

Assurances and Certifications regarding the Fiscal Year (FY) 2024 National School Lunch Program (NSLP) Equipment Assistance Grant

**SECTION III: 2024 NSLP EQUIPMENT ASSISTANCE GRANT**

**ASSURANCES AND CERTIFICATIONS**

**--FEDERAL PROGRAMS--**

Immediately below is the Assurances and Certifications regarding the FY2024 NSLP Equipment Assistance Grant. These Assurances and Certifications are required of applicants and grantees as a condition of receiving funds and should be downloaded and kept on file.

ESTIMATED GRANT AWARDS

Estimated grant awards are based on federal program estimated funds allocated to Michigan for the next federal fiscal year and are for informational purposes. Actual grant awards are contingent upon the Michigan Department of Education (MDE) receiving sufficient federal funding for the program. **An estimated award does not constitute any binding agreement on behalf of the MDE. The MDE is not responsible for any costs incurred prior to the start of an expenditure period for an actual or final grant.**

CERTIFICATION REGARDING LOBBYING FOR GRANTS AND COOPERATIVE AGREEMENTS

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 an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making 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.

(2) If any funds other than federal 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 Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

[34 CFR Part 82, Appendix A to Part 82 – Certification Regarding Lobbying; 31 U.S.C. 1352 – Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions; 2 CFR 200.450 – Lobbying; 2 CFR Part 418 - New Restrictions on Lobbying]

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, EXCLUSION AND DISQUALIFICATION – LOWER TIER COVERED TRANSACTIONS

An entity who is debarred or suspended shall be excluded from federal financial and nonfinancial assistance and benefits under federal programs and activities. Except to the extent prohibited by law, entities who have been proposed for debarment under 48 CFR Part 9 Subpart 9.4, debarred or suspended shall be excluded from participating as either participants or principals in all lower tier covered transactions. A lower tier covered transaction includes any transaction between a participant and an entity under a primary covered transaction, such as a grant or cooperative agreement, within restrictions.

[2 CFR Part 417 - Non-Procurement Debarment and Suspension]

The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently excluded, disqualified, debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any Federal department or agency.

At any time after you enter into a lower tier covered transaction with an entity at a higher tier, you must provide immediate written notice to that person if you learn either that (a) you failed to disclose information earlier, as required; or (b) due to changed circumstances, you or any of the principals for the transaction now meet any of the criteria. [2 CFR Part 180]

Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization 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 obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient. [31 U.S.C. 1352 Limitation On Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions; 45 CFR 2543.87 Byrd Anti-Lobbying Amendment]

ASSURANCE CONCERNING MATERIALS DEVELOPED WITH FUNDS AWARDED UNDER THIS GRANT

The applicant assures that, if a grant is awarded, the following statement will be included on any publication or project materials developed with funds awarded under this program, including reports, films, presentation materials, brochures, posters, and fliers: These materials were developed under a grant awarded by the Michigan Department of Education and U.S. Department of Agriculture – Food and Nutrition Service.

## CERTIFICATION REGARDING NONDISCRIMINATION UNDER FEDERAL AND STATE FUNDED PROGRAMS

The applicant hereby agrees that it will comply with all Federal and Michigan laws and regulations prohibiting discrimination, and in accordance therewith, shall not discriminate against any person on the basis of religion, race, color, national origin or ancestry, age, sex, height, weight, familial status, or marital status, exclude from participation in, deny the benefits of, or otherwise subject to discrimination in any program or activity for which it is responsible or for which it receives financial assistance from a U.S. Federal Agency or the Michigan Department of Education.

[Michigan Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act)]; [Civil Rights Act of 1964 (Title VI 42 U.S.C. 2000d et seq. and Title VII 42 U.S.C. 2000e et seq.); Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1683); Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); USDA regulations at 7 CFR Part 15, Nondiscrimination, and Department of Justice regulations at 28 CFR Part 42, Nondiscrimination; Equal Employment Opportunity: Policies and Procedures. The applicant assures that it will immediately take any measures necessary to effectuate the requirements in these laws, regulations, and directives. The applicant gives this assurance in consideration of and for the purpose of obtaining the funds provided under this agreement.]

