

**Nebraska Department of Health and Human Services  
Division of Public Health**

**Request for Applications**

**Nebraska Reproductive Health  
Lifespan Health Services**

**TITLE X FAMILY PLANNING SERVICES  
STATE OF NEBRASKA**

**Date of Issuance:** February 22, 2010

**Applications Due:** May 17, 2010, 5:00 p.m. CDT

**Issuing Office:** Lifespan Health Services  
Nebraska Reproductive Health  
Nebraska Department of Health and Human Services  
301 Centennial Mall South, P.O. Box 95026  
Lincoln, NE 68509-5026

**TITLE X FAMILY PLANNING PROGRAM  
STATE OF NEBRASKA  
REQUEST FOR APPLICATIONS  
TABLE OF CONTENTS**

<u>SECTION I. OVERVIEW</u> .....	1
<u>SECTION II. SCOPE OF WORK</u> .....	7
<u>SECTION III. APPLICATION REQUIREMENTS</u> .....	11
<u>ATTACHMENT 1</u> .....	18
<u>ATTACHMENT 2</u> .....	22
<u>ATTACHMENT 3</u> .....	35
<u>ATTACHMENT 4</u> .....	36
<u>ATTACHMENT 5</u> .....	41
<u>EXHIBIT 1</u> .....	41
<u>EXHIBIT 2</u> .....	43
<u>EXHIBIT 3</u> .....	45
EXHIBIT 4 .....	46
<u>ATTACHMENT 6</u> .....	58
<u>ATTACHMENT 7</u> .....	59
<u>ATTACHMENT 8</u> .....	60
<u>ATTACHMENT 9</u> .....	62
<u>ATTACHMENT 10</u> .....	63

## SECTION I. OVERVIEW

### A. Purpose of Request for Applications

This Request for Applications (RFA), issued by the Nebraska Department of Health and Human Services Division of Public Health, Lifespan Health Services, Nebraska Reproductive Health seeks applications from qualified entities that will provide family planning services in Nebraska. Such services will be provided in accordance with Federal Title X Family Planning Services statutes, regulations and guidelines, other applicable federal statutes, regulations and circulars and Nebraska State Laws and administrative guidance.

Through this RFA, the Department will award a total of approximately \$1.8 million in Title X funds and \$150,000 in Title V Maternal and Child Health Services funds per 12 month period. The amount of funding per project will be dependent on several factors, including the number and quality of proposals received, the geographic areas proposed, the specific work plans and budgets of individual proposals, and proportionate allocation of funds among delegates through use of a funding formula. The Title X Family Planning funding formula considers base costs, number of sites, and numbers and proportion of low-income patients served. The Title V Maternal and Child Health Services funds are allocated proportionately based on each delegates % of the total Title X grant funds awarded.

The term of the subgrants resulting from this competition is yet to be determined, but will be no less than 3 years but not longer than 5 years. The term will coincide with the federal award period granted to the Nebraska Department of Health and Human Services which will be known in June 2010. The initial funding period will begin June 30, 2010 and continue through June 29, 2011 and the available funds are to be estimated accordingly. Annual, non-competing funding period awards will be made for one year periods June 30, 2010 through June 29, 2010 and for each of the subsequent years, with the to-be determined term of no less than 3 but no longer than 5 years, for project(s) demonstrating satisfactory performance and submitting acceptable continuation proposals. Awards made during the initial and subsequent periods are dependent on the availability of federal funds.

**The intention is to fund project(s) that demonstrate capacity and experience in providing family planning and other related reproductive health services to low income persons and education on reproductive health topics to community groups.**

### B. Background

The Nebraska Department of Health and Human Services Division of Public Health is the recipient of federal Title X Family Planning Services grant funds. In addition, the Department is the recipient of Title V Maternal and Child Health Services funds, with a portion then allocated to Nebraska Reproductive Health. The Department in turn subgrants these funds to community-based providers or “delegates” to provide reproductive health services. These delegates are required to prioritize services to low-income persons. The delegates provide education, counseling and comprehensive medical and social services necessary to enable individuals to freely determine the number and spacing of their children, and by doing so, help reduce maternal and infant mortality, promote the health of mothers and children, prevent child abuse, prevent adolescent pregnancy, reduce unintended pregnancies, and reduce rates of sexually transmitted diseases.

Reproductive health services (including pharmaceuticals) must be provided at no charge to individuals at or below 100% of the federal poverty guidelines. All Title X Family Planning services must be provided on a proportional sliding fee scale to those individuals from 101% up to 250% of the federal poverty guidelines. The lowest segment of the scale would optimally be set at 20% of full fee but be no more than 33%. Potential

delegates will be given preference if, historically or through projection, 50% or more of their clients are  $\leq$  150% of federal poverty guidelines. Programs must also bill Medicaid and other 3<sup>rd</sup> party payors, whenever possible. All program generated funds related to the Title X and Title V family planning program must be used to further the family planning goals and objectives.

Reproductive health services to be provided include: physical assessment, breast exam, blood pressure, hemoglobin or hematocrit, pap smear, sexually transmitted disease (STD) testing and treatment, pregnancy testing, education, counseling and appropriate referral and follow-up. Preconception education and infertility counseling and referral are also to be provided, as well as information and education on DES, Rubella, STDs, smoking, drugs and alcohol, breast self-exam and abnormal pap smears. Education to community groups should include but not be limited to these topics: abstinence, birth control methods, sexual decision making, parental involvement, resisting sexual coercion, sexually transmitted diseases, puberty, and other topics related to family planning and sexual decisions and health.

The mission of Nebraska Reproductive Health, which guides the use of the Title X Family Planning Services funds and the allocated Title V funds, is to provide comprehensive, quality and cost-effective reproductive health services to individuals in targeted areas. Individuals receiving services may reside outside of the target area.

This RFA is for the solicitation of multiple proposals to assure statewide Title X Family Planning Services. Entities submitting proposals are to describe the geographic area for which they propose to provide services.

### **C. Federal and State Priorities for Services**

The Federal Title X Family Planning priorities that must be incorporated into program planning and delivery are:

1. Assuring the delivery of quality family planning and related preventive health services, where evidence exists that those services should lead to improvement in the overall health of individuals, with priority for services to individuals from low-income families;
2. Expanding access to a broad range of acceptable and effective family planning methods and related preventive health services that include natural family planning methods, infertility services, and services for adolescents, including adolescent abstinence counseling. The broad range of services does not include abortion as a method of family planning;
3. Providing preventive health care services in accordance with nationally recognized standards of care. This includes, but is not limited to, breast and cervical cancer screening and prevention services; sexually transmitted disease (STD) and HIV prevention education, testing, and referral; and, other related preventive health services;
4. Emphasizing the importance of counseling family planning clients on establishing a reproductive life plan, and providing preconception counseling as a part of family planning services, as appropriate;
5. Assuring compliance with State laws requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest;
6. Encouraging participation of families, parents, and/or legal guardians in the decision of minors to seek family planning services; and providing counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities; and
7. Addressing the comprehensive family planning and other health needs of individuals, families, and communities through outreach to hard-to-reach and/or vulnerable populations, and partnering with other community-based health and social service providers that provide needed services.

