws or the aforementioned Executive Order.
- 9. Conflict of Interest** – In addition to the WIOA restrictions listed in item 8 above, Respondent affirms it complies with the following, as applicable:
- a. When an organization functions simultaneously in two (2) or more roles, which may include OhioMeansJobs Center Operator or a direct provider of WIOA Career Services or Training Services, Respondent, per 20 CFR 679.430, affirms it will execute a written agreement with the Board that specifies how it will carry out its responsibilities while maintaining compliance with WIOA, OMB Omni-Circular requirements, all other applicable federal and state rules and requirements, and the State’s conflict of interest regulations.
  - b. Respondent affirms that neither it, nor principals or its subcontractors, holds a position listed or described in ORC 3517.13 (I) or (J), has made, while in such position, one (1) or more personal monetary contributions in excess of \$1,000.00 to the current Governor of Ohio or to the Governor’s campaign committee when the Governor was a candidate for office within the previous two (2) calendar years. ORC 3517.13 does not apply to professional associations organized under ORC Chapter 1785.
  - c. Respondent certifies that it has refrained from promising or giving to any Board employee anything of value that could be construed as having a substantial and improper influence upon the employee with respect to the employee’s duties. Respondent further certifies that it did not solicit any Board employee to violate ORC Sections 102.03, 102.04, 2921.42, or 2921.43.

- d. Respondent certifies that it, its principals, and its subcontractors, have not nor will acquire any interest, whether personal, business, direct or indirect, that is incompatible, in conflict with, or would compromise the discharge and fulfillment of its functions and responsibilities under this proposal. The Respondent further certifies that it will immediately disclose any potential incompatible, conflicting, or compromising interest to the Board Chair and Executive Director. The Respondent affirms that the person(s) cited as having a conflicting interest will not participate in any activities hereunder until the Board determines that participation would not be contrary to public interest.
- e. Respondent affirms that it has established safeguards to prohibit its employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

## **10. Lobbying Restrictions.**

### **a. WIOA Section 195 -**

- i. Respondent affirms that no federal funds paid to it have been or will be used to influence, attempt to influence, or otherwise lobby Congress or any federal agency in connection with any contract, grant, cooperative agreement, or loan. Respondent further certifies compliance with all lobbying restrictions, including 31 USC 1352, 2 USC 1601, 29 CFR 93, and any other federal law or rule pertaining to lobbying.
- ii. Respondent affirms that it will include the language of this certification for all subcontracts, and that it will require all subcontractors to certify and disclose accordingly.

### **b. ORC 121.60 to 121.60 - Respondent certifies compliance with the Ohio executive agency lobbying restrictions contained in ORC 121.60 to 121.69.**

- i. Publicity Restrictions- No funds provided under WIOA shall be used for:
  - 1. Publicity or propaganda purposes; or
  - 2. The preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat:
  - 3. The enactment of legislation before Congress or any State or local legislature or legislative body; or
  - 4. Any proposed or pending regulation, administrative action, or order issued by the executive branch of State or local government.
- ii. Exception - Subparagraph (i) shall not apply to:
  - 1. Normal and recognized executive-legislative relationships;
  - 2. The preparation, distribution, or use of the materials described in Subparagraph (1)(b) in presentation to Congress or any State or local legislature or legislative body; or
  - 3. Such preparation, distribution, or use of such materials in presentation to the executive branch of any State or local government.
- iii. Salary Restrictions - No funds provided under WIOA shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment or issuance of legislation, appropriations, regulations, administrative action, or an Executive order proposed or pending before

Congress or any State government, or a State or local legislature or legislative body.

iv. Exception - Subparagraph (iii) shall not apply to:

1. Normal and recognized executive-legislative relationships; or
2. Participation by an agency or officer of a State, Local, or Tribal government in policymaking and administrative processes within the executive branch of that government.

**11. Child Support Enforcement** – Respondent certifies to cooperate with the Board and any child support enforcement agency in ensuring that the Respondent, its employees, and subcontractors meet child support obligations established by state and federal law including present and future compliance with any court or valid administrative order for the withholding of support issued pursuant to the applicable sections of ORC Chapters 3119, 3121, 3123, and 3125.

**12. Pro-Children Act** – If any activities funded hereunder call for services to minors, Respondent affirms that it will comply with the Pro-Children Act of 1994 (45 CFR 98.13) that requires smoking to be banned in any portion of any indoor facility owned, leased, or contracted by an entity that will routinely or regularly use the facility for the provision of health care services, day care, library services, or education to children under the age of 18.

**13. Drug-Free Workplace** – Respondent, its principals, and subcontractors, certify that it complies with 29 CFR 94 and all other applicable state and federal laws regarding a drug-free workplace and to make a good faith effort to maintain a drug-free workplace. Respondent will make a good faith effort to ensure that none of its officers, employees, members, or subcontractors will purchase, transfer, use, or possess illegal drugs or alcohol or abuse prescription drugs in any way while working or while on public property.

**14. Work Programs** – Respondent affirms it will not discriminate against individuals who have or are participating in any work program administered by any county department of Job and Family Services under ORC Chapters 5101 or 5107.

**15. Jobs for Veterans Act** (38 USC 4215), as implemented by 20 CFR 1010 – Respondent affirms to provide priority of service to veterans and covered spouses for any qualified job training program.

**16. Buy American Requirements** (41 USC 10a) – To the greatest extent practicable, per WIOA Section 502, Respondent affirms it will use funds provided by the Board to purchase American made equipment and products.

**17. Salary and Bonus Limitations** – Per WIOA Section 194(15), Respondent affirms will comply with all salary and bonus limitations.

**18. Environmental Protections** – Respondent affirms it will comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-

1387). Violations must be reported to the Federal awarding agency and the Regional Office of the United States Environmental Protection Agency (USEPA) and ODJFS. Respondent affirms it will comply with all applicable standards, orders or regulations issued pursuant to the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act in accordance with 42 U.S.C. 6201.

**19. The Transparency Act (2 CFR 170)** - Respondent affirms it will comply with the reporting requirements found in Appendix A of The Transparency Act (2 CFR 170).

**20. Increasing the Use of Seat Belts in the United States (Presidential Executive Order 13043 on April 16, 1997)** - The Respondent affirms it has in place, or will explore adopting and enforcing, on-the-job seat belt policies and programs for its employees when operating vehicles, whether organizationally owned or rented or personally owned.

**21. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients (Presidential Executive Order 13513: Section 4)** – Respondent affirms it has in place, or will explore adopting and enforcing policies that ban text messaging while driving company-owned or rented vehicles or government-owned or government-leased, or government-rented vehicles when on official government business or when performing any work for or on behalf of the government, and to conduct initiatives of the type described in Section 3(a) of the Executive Order.

**22. Civil Rights Assurance** – The Respondent affirms that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.).

**23. Certification of Compliance** – The Respondent certifies that it is in compliance with all other applicable federal and state laws, regulations, and rules and will require the same certification from its subcontractors.

On behalf of \_\_\_\_\_, I hereby agree to the listed Assurances and Certifications.

Name and Title of Authorizing Individual: \_\_\_\_\_

Signature of Authorizing Individual: \_\_\_\_\_

Date: \_\_\_\_\_