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STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION FOR BEHAVIORAL HEALTH

Lori A. Shibinette  
Commissioner

Katja S. Fox  
Director

105 PLEASANT STREET, CONCORD, NH 03301  
603-271-5000 1-800-852-3345 Ext. 5000

Fax: 603-271-5058 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

December 29, 2021

The Honorable Karen Umberger, Chairman  
Fiscal Committee of the General Court and

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, NH 03301

**REQUESTED ACTION**

Pursuant to the provisions of RSA 14:30-a, VI, authorize the Department of Health and Human Services, Division for Behavioral Health to amend Fiscal Item 21-232 approved by the Fiscal Committee on September 17, 2021, and item #29 approved by the Governor and Executive Council on August 18, 2021, by transferring funds in the amount of \$1,041,828 for the performance of work associated with the Substance Abuse Prevention & Treatment Block Grant and by extending the end date from March 14, 2023 to June 30, 2023 effective upon Fiscal Committee and Governor and Executive Council approval. Funding source: 100% Federal Funds.

**05-92-92-920510-19810000 HEALTH AND SOCIAL SERVICES, HEALTH AND HUMAN SVCS DEPT, HHS:  
BEHAVIORAL HEALTH DIV, BUREAU OF DRUG & ALCOHOL SERVICES, SABG ADDITIONAL**

<u>Class</u>	<u>Description</u>	<u>SFY22 Current Adjusted Authorized</u>	<u>Requested Action</u>	<u>Revised SFY22 Adjusted Authorized</u>
000 - 404600	Federal Funds	\$11,996,885.00	\$0.00	\$11,996,885.00
041 - 500801	Audit Fund Set Aside	\$12,141.00	\$0.00	\$12,141.00
074 - 500585	Grants for Public Assistance and Rel	\$10,084,744.00	(\$941,828.00)	\$9,142,916.00
102 - 500731	Contracts for Program Services	\$1,650,000.00	\$1,041,828.00	\$2,691,828.00
501 - 500425	Payments to Clients	\$250,000.00	(\$100,000.00)	\$150,000.00
	<b>Total</b>	<b>\$11,996,885.00</b>	<b>\$0.00</b>	<b>\$11,996,885.00</b>

**EXPLANATION**

The US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) awarded American Rescue Plan Act (ARPA) of 2021 funding to assist states in responding to the COVID-19 pandemic through the Substance Abuse Prevention and Treatment Block Grant (SABG) program. States are expected to use this supplemental COVID-19 Relief funding to promote effective planning, monitoring, and oversight of efforts to deliver Substance Use Disorder (SUD) prevention, intervention, treatment, and recovery services; promote support for providers; maximize efficiency by leveraging the current infrastructure and capacity; and address local SUD related needs resulting from the COVID pandemic. The New Hampshire (NH) funding plan addresses some of the gaps across the alcohol and other drug continuum of care, many of which have been exacerbated by the pandemic. The portion of the ARPA funds affected by this action are being utilized in

The Honorable Karen Umberger, Chairman  
Fiscal Committee of the General Court and

His Excellency, Governor Christopher T. Sununu  
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Concord, New Hampshire 03301  
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coordination with the Bureau of Mental Health Services ARPA funding to address the needs of residents experiencing mental health and co-occurring substance use disorders.

With approval, funds will be shifted between Class 074 (Grants for Pub Asst and Rel), Class 102 (Contracts for Program Services) and Class 501 (Payments to Clients) in order to align the appropriations with the spending plans for the grants. Further planning has occurred since the grant budgets were submitted to the Substance Abuse and Mental Health Services Administration (SAMHSA), and as a result, refinement to the types of services to be procured necessitated additional appropriations in Class 102 (Contracts for Program Services) for crisis system expansion efforts. The original grant budget placed all the funding in the "Crisis Expansion and Infrastructure Investments" section as one lump sum, however, upon further coordination with the Bureau of Mental Health Services, the funding was allocated from the lump sum into more specific project lines. The more specific projects include: the development of a crisis stabilization model technical assistance to develop a quality and performance evaluation approach for NH's Rapid Response model with support of the 9-8-8 and Crisis Expansion rollout, including public outreach and education; and co-occurring disorder trainings for providers.

Area served: Statewide.

Source of Funds: 100% Federal Funds

In the event that Federal Funds become no longer available, general funds will not be requested to support the program expenditures.