As a condition of receiving Title V Maternal and Child Health Services funds, the Department conducts a comprehensive needs assessment every five years, and identifies priority maternal and child health needs. The most recent assessment was completed in 2005 and ten priorities were identified. Respondents to this RFA are required to consider those priorities of relevance to reproductive health services and community education and which are shown in Italics in the following listing.

1. *Reduce the rates of overweight women, youth, and children by increasing participation in sufficient physical activity and improving nutrition.*
2. *Reduce the percent of women of child-bearing age, particularly pregnant and post-partum women, and adolescents who use tobacco and reduce the percent of infants, children and youth exposed to second hand smoke*
3. *Reduce rates of premature and low birth weight births for all women, with attention to adolescent pregnancy.*
4. Reduce the rates of hospitalizations and deaths due to unintentional injuries for children and youth.
5. *Reduce the number and rates of child abuse, neglect, and intentional injuries of children.*
6. *Reduce the rates of infant mortality, especially racial/ethnic disparities.*
7. Reduce alcohol use among youth.
8. *Increase capacity of community-based medical home providers to detect and refer for treatment women, children, and youth with emotional and behavioral health conditions, including children with special health care needs.*
9. Increase capacity of Title V Programs for Children with Special Health Care Needs to serve increased numbers of children meeting medical and financial eligibility criteria and who are uninsured or underinsured.
10. Build capacity of Title V programs for Children with Special Health Care Needs to provide transition medical and dental clinics for youth with special health care needs 14-21 years of age.

## D. Eligibility Requirements

Applicants must meet all of the following minimum qualifications to be eligible to respond to this RFA and to receive funds:

1. Be a Nebraska public or private non-profit organization.
2. For respondents claiming private non-profit status, provide with the application either a certification from the State of Nebraska, Office of Secretary of State or a letter from the Department of Treasury, Internal Revenue Service (IRS).

Federally recognized Native American Tribes headquartered in Nebraska are eligible to apply for set aside funds. Interested tribes are to contact Julie Reno, Program Manager at (402) 471-0163 to receive specific guidance to make application.

## E. Developing the Application

The Department, the Unit, and the Program believe that collaboration and community involvement are important in the planning and delivery of public health programs. Diverse representation, participation and leadership is crucial to assure that the views, perspectives and needs of community members are represented. Entities responding to this RFA should strive to collaborate with a broad cross-section of community representatives. In a collaboration focused on reproductive health services these representatives must include physicians, other public health agencies and programs, social services, community action agencies, pharmacists, substance abuse and domestic violence programs, minority health providers and advocates, hospital and health center representatives, and private citizens.

## F. RFA Timeline

Issuance of RFA	February 22, 2010
Deadline for submission of written questions	March 19, 2010
<b>Applications due</b>	<b>May 17, 2010 5:00 pm CDT</b>
Award notices/denials sent to respondents	≈ June 21, 2010
Effective date of subgrant award	June 30, 2010

Details on submission of the application are found in SECTION III.

## G. Questions and Requests for Information

From the date the RFA is issued until a determination is made and announced regarding the selection of subgrantee(s), contact between potential subgrantees and individuals employed by the Department regarding the RFA is restricted only to written communication with the staff designated as the point of contact in this RFA.

Responses to questions will be on the Lifespan Health Services website at:

<http://www.dhhs.ne.gov/ReproductiveHealth>. The site will be updated every 72 hour period, Monday-Friday excluding holidays. Please check the site before submitting questions as the question may have already been asked and answered.

Submit questions and requests for information to Julie Reno in writing by one of the following methods (listed in order of preference) and clearly marked “**Title X Family Planning Services, Nebraska**”:

E-mail: [julie.reno@nebraska.gov](mailto:julie.reno@nebraska.gov)

Fax: (402) 471-1541

Mail: **Julie Reno**  
**Lifespan Health Services**  
**Nebraska Department of Health and Human Services**  
**301 Centennial Mall South, P.O. Box 95026**  
**Lincoln, NE 68509-5026**

Faxed questions must include a cover sheet clearly indicating the number of pages transmitted. Faxes must also reference the RFA for the Title X Family Planning Services grant program on the cover sheet. The State assumes no liability for assuring accurate or complete fax transmission or receipt.

## H. Application Review Process

### 1. Review for Compliance with Minimal Application Requirements and Scoring

Each application that complies with the Minimal Application Requirements outlined in Section III(B) will be evaluated and scored by a review committee on a scale of 0 to 100 points. Applications will then be ranked and forwarded to the Director/Chief Medical Officer of the Nebraska Department of Health and Human Services Division of Public Health for consideration and a decision on funding.

The criteria to be used for scoring and the maximum possible value of each section is as follows:

SECTION/CRITERIA	MAXIMUM POINTS
<p>NARRATIVE AND WORK PLAN</p> <ul style="list-style-type: none"> <li>• Adequacy of needs assessment in identifying reproductive health needs of low income persons in target area</li> <li>• Degree to which proposal addresses these identified needs</li> <li>• Number of patients, particularly low income patients, to be served</li> <li>• Degree to which proposal addresses Title X and other federal and state requirements, including geographic access</li> <li>• Level of collaboration with community partners</li> </ul>	40
<p>APPLICANT CAPACITY</p> <ul style="list-style-type: none"> <li>• Adequacy of facilities and staff for delivering proposed services</li> <li>• Capacity of entity to make rapid and effective use of federal funds</li> <li>• History of successfully providing services and administering programs, especially to low income individuals</li> <li>• Ability to bill and collect patient fees, including third party payments</li> </ul>	30
<p>BUDGET AND BUDGET JUSTIFICATION</p> <ul style="list-style-type: none"> <li>• Reasonableness of costs in relationship to proposed services and costs are allowable</li> <li>• Relative availability of non-federal resources and the degree to which resources are committed to the proposed services, including projected</li> </ul>	30

program income • Complete justification of costs that demonstrates the applicants knowledge and ability to use the funds effectively	
TOTAL	100

## 2. Review of Applicant Capacity

As part of the scoring and selection process, the Department will assess an entity’s capacity to provide reproductive health services to low income persons, provide education to community groups, and submit timely and accurate reports, invoices and fiscal documentation. The Department reserves the right to consider an entity’s performance in current and/or prior grants, contracts, cooperative agreements, or subcontracts with the Department or other State of Nebraska agencies.