## CERTIFICATION REGARDING COMPREHENSIVE CIVIL RIGHTS PROTECTIONS FOR INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections for individuals with disabilities. Title II of the ADA covers programs, activities, and services provided by State and local government entities. Title II requires that, "No qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by such entity." Title III of the ADA covers public accommodations and places of public accommodation (including commercial facilities). Title III requires that, "No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation." Title II requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with defined accessibility standards.

In accordance with ADA requirements, the applicant certifies that it is, and will remain, in compliance with the Americans with Disabilities Act.

[Title II, Part A of the Americans with Disabilities Act of 1990 (ADA), including changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009, State and Local Government Services (42 U.S.C. 12101-12213); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 1681 et seq.) and USDA regulations at 7 CFR Part 15a, Education Programs or Activities Receiving or Benefiting from Federal Financial Assistance, and Department of Justice regulations at 28 CFR Part 41, Implementation of Executive Order 12250, Nondiscrimination on the Basis of Handicap in Federally Assisted Programs; The Americans with Disabilities Act of 1990 (ADA), [including changes made by the ADA Amendments Act of 2008 \(P.L. 110-325\), which became effective on January 1, 2009](#), prohibits discrimination on the basis of disability in employment (Title I), state and local government services (Title II), places of public accommodation and commercial facilities (Title III).]

## CERTIFICATION REGARDING BOY SCOUTS OF AMERICA EQUAL ACCESS ACT

A State or subgrantee that is a covered entity as defined in Sec. 108.3 of this title shall comply with the nondiscrimination requirements of the Boy Scouts of America Equal Access Act. Notwithstanding any other provision of law, no public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or a limited public forum and that receives funds made available through the U.S. Department of Education shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 of the United States Code (as a patriotic society).

DEFINITION - Covered entity means any public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or limited public forum and that receives funds made available through the Department of Education.

(1) DEFINITION - In this section, the term "youth group" means any group or organization intended to serve young people under the age of 21.

(2) RULE - For the purpose of this section, an elementary school or secondary school has a limited public forum whenever the school involved grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory. [Section 9525 of the Elementary and Secondary Education Act of 1965, as amended.]

## PARTICIPATION OF NONPUBLIC SCHOOLS

The applicant assures that nonprofit private schools have been invited to participate in the planning and implementing of the activities of this application for applicable program areas. [Elementary and Secondary Education Act, Sections 9501-9504]

## ASSURANCE REGARDING ACCESS TO RECORDS AND FINANCIAL STATEMENTS

A fiscal agency that expends \$750,000 or more of federal funds during its fiscal year is required to have a Single Audit performed for that year. [2 CFR 200.501] The applicant assures that it will provide the Michigan Department of Education, officials of the federal agency, and auditors with access to records and financial statements as necessary for the Michigan Department of Education to meet the requirements of section 200.331, sections 200.300 Statutory and national policy requirements through 200.309 Period of performance, and Subpart F—Audit Requirements, of 2 CFR 200. [Section 200.331(a)(5)]

## ASSURANCE REGARDING COMPLIANCE WITH GRANT PROGRAM REQUIREMENTS

If awarded a grant, the grantee agrees to comply with all applicable requirements of all State statutes, Federal laws, Executive Orders, regulations, policies and award conditions governing this program. The grantee understands and agrees that if it materially fails to comply with the terms and conditions of the grant award, the Michigan Department of Education may withhold funds otherwise due to the grantee from this grant program, any other federal grant programs or the State School Aid Act of 1979 as amended, until the grantee complies with the conditions and the amount disallowed has been recaptured (forfeited), or the issue has been adjudicated. The Department may withhold up to 100% of any payment based on a monitoring finding, audit finding or pending final report.