Respectfully submitted,

  
Lori A. Shibinette  
Commissioner



Lori A. Shibinette  
Commissioner

Katja S. Fox  
Director

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STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
*DIVISION FOR BEHAVIORAL HEALTH*  
*BUREAU OF MENTAL HEALTH SERVICES*

105 PLEASANT STREET, CONCORD, NH 03301  
603-271-5000 1-800-852-3345 Ext. 5000  
FAX: 603-271-5058 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

July 22, 2021

The Honorable Ken Weyler, Chairman  
Fiscal Committee of the General Court, and

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

Pursuant to the provisions of RSA 14:30-a, authorize the Department of Health and Human Services, Division for Behavioral Health to accept and expend funds from the Substance Abuse and Mental Health Services Administration (SAMHSA), entitled Substance Abuse Prevention & Treatment Block Grant, in the amount of \$6,356,500.00. Effective upon Fiscal Committee and Governor and Executive Council approvals through March 14, 2023. Funding source: 100% Federal Funds.

**05-92-92-920510-19810000 HEALTH AND SOCIAL SERVICES, HEALTH AND HUMAN SVCS DEPT, HHS: BEHAVIORAL HEALTH DIV, BUREAU OF DRUG & ALCOHOL SERVICES, SABG ADDITIONAL**

<u>Class</u>	<u>Description</u>	<u>SFY22 Current Adjusted Authorized</u>	<u>Requested Action</u>	<u>Revised SFY22 Adjusted Authorized</u>
000 - 404600	Federal Funds	\$0.00	\$6,356,500.00	\$6,356,500.00
041 - 500801	Audit Fund Set Aside	\$0.00	\$6,500.00	\$6,500.00
074 - 500585	Grants for Public Assistance and Rel	\$0.00	\$5,100,000.00	\$5,100,000.00
102 - 500731	Contracts for Program Services	\$0.00	\$1,000,000.00	\$1,000,000.00
501 - 500425	Payments to Clients	\$0.00	\$250,000.00	\$250,000.00
	<b>Total</b>	<b>\$0.00</b>	<b>\$6,356,500.00</b>	<b>\$6,356,500.00</b>

**EXPLANATION**

The US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) was appropriated funding in the Coronavirus Response and Relief Supplement Appropriations Act, 2021 to assist in response to the COVID-19 pandemic through the Substance Abuse Prevention and Treatment Block Grant (SABG) program. States may use this supplemental COVID-19 Relief funding to promote effective planning, monitoring, and oversight of efforts to deliver SUD prevention, intervention, treatment, and recovery services; promote support for providers; maximize efficiency by leveraging the current infrastructure and capacity; and address local SUD related needs during the COVID pandemic. The New Hampshire (NH) funding plan will address gaps across the alcohol and other drug continuum of care, many of which have been exacerbated by the pandemic.

The funds are to be budgeted as follows:

The Honorable Ken Weyler, Chairman  
Fiscal Committee of the General Court, and

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301  
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Funds in class 041, Audit Fund Set Aside, for financial and compliance audits.

Funds in class 074, Grants for Public Assistance, are to work with providers to address gaps across the alcohol and other drug continuum of care, many of which have been exacerbated by the pandemic.

Funds in class 102, Contracts for Program Services, are to contract to integrate Web Information Technology System (WITS) data in the department's Enterprise Business Intelligence Platform.

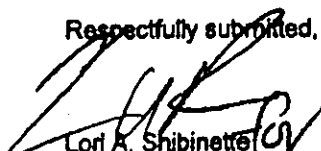
Funds in class 501, Payments to Clients, are to help individuals to alleviate barriers that can trigger stress and relapse, through the use of connection with community resources and financial assistance.

Area served: Statewide.

Source of Funds: 100% Federal Funds

In the event that Federal Funds become no longer available, general funds will not be requested to support the program expenditures.