## 3. Geographic Access

The Department will consider geographic access in making final funding decisions. The Department reserves the right to fund more than one entity in a given geographic area if deemed necessary to assure adequate level of service to all target populations in that area. The Department also reserves the right to modify a proposed service area in circumstances where otherwise acceptable proposals have overlapping or redundant proposed service areas not necessary to serve target populations.

## 4. Notification of Decision

Each entity submitting an application, whether selected for funding or denied, will be notified in writing of the funding decision. Applicants may receive, upon written request directed to the Program the consensus review tool summary page for their proposal, which provides the score and overall strengths and weaknesses of their proposal.

## 5. Conditions

Award notices may be tentative, pending satisfactory resolution of conditions. A tentative award letter will be accompanied by a description of conditions, actions needed to remove those conditions, and the required time frame. Should the conditions not be met satisfactorily within the given time frame, the Department reserves the right to rescind the award. Expenses against the tentative award cannot be incurred after 30 days of receipt of the notice that the award is being rescinded.

## SECTION II. SCOPE OF WORK

Applications are being solicited for the provision of Title X Family Planning and related reproductive health services.

### A. Required Services and other Mandates

Federally required Title X Family Planning Services are prescribed by Title X Population Research and Voluntary Family Planning Programs (statute) Attachment 1, 45CFR59 Grants for Family Planning Services Subpart A (implementing regulations) Attachment 2, and Program Guidelines For Project Grants For Family Planning Services United States Department of Health and Human Services Office of Public Health and Science Office of Population Affairs Office of Family Planning, January 2001 (federal guidance). Applications must address capacity and plans to provide required services. In addition, applications must address applicable State of Nebraska statutes and regulations that in turn govern the provision of these services. The authorizing statute, regulations, and Program Guidelines are available on the Nebraska DHHS website at <http://www.dhhs.ne.gov/ReproductiveHealth> for download.

#### Federally Required Services

For detailed information refer to the Program Guidelines For Project Grants For Family Planning Services United States Department of Health and Human Services Office of Public Health and Science Office of Population Affairs Office of Family Planning, January 2001 which is available as a separate document on the DHHS website with the RFA announcement.

1. Client Education – Delegates must have written plans for client education; See section 8.1, for content and specific instructions on Method-Specific Informed Consent.
2. Counseling, including Method Counseling and Sexually Transmitted Disease (STD) and HIV Counseling; See section 8.2.
3. History, Physical Assessment, and Laboratory Testing; See section 8.3 for details, including required laboratory procedures.
4. Fertility Regulation – Delegates must comply with the guidance in section 8.4 regarding Contraception.
5. Infertility Services – Delegates must provide Level I services as described in section 8.5 and may optionally provide Level II as part of their Title X program.
6. Pregnancy Diagnosis and Counseling – See section 8.6 for details, including requirements for neutral, factual information and nondirective counseling for pregnant women on the following options: prenatal care and delivery; infant care, foster care, or adoption; and pregnancy termination.
7. Adolescent Services – Section 8.7 outlines requirements for counseling and education, confidentiality, family involvement, and resisting coercion.
8. Identification of Estrogen-Exposed Offspring – As part of the medical history, clients born between 1940 and 1970 should be asked if their mothers took estrogens during their pregnancies, with those exposed receiving appropriate follow-up as per section 8.8.

These federally required services must be delivered in accordance with federal and state requirements for licenses, certifications, and permits as applicable. These include, but are not limited to:

- Clinical Laboratory Information Act of 1988 (CLIA) – federal requirements for laboratory services
- 175NAC7 – State of Nebraska regulations for health clinics
- 175NAC8 – State of Nebraska regulations for pharmacies
- 175NAC134 – State of Nebraska regulations for Public Health Clinics Operating with a Drug Dispensing Permit

Furthermore, clinicians providing services shall perform those services within their scope of practice and have current State of Nebraska licenses as applicable. Each Delegate must have a qualified project director and a medical director, as described in section 6.5 of the program guidelines.

### Other Federal Requirements

In addition to required clinical services, Title X Family Planning delegates must comply with federal requirements for Financial Management, Facilities and Accessibility of Services, Personnel, Training and Technical Assistance, Reporting Requirements, Review and Approval of Informational and Educational Materials, Community Participation, Education, and Project Promotion, Publications and Copyright, and Inventions or Discoveries, as described in sections 6.1 to 6.11 of Program Guidelines. Furthermore, delegates must assure clinic management policies and procedures meet the requirements described in sections 10.1 to 10.4 of Program Guidelines.

Included in the Financial Management requirements cited above are requirements specific to Charges, Billing and Collections. Because Title X Family Planning Services are targeted to low income persons, clients must not be denied project services or be subjected to any variation in quality of services because of the inability to pay. Title X Family Planning Services must be provided at no charge to individuals with incomes at or below 100% of the federal poverty guidelines. Charges for other patients must be based on a cost analysis of all services provided by the project. A schedule of discounts must be developed and implemented with sufficient proportional increments so that inability to pay is never a barrier to services for those patients with incomes from 101% of the federal poverty guidelines up to 250%. The lowest segment of the scale would optimally be set at 20% of full fee but be no more than 33%. Programs must demonstrate the ability to track and collect funds and must be able to insure that funds collected as a result of receiving an award are used in the family planning program. Further details on charges, billings and collections are found in section 6.3 of Program Guidelines (January 2001).

Included in the Review and Approval of Informational and Educational Materials section also cited above is the requirement for an advisory committee to review all informational and educational materials. Delegate(s) chosen through this RFA must establish an advisory committee of five to nine members in accordance with this requirement.

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 is applicable to health plans, hospitals, physicians and other health providers, including Title X Family Planning providers, known as “covered entities.” HIPAA regulations cover privacy, security and transaction codes.

Further guidance on interpreting statutory requirements that no Title X funds be used in programs for which abortion is a method of family planning can be found in the Federal Register, Vol. 65, No. 128, July 3, 2000, Notices.

### Nebraska Reproductive Health Requirements

Detailed guidance for the provision of family planning services through Nebraska Reproductive Health is provided in the manual Title X Administrative and Clinical Policies, Procedures and Protocols. It is available upon written request. See Section I (G) page 4 of this RFA for instructions for requesting information. These manuals incorporate federal requirements cited above as well as state-specific requirements.

In addition to compliance with the above policies and procedures, Nebraska Reproductive Health expects delegates to plan and deliver programs that meet the needs of low income persons in their communities. To do so, entities submitting application are to provide a summary of assessed needs and goals and objectives for addressing those needs. See Section IIIB later in this RFA for further details.

To assure high quality and cost effective STD testing, chlamydia screening is to be performed in accordance with Region VII Infertility Prevention Project Chlamydia Screening Guidelines, found as Attachment 3. Detailed guidance is available in the Screening and Treatment Guidelines, available upon request.

