

DEPARTMENT OF HOMELAND SECURITY
TITLE VI ASSURANCE

_____, (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Homeland Security (DHS) it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21, (hereafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient receives Federal financial assistance from DHS, including the UNITED STATES COAST GUARD, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its projects funded, in whole or in part, by the U.S. Coast Guard Financial Assistance Program for National Nonprofit Public Service Organizations:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all projects funded, in whole or in part, by the Coast Guard Financial Assistance Program for National Nonprofit Public Service Organizations and, in adapted form, in all proposals for negotiated agreements:

_____, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, Part 21 issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation, and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program.
5. The Recipient shall provide for such methods of administration for the program as are found by the Secretary or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
6. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Homeland Security under the Coast Guard Financial Assistance Program for National Nonprofit Public Service Organizations and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATED: _____

BY: _____
(Signature of Authorized Official)

TITLE: _____

ATTACHMENT A

ATTACHMENT A TO TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) Solicitation for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the (Recipient) or the U.S. Coast Guard to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the (Recipient), or the U.S. Coast Guard as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the (Recipient) shall impose contract sanctions as it or the U.S. Coast Guard may determine to be appropriate, including but not limited to: (a) withholding of payments to the contractor under the contract until the contractor complies; and/or (b) cancellation, termination, or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement the (Recipient) or the U.S. Coast Guard may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the (Recipient) to enter into such litigation to protect the interests of the (Recipient), and in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**CERTIFICATION REGARDING LOBBYING, DRUG-FREE WORKPLACE REQUIREMENTS,
CONFLICT OF INTEREST CERTIFICATION AND CERTIFICATION REGARDING DEBARMENT,
SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

This form must be completed and forwarded with your grant application if you are to be considered for fiscal year 2007 funding.

(1) CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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 or a Member of Congress in connection with the making and/or awarding of any Federal Coast Guard grant, and the extension, continuation, amendment, or modification of any Federal Coast Guard grant.

(2) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all levels (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subgrantees shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into the transaction imposed by Section 1352, Title 31, U.S. Code. Any person 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.

(2) CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

49 CFR Part 29 requires any grantee receiving \$25,000 or more in Federal funds in any one year to certify that they will comply with all "Drug Free Workplace" provisions:

The undersigned certifies, to the best of his or her knowledge and belief, that

"16. It will comply with the Federal requirements for drug-free workplace certification as contained in 49 CFR Part 29, including (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 a drug-free awareness program for employees; (3) Making it a requirement each employee engaged in the performance of the grant be given a copy of the awareness program; and (4) taking appropriate follow-up action when violations occur.

(3) CONFLICT OF INTEREST CERTIFICATION

The undersigned certifies, to the best of his or her knowledge and belief, that

- (1) The undersigned in no way presents a potential conflict of interest with the U. S. Coast Guard.
- (2) The undersigned in no way presents a potential conflict of interest with anyone in the U. S. Coast Guard who would possibly be a reviewer or a reviewer's spouse, etc., whereas the reviewer would have a financial interest in the application.
- (3) The undersigned in no way has a relationship with a potential U. S. Coast Guard reviewer and/or a reviewer's spouse, etc., who would be expected to be the principal investigator or a member of the staff conducting the project.

- (4) The undersigned in no way has a potential conflict where a potential reviewer and/or reviewer's

spouse, etc, would serve as an officer, director, trustee, partner, or employee of the

- (5) applicant, its parent , or subsidiary organization.
- (6) The undersigned in no way has a potential conflict where a potential reviewer, or their spouse, etc., is negotiating prospective employment (or other similar association) with the applicant, its parent or subsidiary organization.
- (7) The undersigned in no way has a potential conflict where a potential reviewer, or their spouse, etc., has a financial interest in the applicant, its parent or subsidiary organization.

Explanation of conflict of interest if applicable:

(4) CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The undersigned certifies, to the best of his or her knowledge and belief, that

- (1) The undersigned in no way is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
- (2) The undersigned has 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) The undersigned is not presently indicated for or otherwise criminally or civilly charged by a government entity (Federal, State, local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification.
- (4) The undersigned has not within a three year period preceding this application/proposal had one or more public transaction (Federal, State, or local) terminated for cause or default.

The undersigned shall require that the language of this certification be included in the award documents for all subawards at all levels (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subgrantees shall certify and disclose accordingly.

(Organization)

(Name and Title of Authorized Representatives)

(Signature)

(Date)