Respectfully submitted,



Lori A. Shabinette  
Commissioner



Recipient Information	Federal Award Information																								
<b>1. Recipient Name</b> HEALTH AND HUMAN SERVICES, NEW HAMPSHIRE DEPT. OF 129 PLEASANT ST. CONCORD, NH 03301	<b>11. Award Number</b> 1808T1083509-01																								
<b>2. Congressional District of Recipient</b> 02	<b>12. Unique Federal Award Identification Number (FAIN)</b> B08T1083509																								
<b>3. Payment System Identifier (ID)</b> 102600061883	<b>13. Statutory Authority</b> Subparts II&III, B, Title XIX, PHS Act/45 CFR Part96																								
<b>4. Employer Identification Number (EIN)</b> 026000618	<b>14. Federal Award Project Title</b> Substance Abuse Prevention & Treatment Block Grant																								
<b>5. Data Universal Numbering System (DUNS)</b> 011040545	<b>15. Assistance Listing Number</b> 93.959																								
<b>6. Recipient's Unique Entity Identifier</b>	<b>16. Assistance Listing Program Title</b> Block Grants for Prevention and Treatment of Substance Abuse																								
<b>7. Project Director or Principal Investigator</b> Katja Fox katja.fox@dhhs.nh.gov	<b>17. Award Action Type</b> New Competing																								
<b>8. Authorized Official</b> katja.fox@dhhs.nh.gov	<b>18. Is the Award R&amp;D?</b> No																								
<b>Federal Agency Information</b>	<table border="1"> <thead> <tr> <th colspan="2" style="text-align: center;">Summary Federal Award Financial Information</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>19. Budget Period Start Date 03/15/2021 - End Date 03/14/2023</b></td> </tr> <tr> <td><b>20. Total Amount of Federal Funds Obligated by this Action</b></td> <td style="text-align: right;">\$6,530,972</td> </tr> <tr> <td>    20 a. Direct Cost Amount</td> <td style="text-align: right;">\$6,530,972</td> </tr> <tr> <td>    20 b. Indirect Cost Amount</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td><b>21. Authorized Carryover</b></td> <td></td> </tr> <tr> <td><b>22. Offset</b></td> <td></td> </tr> <tr> <td><b>23. Total Amount of Federal Funds Obligated this budget period</b></td> <td style="text-align: right;">\$6,530,972</td> </tr> <tr> <td><b>24. Total Approved Cost Sharing or Matching, where applicable</b></td> <td style="text-align: right;">\$0</td> </tr> <tr> <td><b>25. Total Federal and Non-Federal Approved this Budget Period</b></td> <td style="text-align: right;">\$6,530,972</td> </tr> <tr> <td colspan="2"><b>26. Project Period Start Date 03/15/2021 - End Date 03/14/2023</b></td> </tr> <tr> <td><b>27. Total Amount of the Federal Award including Approved Cost Sharing or Matching this Project Period</b></td> <td style="text-align: right;">\$6,530,972</td> </tr> </tbody> </table>	Summary Federal Award Financial Information		<b>19. Budget Period Start Date 03/15/2021 - End Date 03/14/2023</b>		<b>20. Total Amount of Federal Funds Obligated by this Action</b>	\$6,530,972	20 a. Direct Cost Amount	\$6,530,972	20 b. Indirect Cost Amount	\$0	<b>21. Authorized Carryover</b>		<b>22. Offset</b>		<b>23. Total Amount of Federal Funds Obligated this budget period</b>	\$6,530,972	<b>24. Total Approved Cost Sharing or Matching, where applicable</b>	\$0	<b>25. Total Federal and Non-Federal Approved this Budget Period</b>	\$6,530,972	<b>26. Project Period Start Date 03/15/2021 - End Date 03/14/2023</b>		<b>27. Total Amount of the Federal Award including Approved Cost Sharing or Matching this Project Period</b>	\$6,530,972
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<b>27. Total Amount of the Federal Award including Approved Cost Sharing or Matching this Project Period</b>	\$6,530,972																								
<b>9. Awarding Agency Contact Information</b> Wendy Pang Grants Management Specialist Center for Substance Abuse Treatment wendy.pang@samhsa.hhs.gov (240) 276-1419	<b>28. Authorized Treatment of Program Income</b> Additional Costs																								
<b>10. Program Official Contact Information</b> Spencer Clark Center for Substance Abuse Treatment Spencer.Clark@samhsa.hhs.gov 240-276-1027	<b>29. Grants Management Officer - Signature</b> Odessa Crocker																								
<b>30. Remarks</b> Acceptance of this award, including the "Terms and Conditions," is acknowledged by the recipient when funds are drawn down or otherwise requested from the grant payment system.																									