To maximize Title X Family Planning Services funds, delegates are to be enrolled Medicaid providers. Further, Title X Family Planning programs are eligible to purchase drugs at reduced price through the Public Health Service Section 340B Drug Pricing Program. Delegate(s) selected through this RFA will be enrolled in this program by the Department and provided detailed guidance on its use.

To assure geographic access statewide to the greatest numbers of potential users of family planning services, entities are strongly encouraged to provide services in population centers within their proposed geographic areas. Preference will be given to entities proposing that all clinical services are provided at any given site (health history, exam, and pharmacy), therefore reducing barriers to services or reducing barriers through innovative service options particularly in areas of the state considered “frontier”.

Preference will be given to entities with services in identified medically underserved areas, culturally and ethnically diverse communities and with particular attention to serving low income clients.

Entities may propose other sites, either in addition to or in place of these sites, but with clear rationale and justification. See Section III for details of application content/format.

### Terms and Assurances

Delegate(s) chosen through this RFA process are legally required to comply with the Subgrant Terms and Assurances, its Exhibits, and Certifications, found as Attachments 4 and 5. Any questions about the content should be addressed prior to signing and submitting the application.

### **B. General Expectations for Applications**

1. Projects must involve members of the target community in the planning and implementation of work plan activities.
2. Proposed budget must be reasonable for the proposed quantity and quality of activities in the work plan. A Budget Justification must be included following the proposed budget.
3. The Department reserves the right to withdraw any award if a satisfactory response to conditions has not been received by the Department within 30 calendar days of notice to the Subgrantee by the Department.
4. The Department will not reimburse expenses associated with preparing and submitting a proposal.
5. The Department reserves the right to withdraw any award or negotiate the Scope of Work of any proposed project or proposed project components.

6. The entity submitting a proposal certifies that it has appropriate systems and controls in place to ensure that federal funds will not be used in the performance of this grant for the acquisition, operation or maintenance of computer software in violation of copyright laws.
7. Upon receipt of an acceptable response to conditions, the Department will send to each Delegate a final award letter. This award will incorporate by reference the RFA, the Delegate's proposal, and the Delegate's response to the conditions.

### **C. Additional Post-award Expectations**

1. Delegates are to expend funds in accordance with the approved line item budget. If changes in line items exceed 10% of the award or if staffing patterns need to be changed, the Delegates must request in advance, a budget revision or a grant amendment depending on what in the budget needs to be changed. It is up to the discretion of the Department whether or not to approve the requested budget revision or award amendment.
2. Six equal payments of Title X and Title V funds will be made to the delegate every other month in anticipation of expenses to be incurred in the upcoming two month period. These payments will be one sixth of the annual awarded amounts for each federal source. In turn, the Delegate is to submit an expenditure report by revenue source, including both federal sources, program income, and in-kind, by the 30<sup>th</sup> of the month following the two month period for which payment was made. The reports of expenditures will be reviewed to determine if allowable, allocable, and reasonable, and that procedures were maintained to minimize the time elapsing between the payment of funds and their disbursement by the delegate in accordance with 45CFR92. Any unallowable costs identified will result in adjustments in future payments. All payments are subject to the availability of federal funds.
3. Delegates are to be knowledgeable of and utilize standard payroll practices including State and Federal tax withholding requirements.
4. Delegates are to maintain accounting records of actual expenditures. The records include but are not limited to: Accounting books, ledgers, documents, payroll records, including signed timesheets, etc., following standard accounting procedures and practices that properly reflect all direct and indirect expenses related to this grant award. These records shall be kept and made available for three (3) years from the date of the final payment.
5. Delegates' financial statements are subject to an audit performed by a licensed certified public accountant. The audited financial statements and federally-required reports, if needed, must be submitted to the Department within nine (9) months following the close of the Delegate's fiscal year. The audit expense is proportionately reimbursable from the grant funds. Therefore, the cost should be included in the proposed budget.
6. Delegates are to maintain accurate records regarding the program and submit required reports. Specific reporting requirements are outlined in Exhibit 1 of Attachment 5.
7. Delegates are to be aware that the Department may withhold payment of invoices for lack of documented and/or timely progress, as well as any apparent non-compliance with grant requirements.
8. If not included with its proposal, within 30 days of notice of award, delegate(s) selected through this RFA are to submit to the Department the following:

- Referral list (those agencies and providers to which Title X Family Planning patients in the target area will be referred for needed services not provided by delegate)
  - Schedule of Discounts and Fee schedule
9. If not included with its application, within 60 days of notice of award, delegate(s) selected through this RFA are to submit administrative and clinical policies and procedures, including those for billing and collections and those for cost analysis and fee determination.

#### **D. Use of Funds**

Title X Family Planning Services funds are to be used for allowable, reasonable and allocable costs to provide Title X Family Planning services. Title V Maternal and Child Health Services funds are to be expended to support community education activities. OMB Circulars A-21, A-87, and A-122 provide guidance on cost principles for federal funds and may be found at [www.whitehouse.gov/OMB/circulars/index.html](http://www.whitehouse.gov/OMB/circulars/index.html).

Grant related program income is required and must be used to further the program and cannot be used for another program. All program income must be either expended during the grant year or carried forward and accounted for on the next year's budget and expenditure reports. Federal grant funds and grant related program income cannot be used for costs associated with fund raising events. Grant related program income is income from any non-Federal source, including, but not limited to: income from fees for services performed (patient fees and third party reimbursements; Medicaid and Medicare reimbursements are considered program income, not direct federal resources), voluntary donations, the use or rental of real or personal property acquired under federally-funded projects, the sale of commodities or items fabricated under an award, and license fees and royalties on patents and copyrights.

Funding will be granted using a funding formula. Attachment 10 provides an example using the current funding formula. The current formula is under review and will be revised to meet the current financial needs of delegates that are serving priority populations. The new funding formula will become effective with FY2011 which begins June 30, 2010. If a primary or satellite site is closed by the grantee or deemed not viable by the grantor during that identified time period, funds will be returned to the grantor on a prorated basis for the time period that the site is no longer in operation. Funds allocated to Native American Tribes will be from set aside funds.

### **SECTION III. APPLICATION REQUIREMENTS**

#### **A. General Instructions**

Read all instructions carefully. Applications must address all the application and submission requirements set forth in this RFA. Applications will be evaluated on overall quality of content and responsiveness to the purpose and specifications of this RFA. Only those applications that include complete information as required by this RFA will be considered for evaluation. Throughout the following instructions, "you" and "your" refer to the entity submitting a proposal.