## SPECIAL CONDITIONS FOR DISCLOSING FEDERAL FUNDING IN PUBLIC ANNOUNCEMENTS

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing this project or program, funded in whole or in part with federal money, all subrecipients shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources. [Public Law 111-117, Title V, Sec. 506]

## CERTIFICATION REGARDING GUN-FREE SCHOOLS – Federal Programs

The Gun-Free Schools Act requires each state that receives funds under the Elementary and Secondary Education Act (ESEA), as amended, to have in effect a state law requiring districts to expel for at least one year any student who brings a gun to school or possesses a gun in school. No funds shall be made available under the ESEA to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency. [Title IV, Part A, Section 4141, of the Elementary and Secondary Education Act (ESEA), as amended (Gun-Free Schools Act) and Section 380.1311, Subsection (2), Michigan Revised School Code]

The applicant certifies that it has in effect a policy requiring the expulsion from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of the school district, except such policy may allow the chief administering officer of the agency to modify such expulsion requirements for student on a case-by-case basis. The policy must require referral to the criminal or juvenile justice system of any student who brings a firearm or weapon to a school served by the district. (The terms "firearm" and "weapon" are defined in Section 921(a) of Title 18, United States Code.)

## ASSURANCE AGAINST TRAFFICKING IN PERSONS

The applicant or subrecipient assures that it adopts the requirements in the Code of Federal Regulations at 2 CFR 175 as a condition for this grant. A subrecipient and its employees may not --

- i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
- ii. Procure a commercial sex act during the period of time that the award is in effect; or

iii. Uses forced labor in the performance of the award or subawards under the award.

Under this condition, the Federal awarding agency may unilaterally terminate the grant award, without penalty, if a subrecipient that is a private entity—

(i) Is determined to have violated a prohibition named above; or

(ii) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition named above through conduct that is either—

(A) Associated with performance under this award; or

(B) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)". [Code of Federal Regulations at 2 CFR 175 Award Term for Trafficking in Persons]

#### ASSURANCE REGARDING THE PROHIBITION OF TEXT MESSAGING AND EMAILING WHILE DRIVING DURING OFFICIAL FEDERAL GRANT BUSINESS

The applicant assures that it and their grant personnel are prohibited from text messaging while driving during official grant business. Federal grant recipients, sub recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving. "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. Subrecipients must comply with these conditions under Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009.

#### ASSURANCE TO MAINTAIN A DRUG-FREE WORKPLACE

The applicant or subrecipient assures that it maintains a drug-free workplace as a condition of receiving any federally funded award. [34 CFR 84.200; 2 CFR Part 421: USDA "Requirements for Drug-Free Workplace (Financial Assistance)"]

#### ASSURANCE TO SUPPLEMENT NOT SUPPLANT FEDERAL FUNDS

The applicant assures that it will use federal funds received to supplement funds that would, in the absence of an award, be made available for the program and uses specified in an approved application, and in no case will supplant such funds. [20 USC 6321(b)(1); PL 107-110 1120A(b)(1)]

#### CERTIFICATION REGARDING UNIVERSAL IDENTIFIER REQUIREMENTS

The applicant or grant recipient certifies it has or will meet the requirement for supplying a Unique Entity Identifier (UEI) number. As a condition of a subrecipient of a federal grant award, you must supply a UEI number to MDE. No entity may receive a federal subaward without a UEI number. MDE will not make a subaward to an entity unless that entity has provided its UEI number.

[OMB 2 CFR Subtitle A, Chapter I, and Part 25, Universal Identifier and System for Award Management, August 13, 2020: Appendix A to Part 25, A. Requirement for System for Award Management B. Requirement for Unique Entity Identifier, August 13, 2020]

#### CERTIFICATION REGARDING MANDATORY DISCLOSURES

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII to this part are required to report certain civil, criminal, or administrative proceedings to SAM (currently FAPIIS). Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.) [2 CFR 200.113] [85 FR 49539, Aug. 13, 2020]

#### **SPECIFIC GRANT ASSURANCES**

##### GENERAL

The School Food Authority (SFA) agrees to conduct the grant project as described in the grantee's approved application and any subsequent revisions and correspondence containing clarifications and any guidance/clarification provided by the United States Department of Agriculture, Food and Nutrition Service (USDA/FNS) or the State Agency (SA).

##### USE OF FUNDS

The SFA shall ensure that funds are expended, in accordance with guidance material issued by the SA and USDA/FNS, for school food service equipment and other allowable costs.

Each equipment item identified in the grant budget with a cost less than \$5,000 must meet or exceed the cost limit defined as a capital expense in the individual district's board-adopted purchasing policy. Districts will be required to submit proof of the lower limit upon request.