SABG  
Department of Health and Human Services  
Substance Abuse and Mental Health Services Administration

Notice of Award

Issue Date: 03/11/2021

Center for Substance Abuse Treatment

**Award Number:** 1B08TI083509-01  
**FAIN:** B08TI083509-01  
**Contact Person:** Katja Fox

**Program:** Substance Abuse Prevention & Treatment Block Grant

HEALTH AND HUMAN SERVICES, NEW HAMPSHIRE DEPT OF  
129 PLEASANT ST

CONCORD, NH 03301

**Award Period:** 03/15/2021 – 03/14/2023

Dear Grantee:

The Substance Abuse and Mental Health Services Administration hereby awards a grant in the amount of \$6,530,972 (see "Award Calculation" in Section I) to HEALTH AND HUMAN SERVICES, NEW HAMPSHIRE DEPT OF in support of the above referenced project. This award is pursuant to the authority of Subparts II&III,B, Title XIX, PHS Act/45 CFR Part96 and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Acceptance of this award including the "Terms and Conditions" is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

If you have any questions about this award, please contact your Grants Management Specialist and your Government Project Officer listed in your terms and conditions.

Sincerely yours,  
Odessa Crocker  
Grants Management Officer  
Division of Grants Management

See additional information below

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**SECTION I - AWARD DATA - 1B08TI083509-01**

**FEDERAL FUNDS APPROVED:** \$6,530,972  
**AMOUNT OF THIS ACTION (FEDERAL SHARE):** \$6,530,972  
**CUMULATIVE AWARDS TO DATE:** \$6,530,972  
**UNAWARDED BALANCE OF CURRENT YEAR'S FUNDS:** \$0

**Fiscal Information:**

**CFDA Number:** 93.959  
**EIN:** 1026000618B  
3  
**Document Number:** 21BINHSAP TCS  
**Fiscal Year:** 2021

ICANIT	ICANIT	ICANIT
TI	C96D480	\$6,530,972

PCC: SAPT / OC: 4115

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**SECTION II - PAYMENT/HOTLINE INFORMATION - 1B08TI083509-01**

Payments under this award will be made available through the HHS Payment Management System (PMS). PMS is a centralized grants payment and cash management system, operated by the HHS Program Support Center (PSC), Division of Payment Management (DPM). Inquiries regarding payment should be directed to: The Division of Payment Management System, PO Box 6021, Rockville, MD 20852, Help Desk Support - Telephone Number: 1-877-614-5533.

The HHS Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. The telephone number is: 1-800-HHS-TIPS (1-800-447-8477). The mailing address is: Office of Inspector General, Department of Health and Human Services, Attn: HOTLINE, 330 Independence Ave., SW, Washington, DC 20201.

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**SECTION III - TERMS AND CONDITIONS - 1B08TI083509-01****REMARKS****Correspondence Notice**

Please Note: A letter from Acting Assistant Secretary for Mental Health and

Substance Use, Tom Coderre, will be sent via eRA Commons.

## **STANDARD TERMS AND CONDITIONS**

### **SABG FY21 COVID emergency funding**

#### **Remarks:**

This Notice of Award (NoA) provides COVID emergency relief funding for the Substance Abuse Prevention and Treatment (SABG) Block Grant Program, in accordance with the Coronavirus Response and Relief Supplement Appropriations Act, 2021 [P.L. 116-260]. The awarded funds must be used for activities consistent with the SABG program requirements.

A proposal of the state's spending plan must be submitted by April 5, 2021 via the Web Block Grant Application System (WebBGAS). Further information on this is included in the letter from Acting Assistant Secretary for Mental Health and Substance Use, Tom Coderre.

#### **Standard Terms of Award:**

##### **1) Acceptance of the Terms of an Award**

By drawing or otherwise obtaining funds from the HHS Payment Management System, the recipient acknowledges acceptance of the terms and conditions of the award and is obligated to perform in accordance with the requirements of the award. Except for any waiver granted explicitly elsewhere in this section, this award does not constitute approval for waiver of any Federal statutory/regulatory requirements for a SABG. Once a recipient accepts an award, the contents of the Notice of Award (NoA) are binding on the recipient unless and until modified by a revised NoA signed by the GMO.

##### **Certification Statement:**

By drawing down funds, The recipient agrees to abide by the statutory requirements of all sections of the Substance Abuse Prevention and Treatment Block Grant (SABG) (Public Health Service Act, Sections 1921-1935 and sections 1941-1957) (42 U.S.C. 300x-21-300x-35 and 300x-51-300x-67, as amended), and other administrative and legal requirements as applicable for the duration of the award.

##### **2) Availability of Funds**

Funds provided under this grant must be obligated and expended by March 14, 2023. However, SAMHSA will consider extensions to this period of funding upon request.