***NOTE: In submitting an application, an entity agrees that the Department is authorized to verify any claimed information. All applications received by the Department are subject to the provisions of the public records act and are not considered confidential after completion of the selection process.***

## **B. Minimum Application Requirements**

All applications must include the items listed in this Section. Assemble all materials in the order listed below. Page limits and samples are noted, when relevant. Unless otherwise specified, no particular form is required.

### **1. Application Cover Sheet**

Complete all sections of the Application Cover Sheet (Attachment 6), and provide the signature of your organization's legally authorized official. The Cover sheet should be the top page of the application.

### **2. Table of Contents**

Include a Table of Contents that provides page numbers for the headings that follow in this Section (III (B) 3 through 8).

### **3. Project Narrative (25 page maximum)**

The Narrative is to be a twenty-five pages (or less) overview of the application project. The purpose of the Narrative is to give reviewers a general understanding of needs to be addressed and the services being proposed. The narrative shall address:

- a) Needs Assessment – Indicate which county or counties for which services are being provided, and summarize your assessment of the needs of low income persons in these county(ies) for reproductive health services. This assessment should be based on data collected by your organization, on assessments made by your community or community collaborators, published state and national data, and other sources. This needs assessment is to be inclusive of at-risk populations, including but not limited to low income persons, racial/ethnic minorities, persons with limited English proficiency, persons with disabilities, homeless and incarcerated persons, adolescents, and victims of domestic violence. The needs assessment must conclude with your determination of the highest priority needs for reproductive health services in your targeted area.
- b) Proposed Services – Provide an overview of your application to meet the priority needs identified through the needs assessment. This description should include geographic area to be served, locations where services will be provided, and how they will be organized. Include details on hours of operation, the services to be provided at each location, and methods for assuring federal and state requirements will be met. Include rationale for selection of primary and satellite site(s). Indicate the projected number of persons to be served by site, broken down by numbers at or below 100% of the federal poverty level and numbers of persons from 101% to 150% and 151% up to 250% of the federal poverty level. Community collaborators should be identified, as well as any proposed contractors.

### **4. Work Plan**

Use the work plan form found as Attachment 7 to display your proposed goal(s), objectives and activities for family planning and related reproductive health services. For entities not currently Title X

delegates or delegates that are not currently providing services in the targeted areas, the work plan should reflect what you determine to be key start up activities and realistic time frames for full operation. Goals and objectives should be reflective of your community needs assessment, program requirements, and identified priorities. Action steps should provide enough detail to assure reviewers that you have a clear understanding of and plan for delivering high quality family planning and related reproductive health services.

## **5. Capacity to Provide Services**

Complete Attachment 8, describing your capacity to carry out the project. For those activities to be carried out by a contractor, complete a separate form for that contractor. Be reminded, though, that only the Delegate(s) selected through this competition is to carry out financial management and project oversight activities.

## **6. Project Budget and Budget Justification**

Use the Budget Worksheet (Attachment 9) to display the budget for the proposed project. Show detail by revenue source Title X, Title V, Program Income, and In-kind. All revenue sources will be considered in evaluating and approving the budget.

Attach a separate budget justification that is provided in sufficient detail to support one-step below the object class category level for both federal grant funds and grant related program income. The budget categories are to reflect proposed costs for the following categories:

**Salaries:** For each staff position budgeted in the Budget Worksheet, include the title of the position, the FTE, annual salary, number of months salary requested, and a brief summary of the job description or responsibilities. For occupied positions, include name of staff person. If vacant, indicate as such.

**Benefits:** Describe computation used for estimating cost of benefits and itemize the components included in benefits (e.g., health insurance, FICA, life insurance, retirement plan, etc.).

**Contracted Services:** Descriptions of proposed contracts for project activities need to be included along with anticipated cost for each contract. Include descriptions of the following for each proposed contract: (a) Scope of Work, including tasks and deliverables; (b) time period of the contract; (c) person in your agency who will supervise or manage the contract, and (d) name of the contractor or if not yet known, what method will be used to select the contractor, e.g. solicitation of bids, sole source, etc.

**Supplies:** This category includes clinic supply list, list of contraceptives, office supplies, educational supplies, meeting supplies, and other materials necessary for carrying out the work proposed. Identify and explain by type of supply.

**Travel:** Include estimates of all travel relative to the Scope of Work proposed, including travel related to staff development. Describe in sufficient detail to understand purpose of travel and how cost was estimated.

**Other:** Describe costs for this category that includes items such as telephone, copying, printing, postage, mailing, publicity, publications, insurance, audits and accounting services, legal fees, marketing, and computer time directly related to this grant's activities.

**Indirect Costs:** Entities with a current approved indirect cost agreement with a federal or state agency may include indirect costs as a line item. A copy of the current agreement must be included in the budget documents. Indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the result achieved.

Because of the diverse characteristics and accounting practices of public and private non-profit entities, the types of cost which may be classified as indirect costs, cannot be specified in all situations. However, typical examples of indirect costs may include certain general administrative activities of the agency, accounting and personnel services performed within the agency, and the costs of operating and maintaining facilities.

In contrast, direct costs include:

- 1) Compensation of employees for the time devoted and identified specifically to the performance of this award.
- 2) Cost of materials acquired, consumed, or expended specifically for the purpose of the award.
- 3) Equipment specifically for the purpose of the award
- 4) Travel expenses incurred to carry out this grant.

## **7. Assurance Forms**

The Application Cover Sheet (Attachment 6) and the Certification Forms found within the Terms and Assurances (Attachment 5, Exhibits 3 and 4) must be signed and dated by an official authorized to bind your agency. By signing the pages, the official verifies that the following statement is true: potential Delegate and its potential contractor(s) will abide by the Departments Subgrant Terms and Assurances.

Please note that signatures are required in five places within Attachment 5. Insert the Terms and Assurances with the signed Certification forms immediately after the Subgrantee Capacity form.

## **8. Letters of Support**

Applicants may attach letters of support from community partners or collaborators if deemed appropriate.