Congress has specified that the threshold for the purchase of equipment cannot be lower than \$1,000. Therefore, each piece of equipment funded by this grant must be valued at \$1,000 per item, not in the aggregate. This value does include the cost of installation and/or the delivery fee.

The SFA may not retain any of the allocated funds for its use. The SFA acknowledges that access to funds not obligated or expended may be terminated.

##### PROCUREMENT

Federal procurement regulations located in 7 CFR Part 210.21 and 2 CFR Part 200.317-326 apply to this grant. Equipment competitively procured using these grant funds must be necessary, reasonable, and allocable. For example, while using these grant funds to purchase a walk-in freezer for school food service or a salad bar may be an allowable cost, building an extension to a cafeteria would not meet the intended purposes of this grant. This is per USDA FNS memo SP 17-2021, pg. 2. Each SFA is responsible for ensuring that their procurement and contracts comply with all applicable all laws, regulations, program instructions, and guidance materials.

## REPORTING

The SFA must maintain detailed records of all expenditures and allocations of 2024 NSLP funds. The NSLP equipment assistance grant funds must be tracked and reported separately and must not be comingled with other program funds.

The SFA will comply with all reporting requirements issued by the Office of Management and Budget (OMB) for recipients/sub recipients of the 2024 NSLP Equipment Assistance Grant.

The SFA will provide information as requested by the SA regarding the use of 2024 NSLP Equipment Assistance Grant funds in a timely manner. The (EOY) Report due date will be established by the SA for each fiscal year.

The SFA will provide the approved board policy that identifies the agency's per unit capitalization threshold if grant funds are used for a per unit purchase of less than \$5,000.

## REGULATIONS

The SFA must comply with the Office of Management and Budget (OMB) Guidance: This Federal financial assistance award is subject to rules and regulations related to the Recipient's organizational entity type as noted below.

- a. 2 CFR Part 25: "Universal Identifier and System for Award Management"
- b. 2 CFR Part 170: "Reporting Sub-award and Executive Compensation Information"
- c. 2 CFR Part 175: "Award Term for Trafficking in Persons"
- d. 2 CFR Part 180: "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-Procurement)"
- e. 2 CFR Part 200: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards"
- f. 2 CFR Part 200: Subpart E, Cost Principles
- g. 2 CFR Part 400: USDA Implementing regulations "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards"



- h. 2 CFR Part 415: USDA "General Program Administrative Regulations"
- i. 2 CFR Part 416: USDA "General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments"
- j. 2 CFR Part 417: USDA "Nonprocurement Debarment and Suspension"
- k. 2 CFR Part 418: USDA "New Restrictions on Lobbying"
- l. 2 CFR Part 421: USDA "Requirements for Drug-free Workplace (Financial Assistance)"
- m. 7 CFR Part 3: "Debt Management"
- n. 7 CFR Part 16: "Equal Opportunity for Religious Organizations"
- o. 7 CFR Part 15: "Nondiscrimination"
- p. 41 U.S.C. Section 22: "Interest of Member of Congress"
- q. Duncan Hunter National Defense Authorization Act of Fiscal Year 2009, P.L. 110-417
- r. Sections 738 and 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012 (P.L. 112-55)
- s. "The Federal Funding Accountability and Transparency Act (FFATA), dated September 26, 2006"

- t. Privacy Act. The Cooperator/Recipient shall follow the rules and procedures of disclosure set forth in the Privacy Act of 1974, 5 U.S.C. 552a, and implementing regulations and policies, with respect to systems of records determined to be subject to the Privacy Act.
  
- u. Freedom of Information Act (FOIA). Public access to Federal Financial Assistance records shall not be limited, except when such records must be kept confidential and would have been excepted from disclosure pursuant to the "Freedom of Information" regulation (5 U.S.C. 552)

### SUSPENSION AND DEBARMENT

The SFA agrees to ensure that all vendors are neither excluded or disqualified under the Suspension and Debarment rules found at 2 CFR Parts 180 and 417 by:

- a. Checking the System for Awards Management (SAM).
  
- b. This information can be found at [www.sam.gov](http://www.sam.gov).