##### **3) Administrative Requirements**

This NoA issued is subject to the administrative requirements for HHS block grants under 45 CFR Part 96, as applicable, and 45 CFR Part 75, as specified. Except for section 75.202 of Subpart C, and sections 75.351 through 75.353 of Subpart D, the requirements in Subpart C, Subpart D, and Subpart E do not apply to this program



(reference 45 CFR Part 75 Subpart B, 75.101(d)).

Except for any waiver granted explicitly elsewhere in this section, this award does not constitute approval for waiver of any Federal statutory/regulatory requirements for a SABG.

#### **4) Flow-down of requirements to sub-recipients**

The grantee, as the awardee organization, is legally and financially responsible for all aspects of this award including funds provided to sub-recipients, in accordance with 45 CFR 75.351 75.353, Sub-recipient monitoring and management.

#### **5) Executive Pay**

The Consolidated Appropriations Act, 2021 (Public Law 116-260), signed into law on December 27, 2020 restricts the amount of direct salary to Executive Level II of the Federal Executive Pay scale. Effective January 3, 2021, the salary limitation for Executive Level II is \$199,300.

For awards issued prior to this change, if adequate funds are available in active awards, and if the salary cap increase is consistent with the institutional base salary, recipients may re-budget to accommodate the current Executive Level II salary level. However, no additional funds will be provided to these grant awards.

#### **6) 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.

#### **7) SAM and DUNS Requirements**

**THIS AWARD IS SUBJECT TO REQUIREMENTS AS SET FORTH IN 2 CFR 25.110 CENTRAL CONTRACTOR REGISTRATION CCR) (NOW SAM) AND DATA UNIVERSAL NUMBER SYSTEM (DUNS) NUMBERS. 2 CFR Part 25 - Appendix A4**

##### **System of Award Management (SAM) and Universal Identifier Requirements**

##### **A. Requirement for System of Award Management:**

Unless you are exempted from this requirement under 2 CFR 25.110, you, as the recipient, must maintain the currency of your information in the SAM, until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier If you are authorized (reference project description) to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you, unless the entity has provided its unique entity identifier to you.

2. May not make a subaward to an entity, unless the entity has provided its unique entity identifier to you.

C. Definitions. For purposes of this award term:

1. System of Award Management (SAM) means the federal repository into which an entity must provide information required for the conduct of business as a recipient.

Additional information about registration procedures may be found at the SAM Internet site (currently at: <http://www.sam.gov>).

2. Unique entity identifier means the identifier required for SAM registration to uniquely identify business entities.

3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR Part 25, Subpart C:

a. A governmental organization, which is a state, local government, or Indian Tribe; b. A foreign public entity; c. A domestic or foreign nonprofit organization; d. A domestic or foreign for-profit organization; and e. A Federal agency, but only as a sub-recipient under an award or sub-award to a nonfederal entity.

4. Sub-award:

a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible sub-recipient. b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330). c. A sub-award may be provided through any legal agreement, including an agreement that you consider a contract.

5. Sub-recipient means an entity that: a. Receives a sub-award from you under this award; and b. Is accountable to you for the use of the federal funds provided by the sub-award.

## **8) Federal Financial Accountability and Transparency Act (FFATA)**

Reporting Subawards and Executive Compensation, 2 CFR, Appendix A to Part 170

a. Reporting of first tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on

November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3.- What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsr.gov> specify.

**b. Reporting Total Compensation of Recipient Executives.**

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if

- i. the total Federal funding authorized to date under this award is \$25,000 or more;
- ii. in the preceding fiscal year, you received (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b. 1. of this award term:

- i. As part of your registration profile at <https://www.sam.gov>.
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

**c. Reporting of Total Compensation of Subrecipient Executives.**

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if

- i. in the subrecipient's preceding fiscal year, the subrecipient received (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
- ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation

filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c. 1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. \_\_. 210 of the attachment to OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations).

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that: i. Receives a subaward from you (the recipient) under this award; and ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

i. Salary and bonus.

ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives and are available generally to all salaried employees.

iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

v. Above-market earnings on deferred compensation which is not tax-qualified. vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000. [75 FR 55669, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014]

#### **9) Mandatory Disclosures**

Consistent with 45 CFR 75.113, applicants and recipients must disclose in a timely manner, in writing to the HHS Office of Inspector General (OIG), all information related to violations, or suspected violations, of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Subrecipients must disclose, in a timely manner, in writing to the prime recipient (pass through entity) and the HHS OIG, all information related to violations, or suspected violations, of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Disclosures must be sent in writing to the awarding agency and to the HHS OIG at the following addresses:

U.S. Department of Health and Human Services Office of Inspector General

ATTN: Mandatory Grant Disclosures, Intake Coordinator 330 Independence Avenue, SW, Cohen Building Room 5527 Washington, DC 20201

Fax: (202) 205-0604 (Include "Mandatory Grant Disclosures" in subject line) or email: [MandatoryGranteeDisclosures@oig.hhs.gov](mailto:MandatoryGranteeDisclosures@oig.hhs.gov)

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 remedies for noncompliance, including suspension or debarment (see 2 CFR parts 180 & 376 and 31 U.S.C. 3321).

#### **10) 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. The text of the full award term is available at 2 C.F.R. 175.15(b). See <http://www.gpo.gov/fdsys/pkg/CFR-2012-title2-voll/pdf/CFR-2012-title2-voll-sec175-15.pdf>.

### **11) 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. When the AR signed the application, the AR agreed that the recipient will provide a drug-free workplace and will comply with the requirement to notify SAMHSA if an employee is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. 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.

### **12) Lobbying**

No funds provided under the attached Notice of Award (NoA) may be used by you or any sub-recipient under the grant to support lobbying activities to influence proposed or pending federal or state legislation or appropriations. The prohibition relates to the use of federal grant funds and is not intended to affect your right or that of any other organization, to petition Congress or any other level of government, through the use of other nonfederal resources. Reference 45 CFR Part 93.

### **13) 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 recipients of HHS funds 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>.

### **14) Audits**

Non-Federal recipients that expend \$750,000 or more in federal awards during the recipient's fiscal year must obtain an audit conducted for that year in accordance with the provisions of 45 CFR 96.31.

Recipients are responsible for submitting their Single Audit Reports and the Data Collections Forms (SF-FAC) electronically to the the Federal Audit Clearinghouse Visit disclaimer page (FAC) within the earlier of 30 days after receipt or nine months after the FY s end of the audit period. The FAC operates on behalf of the OMB.

For specific questions and information concerning the submission process: Visit the Federal Audit Clearinghouse at <https://harvester.census.gov/facweb> or Call FAC at the toll-free number: (800) 253-0696

### **Reporting Requirements:**

#### **Federal Financial Report (FFR)**

The recipient is required to submit a Federal Financial Report (FFR) 90 days after the close of the performance period (project period). The SF-425 shall report total funds obligated and total funds expended by the grantee.

Effective January 1, 2021, award recipients are required to submit the SF-425 Federal Financial Report (FFR) via the Payment Management System (PMS). If the individual responsible for FFR submission does not already have an account with PMS, please contact PMS to obtain access.

Recipients must liquidate all obligations incurred under an award not later than ninety (90) days after the end of the award obligation and expenditure period (i.e., the project period) which also coincides with the due date for submission of the FINAL SF-425, *Federal Financial Report (FFR)*. After ninety (90) days, letter of credit accounts are locked. SAMHSA does not approve extensions to the ninety (90) day post-award reconciliation/liquidation period. Therefore, recipients are expected to complete all work and reporting within the approved project period and the aforementioned 90-day post-award reconciliation/liquidation period. Recipients (late) withdrawal requests occurring after the aforementioned periods are denied. In rare instances, SAMHSA may approve an extension to submit a FINAL SF-425 FFR report, but this is *not* an extension of the 90-day post award reconciliation/liquidation period, but rather only an extension to submit the Final SF-425 report (FFR).

#### **Annual Report**

Reporting on the COVID emergency relief funding is required. States must prepare and submit their respective reports utilizing WcbBGAS. Failure to comply with these requirements may cause the initiation of enforcement actions that can culminate in discontinuation of SABG grants.

Your assigned SABG Program Official will provide further guidance and additional submission information.

In accordance with the regulatory requirements provided at 45 CFR 75.113 and Appendix XII to 45 CFR Part 75, recipients that have currently active Federal grants, cooperative agreements, and procurement contracts with cumulative total value greater than

**\$10,000,000 must report and maintain information in the System for Award Management (SAM) about civil, criminal, and administrative proceedings in connection with the award or performance of a Federal award that reached final disposition within the most recent five-year period. The recipient must also make semiannual disclosures regarding such proceedings. Proceedings information will be made publicly available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). Full reporting requirements and procedures are found in Appendix XII to 45 CFR Part 75.**

**Staff Contacts:**

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