### C. Preparation and Submission Instructions

- Use 8 1/2" x 11" white paper only, typed. Number each page of the application consecutively. The type font size is to be no less than 12 characters per inch, in an easy to read font such as New Times Roman. Page limits assume lines that are single-spaced.
- Submissions in response to the RFA must contain the application and all required supporting information in one package, securely clipped, not stapled, in the upper left corner. **NO FOLDERS OR BINDERS.**
- One original and four (4) copies of the application must be submitted.
- The Application Cover Sheet must be the top page of the application.
- Submission by fax, e-mail, or disk will not be accepted because original signatures are required on the Cover Sheet and Certifications.
- Mail or deliver a complete, signed original and four copies **on or before Monday, May 17 2010**. If mailed, proof of mailing on or before the closing date will be strictly observed. Additions or corrections will not be accepted after the closing date. Applicants are strongly encouraged to use registered mail or at least first-class mail. Do not send third class or book rate.
- Proof of mailing consists of one of the following three options through either the U.S. Postal Service or a commercial carrier:
  1. U.S. Postal Service
    - A legibly dated U.S. Postal Service postmark printed or stamped on the envelope (NOTE: the U.S. Postal Services does not uniformly provide a dated postmark. Check with the local post office in advance before relying on this method of delivery).
    - A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
  2. Commercial Carrier
    - A dated shipping label, invoice, or receipt from a commercial carrier, e.g. Federal Express.
- The following methods are not valid proof of mailing:
  - A private metered postmark
  - A mail receipt that is not dated by the U.S. Postal Service.
- Keep a copy of the proof of mailing for your documentation.
- Applications hand delivered or by courier services will be received during business hours (8:00 a.m. to 5:00 p.m. Monday – Friday, excluding state-observed holidays). Hand delivery or courier services will be received at the 3rd floor reception desk, DHHS, 301 Centennial Mall South, Nebraska State Office Building (NSOB), Lincoln, Nebraska. Applications hand delivered or by courier must be received at the NSOB no later than **5:00 p.m., Monday, May 17, 2010.**
- Omission of any required document or form, failure to use required formats or response, or failure to respond to any requirements may lead to rejecting the application prior to the review. **LATE APPLICATIONS WILL BE REJECTED.**

Applications are to be addressed to:

**Julie Reno, Program Manager**  
**Attn: Title X Family Planning Services, Nebraska**  
**Lifespan Health Services**  
**Nebraska Department of Health and Human Services**  
**301 Centennial Mall South, P.O. Box 95026**  
**Lincoln, NE 68509-5026**

## ATTACHMENTS

1. Title X – Population Research and Voluntary Family Planning Program
2. 42CFR59, Grants for Family Planning Services
3. Region VII Infertility Prevention Project Protocols
4. Subgrant Terms and Assurances
5. Exhibit 1 - Subrecipient Reporting Requirement  
Exhibit 2 - Program Specific Requirements  
Exhibit 3 - NDHHS Administrative and Audit Guidance  
Exhibit 4 - DHHS Audit Requirement Certification and the applicable Federal Certifications
6. Cover Sheet
7. Work Plan form
8. Capacity to Provide Title X Family Planning Services
9. Budget Worksheet Summary Budget Request
10. Title X Family Planning Funding Formula

TITLE X  
POPULATION RESEARCH AND  
VOLUNTARY FAMILY PLANNING PROGRAMS

PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES  
SEC. 1001 [300]

(a)The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects which shall offer a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents). To the extent practicable, entities which receive grants or contracts under this subsection shall encourage family [1] participation in projects assisted under this subsection.

(b)In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance. Local and regional entities shall be assured the right to apply for direct grants and contracts under this section, and the Secretary shall by regulation fully provide for and protect such right.

(c)The Secretary, at the request of a recipient of a grant under subsection (a), may reduce the amount of such grant by the fair market value of any supplies or equipment furnished the grant recipient by the Secretary. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment on which the reduction of such grant is based. Such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.

d)For the purpose of making grants and contracts under this section, there are authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1971; \$60,000,000 for the fiscal year ending June 30, 1972; \$111,500,000 for the fiscal year ending June 30, 1973, \$111,500,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; \$115,000,000 for fiscal year 1976; \$115,000,000 for the fiscal year ending September 30, 1977; \$136,400,000 for the fiscal year ending September 30, 1978; \$200,000,000 for the fiscal year ending September 30, 1979; \$230,000,000 for the fiscal year ending September 30, 1980; \$264,500,000 for the fiscal year ending September 30, 1981; \$126,510,000 for the fiscal year ending September 30, 1982; \$139,200,000 for the fiscal year ending September 30, 1983; \$150,030,000 for the fiscal year ending September 30, 1984; and \$158,400,000 for the fiscal year ending September 30, 1985.

-----  
[1] So in law. See section 931(b)(I) of Public Law 97-35 (95 Stat. 570).  
Probably should be  
"family".

FORMULA GRANTS TO STATES FOR FAMILY PLANNING SERVICES  
SEC. 1002 [300a]

(a)The Secretary is authorized to make grants, from allotments made under subsection (b), to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. No grant may be made to a State health authority under this section unless such authority has submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services.

(b)The sums appropriated to carry out the provisions of this section shall be allotted to the States by the Secretary on the basis of the population and the

financial need of the respective States.

(c) For the purposes of this section, the term "State" includes the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

(d) For the purpose of making grants under this section, there are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1971; \$15,000,000 for the fiscal year ending June 30, 1972; and \$20,000,000 for the fiscal year ending June 30, 1973.

TRAINING GRANTS AND CONTRACTS;  
AUTHORIZATION OF APPROPRIATIONS  
SEC. 1003 [300a-1]

(a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002 of this title.

(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1971; \$3,000,000 for the fiscal year ending June 30, 1972; \$4,000,000 for the fiscal year ending June 30, 1973; \$3,000,000 each for the fiscal years ending June 30, 1974 and June 30, 1975; \$4,000,000 for fiscal year ending 1976; \$5,000,000 for the fiscal year ending September 30, 1977; \$3,000,000 for the fiscal year ending September 30, 1978; \$3,100,000 for the fiscal year ending September 30, 1979; \$3,600,000 for the fiscal year ending September 30, 1980; \$4,100,000 for the fiscal year ending September 30, 1981; \$2,920,000 for the fiscal year ending September 30, 1982; \$3,200,000 for the fiscal year ending September 30, 1983; \$3,500,000 for the fiscal year ending September 30, 1984; and \$3,500,000 for the fiscal year ending September 30, 1985.

RESEARCH  
SEC. 1004 [300a-2]

The Secretary may -

- (1) conduct, and
- (2) make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for, research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

INFORMATIONAL AND EDUCATIONAL MATERIALS  
SEC. 1005 [300a-3]

(a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$750,000 for the fiscal year ending June 30, 1971; \$1,000,000 for the fiscal year ending June 30, 1972; \$1,250,000 for the fiscal year ending June 30, 1973; \$909,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; \$2,000,000 for fiscal year 1976; \$2,500,000 for the fiscal year ending September 30, 1977; \$600,000 for the fiscal year ending September 30, 1978; \$700,000 for the fiscal year ending September 30, 1979; \$805,000 for the fiscal year ending September 30, 1980; \$926,000 for the fiscal year ending September 30, 1981; \$570,000 for the fiscal year ending September 30, 1982; \$600,000 for the fiscal year ending September 30, 1983; \$670,000 for the fiscal year ending September 30, 1984; and \$700,000 for the fiscal year ending September 30, 1985.