### NONDISCRIMINATION

The SFA will comply with the following nondiscrimination statutes and regulations, any other related regulations, and any USDA nondiscrimination directives:

- a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), USDA regulations at 7 CFR Part 15, Nondiscrimination, and Department of Justice regulations at 28 CFR Part 42, Nondiscrimination; Equal Employment Opportunity; Policies And Procedures;
  
- b. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and USDA regulations at 7 CFR Part 15a, Education Programs or Activities Receiving or Benefiting from Federal Financial Assistance;
  
- c. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 1681 et sec.), and USDA regulations at 7 CFR Part 15a, Education Programs or Activities Receiving or Benefiting from Federal Financial Assistance, and Department of Justice regulations at 28 CFR Part 41, Implementation Of Executive Order 12250, Nondiscrimination On The Basis of Handicap in Federally Assisted Programs; and
  
- d. Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.). The Grantee assures that it will immediately take any measures necessary to effectuate the requirements in these laws, regulations, and directives. The Grantee gives this assurance in consideration of and for the purpose of obtaining the funds provided under this agreement.
  - a. Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189)

## NONDISCRIMINATION STATEMENT

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech difficulties may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found on line at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

This institution is an equal opportunity provider.

## EVALUATION

The SFA will cooperate with any evaluation of the program by providing the SA or USDA/FNS requested data and access to records. The SFA will cooperate with any, as needed, on-site financial and/or technical reviews and audits at any time during the term of the agreement. In addition, the SFA shall make all records pertaining to activities under the grant available for audit purposes.

The SFA will require the school(s) to comply with the requirements of this agreement and ensure that the SA or USDA/FNS has access to any school for purposes of evaluating, monitoring, or reviewing their operations or records as they relate to this grant.

## COPYRIGHTS

USDA/FNS reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes, the following:

- a. The copyright of any work developed under a grant, sub-grant, or contract under a grant or sub-grant; and
- b. Any rights of copyright to which a grantee, sub-grantee, or a contractor purchases ownership with grant support.

## USDA/FNS ACKNOWLEDGEMENT

Unless otherwise advised by USDA/FNS, the SFA will acknowledge the support of USDA/FNS whenever publicizing the work under this grant. To this end, the SFA must include in any publication resulting from work performed under this grant an acknowledgment in substantially the form set below:

"This project has been funded at least in part with Federal funds from the U.S. Department of Agriculture. The contents of this publication do not necessarily reflect the view or policies of the U.S. Department of Agriculture, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government."

## LIABILITIES

The SFA may not seek any financial recourse from USDA/FNS or the SA as a result of any liabilities the SFA might incur for bodily injury or personal property damage resulting from negligent acts, errors, or omissions of the SA, their officers, agents or employees, or if applicable its sub-grantees or their officers, agents, or employees, in performing this agreement. Liabilities of the United States are governed by the Federal Tort Claims Act, 28 U.S.C. 2671 et seq.

## FUNDING

The SA will provide funds to the SFA in the amount specified in the grant award letter, for use in accordance with this agreement. Funds will be provided through the established claim process in the Michigan Department of Education – NexSys - Next Generation Grant, Application and Cash Management System.

## GRANT PERIOD

The purpose and intent of the 2024 NSLP Equipment Assistance grant is to improve the infrastructure in the National School Lunch Program. SFAs are encouraged to fully expend equipment assistance grants within three months of the grant award, no later than the end of September 30, 2024.

## NONCOMPLIANCE

The SA may unilaterally terminate this grant agreement or recover, withhold, or cancel payment of up to 100 percent of the funds made available under the agreement if the SFA fails to comply with any term of the agreement. The SA will consider failure to comply with the reporting requirements of this grant agreement to be a material failure to comply with the agreement and a basis for termination. Grantee agrees to comply with all applicable requirements of all state statutes, federal laws, executive orders, regulations, policies, and award conditions governing this program. Grantee understands and agrees that if it materially fails to comply with the terms and conditions of the grant award, the Michigan Department of Education may withhold funds otherwise due to the grantee from this grant program, any other federal grant programs or the State School Aid Act of 1979 as amended, until the grantee comes into compliance, or the matter has been adjudicated and the amount disallowed has been recaptured (forfeited). The Department may withhold up to 100 percent of any payment based on a monitoring finding, audit finding or pending final report. If the SA decides to take action against the SFA for noncompliance under the grant agreement, the SA will provide the SFA written notice of the basis for its determination.