## REGULATIONS AND PAYMENTS

### SEC. 1006 [300a-4]

(a) Grants and contracts made under this subchapter shall be made in accordance with such regulations as the Secretary may promulgate. The amount of any grant under any section of this title shall be determined by the Secretary; except that no grant under any such section for any program or project for a fiscal year beginning after June 30, 1975, may be made for less than 90 per centum of its costs (as determined under regulations of the Secretary) unless the grant is to be made for a program or project for which a grant was made (under the same section) for the fiscal year ending June 30, 1975, for less than 90 per centum of its costs (as so determined), in which case a grant under such section for that program or project for a fiscal year beginning after that date may be made for a percentage which shall not be less than the percentage of its costs for which the fiscal year 1975 grant was made.

(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

(c) A grant may be made or contract entered into under section 1001 or 1002 for a family planning service project or program only upon assurances satisfactory to the Secretary that--

(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term "low-income family" shall be defined by the Secretary in accordance with such criteria as he may prescribe so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title.

(d)(1) A grant may be made or a contract entered into under section 1001 or 1005 only upon assurances satisfactory to the Secretary that informational or educational materials developed or made available under the grant or contract will be suitable for the purposes of this title and for the population or community to which they are to be made available, taking into account the educational and cultural background of the individuals to whom such materials are addressed and the standards of such population or community with respect to such materials.

(2) In the case of any grant or contract under section 1001, such assurances shall provide for the review and approval of the suitability of such materials, prior to their distribution, by an advisory committee established by the grantee or contractor in accordance with the Secretary's regulations. Such a committee shall include individuals broadly representative of the population or community to which the materials are to be made available.

## VOLUNTARY PARTICIPATION

### SEC. 1007 [300a-5]

The acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such service or information.

PROHIBITION OF ABORTION

SEC. 1008 [1] [300a-6]

None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

-----  
[1] Section 1009 was repealed by section 601(a)(1)(G) of Public Law 105-362 (112 Stat. 3285).

Title X Family Planning Program Regulations

[Code of Federal Regulations]  
[Title 42, Volume 1, Parts 1 to 399]  
[Revised as of October 1, 2000]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 42CFR59]

[Page 407-416]

TITLE 42--PUBLIC HEALTH

CHAPTER I--PUBLIC HEALTH SERVICE,  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES

PART 59--GRANTS FOR FAMILY PLANNING SERVICES

Subpart A--Project Grants for Family Planning Services

Sec.

- 59.1 To what programs do these regulations apply?
- 59.2 Definitions.
- 59.3 Who is eligible to apply for a family planning services grant?
- 59.4 How does one apply for a family planning services grant?
- 59.5 What requirements must be met by a family planning project?
- 59.6 What procedures apply to assure the suitability of informational and educational material?
- 59.7 What criteria will the Department of Health and Human Services use to decide which family planning services projects to fund and in what amount?
- 59.8 How is a grant awarded?
- 59.9 For what purposes may grant funds be used?
- 59.10 What other HHS regulations apply to grants under this subpart?
- 59.11 Confidentiality.
- 59.12 Additional conditions.

Subpart B [Reserved]

Subpart C--Grants for Family Planning Service Training

- 59.201 Applicability.
- 59.202 Definitions.
- 59.203 Eligibility.
- 59.204 Application for a grant.
- 59.205 Project requirements.
- 59.206 Evaluation and grant award.
- 59.207 Payments.
- 59.208 Use of project funds.
- 59.209 Civil rights.
- 59.210 Inventions or discoveries.
- 59.211 Publications and copyright.
- 59.212 Grantee accountability.
- 59.213 [Reserved]
- 59.214 Additional conditions.
- 59.215 Applicability of 45 CFR part 74.

Subpart A--Project Grants for Family Planning Services

Authority: 42 U.S.C. 300a-4.

[[Page 408]]

Source: 65 FR 41278, July 3, 2000, unless otherwise noted.

Sec. 59.1 To what programs do these regulations apply?

The regulations of this subpart are applicable to the award of grants under section 1001 of the Public Health Service Act (42 U.S.C. 300) to assist in the establishment and operation of voluntary family planning projects. These projects shall consist of the educational, comprehensive medical, and social services necessary to aid individuals to determine freely the number and spacing of their children.

[65 FR 41278, July 3, 2000; 65 FR 49057, Aug. 10, 2000]

Sec. 59.2 Definitions.

As used in this subpart:

Act means the Public Health Service Act, as amended.

Family means a social unit composed of one person, or two or more persons living together, as a household.

Low income family means a family whose total annual income does not exceed 100 percent of the most recent Poverty Guidelines issued pursuant to 42 U.S.C. 9902(2). ``Low-income family'' also includes members of families whose annual family income exceeds this amount, but who, as determined by the project director, are unable, for good reasons, to pay for family planning services. For example, unemancipated minors who wish to receive services on a confidential basis must be considered on the basis of their own resources.

Nonprofit, as applied to any private agency, institution, or organization, means that no part of the entity's net earnings benefit, or may lawfully benefit, any private shareholder or individual.

Secretary means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

State includes, in addition to the several States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, American Samoa, the U.S. Outlying Islands (Midway, Wake, et al.), the Marshall Islands, the Federated State of Micronesia and the Republic of Palau.

[65 FR 41278, July 3, 2000; 65 FR 49057, Aug. 10, 2000]

Sec. 59.3 Who is eligible to apply for a family planning services grant?

Any public or nonprofit private entity in a State may apply for a grant under this subpart.

Sec. 59.4 How does one apply for a family planning services grant?

(a) Application for a grant under this subpart shall be made on an authorized form.

(b) An individual authorized to act for the applicant and to assume

on behalf of the applicant the obligations imposed by the terms and conditions of the grant, including the regulations of this subpart, must sign the application.

(c) The application shall contain--

(1) A description, satisfactory to the Secretary, of the project and how it will meet the requirements of this subpart;

(2) A budget and justification of the amount of grant funds requested;

(3) A description of the standards and qualifications which will be required for all personnel and for all facilities to be used by the project; and

(4) Such other pertinent information as the Secretary may require.

Sec. 59.5 What requirements must be met by a family planning project?

(a) Each project supported under this part must:

(1) Provide a broad range of acceptable and effective medically approved family planning methods (including natural family planning methods) and services (including infertility services and services for adolescents). If an organization offers only a single method of family planning, it may participate as part of a project as long as the entire project offers a broad range of family planning services.

(2) Provide services without subjecting individuals to any coercion to accept services or to employ or not to employ any particular methods of family planning. Acceptance of services must be solely on a voluntary basis and

[[Page 409]]

may not be made a prerequisite to eligibility for, or receipt of, any other services, assistance from or participation in any other program of the applicant.\1\  
-----

\1\ Section 205 of Pub. L. 94-63 states: ``Any (1) officer or employee of the United States, (2) officer or employee of any State, political subdivision of a State, or any other entity, which administers or supervises the administration of any program receiving Federal financial assistance, or (3) person who receives, under any program receiving Federal assistance, compensation for services, who coerces or endeavors to coerce any person to undergo an abortion or sterilization procedure by threatening such person with the loss of, or disqualification for the receipt of, any benefit or service under a program receiving Federal financial assistance shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.''  
-----

(3) Provide services in a manner which protects the dignity of the individual.

(4) Provide services without regard to religion, race, color, national origin, handicapping condition, age, sex, number of pregnancies, or marital status.

(5) Not provide abortion as a method of family planning. A project must:

(i) Offer pregnant women the opportunity to be provided information and counseling regarding each of the following options:

(A) Prenatal care and delivery;

(B) Infant care, foster care, or adoption; and

(C) Pregnancy termination.

(ii) If requested to provide such information and counseling, provide neutral, factual information and nondirective counseling on each of the options, and referral upon request, except with respect to any option(s) about which the pregnant woman indicates she does not wish to receive such information and counseling.

(6) Provide that priority in the provision of services will be given to persons from low-income families.

(7) Provide that no charge will be made for services provided to any persons from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized to or is under legal obligation to pay this charge.

(8) Provide that charges will be made for services to persons other than those from low-income families in accordance with a schedule of discounts based on ability to pay, except that charges to persons from families whose annual income exceeds 250 percent of the levels set forth in the most recent Poverty Guidelines issued pursuant to 42 U.S.C. 9902(2) will be made in accordance with a schedule of fees designed to recover the reasonable cost of providing services.

(9) If a third party (including a Government agency) is authorized or legally obligated to pay for services, all reasonable efforts must be made to obtain the third-party payment without application of any discounts. Where the cost of services is to be reimbursed under title XIX, XX, or XXI of the Social Security Act, a written agreement with the title XIX, XX or XXI agency is required.

(10)(i) Provide that if an application relates to consolidation of service areas or health resources or would otherwise affect the operations of local or regional entities, the applicant must document that these entities have been given, to the maximum feasible extent, an opportunity to participate in the development of the application. Local and regional entities include existing or potential subgrantees which have previously provided or propose to provide family planning services to the area proposed to be served by the applicant.

(ii) Provide an opportunity for maximum participation by existing or potential subgrantees in the ongoing policy decisionmaking of the project.

(11) Provide for an Advisory Committee as required by Sec. 59.6.

(b) In addition to the requirements of paragraph (a) of this section, each project must meet each of the following requirements unless the Secretary determines that the project has established good cause for its omission. Each project must:

(1) Provide for medical services related to family planning (including physician's consultation, examination prescription, and continuing supervision, laboratory examination, contraceptive supplies) and necessary referral

[[Page 410]]

to other medical facilities when medically indicated, and provide for the effective usage of contraceptive devices and practices.

(2) Provide for social services related to family planning, including counseling, referral to and from other social and medical services agencies, and any ancillary services which may be necessary to facilitate clinic attendance.

(3) Provide for informational and educational programs designed to--

(i) Achieve community understanding of the objectives of the program;

(ii) Inform the community of the availability of services; and

(iii) Promote continued participation in the project by persons to whom family planning services may be beneficial.

(4) Provide for orientation and in-service training for all project personnel.

(5) Provide services without the imposition of any durational residency requirement or requirement that the patient be referred by a physician.

(6) Provide that family planning medical services will be performed under the direction of a physician with special training or experience in family planning.

(7) Provide that all services purchased for project participants will be authorized by the project director or his designee on the project staff.

(8) Provide for coordination and use of referral arrangements with other providers of health care services, local health and welfare departments, hospitals, voluntary agencies, and health services projects supported by other federal programs.

(9) Provide that if family planning services are provided by contract or other similar arrangements with actual providers of services, services will be provided in accordance with a plan which establishes rates and method of payment for medical care. These payments must be made under agreements with a schedule of rates and payment procedures maintained by the grantee. The grantee must be prepared to substantiate, that these rates are reasonable and necessary.

(10) Provide, to the maximum feasible extent, an opportunity for participation in the development, implementation, and evaluation of the project by persons broadly representative of all significant elements of the population to be served, and by others in the community knowledgeable about the community's needs for family planning services.

[65 FR 41278, July 3, 2000; 65 FR 49057, Aug. 10, 2000]

Sec. 59.6 What procedures apply to assure the suitability of informational and educational material?

(a) A grant under this section may be made only upon assurance satisfactory to the Secretary that the project shall provide for the review and approval of informational and educational materials developed or made available under the project by an Advisory Committee prior to their distribution, to assure that the materials are suitable for the population or community to which they are to be made available and the purposes of title X of the Act. The project shall not disseminate any such materials which are not approved by the Advisory Committee.

(b) The Advisory Committee referred to in paragraph (a) of this section shall be established as follows:

(1) Size. The Committee shall consist of no fewer than five but not more than nine members, except that this provision may be waived by the Secretary for good cause shown.

(2) Composition. The Committee shall include individuals broadly representative (in terms of demographic factors such as race, color, national origin, handicapped condition, sex, and age) of the population or community for which the materials are intended.

(3) Function. In reviewing materials, the Advisory Committee shall:

(i) Consider the educational and cultural backgrounds of individuals to whom the materials are addressed;

(ii) Consider the standards of the population or community to be served with respect to such materials;

(iii) Review the content of the material to assure that the information is factually correct;

(iv) Determine whether the material is suitable for the population or community to which is to be made available; and

- (v) Establish a written record of its determinations.

Sec. 59.7 What criteria will the Department of Health and Human Services use to decide which family planning services projects to fund and in what amount?

(a) Within the limits of funds available for these purposes, the Secretary may award grants for the establishment and operation of those projects which will in the Department's judgment best promote the purposes of section 1001 of the Act, taking into account:

- (1) The number of patients, and, in particular, the number of low-income patients to be served;
- (2) The extent to which family planning services are needed locally;
- (3) The relative need of the applicant;
- (4) The capacity of the applicant to make rapid and effective use of the federal assistance;
- (5) The adequacy of the applicant's facilities and staff;
- (6) The relative availability of non-federal resources within the community to be served and the degree to which those resources are committed to the project; and
- (7) The degree to which the project plan adequately provides for the requirements set forth in these regulations.

(b) The Secretary shall determine the amount of any award on the basis of his estimate of the sum necessary for the performance of the project. No grant may be made for less than 90 percent of the project's costs, as so estimated, unless the grant is to be made for a project which was supported, under section 1001, for less than 90 percent of its costs in fiscal year 1975. In that case, the grant shall not be for less than the percentage of costs covered by the grant in fiscal year 1975.

(c) No grant may be made for an amount equal to 100 percent for the project's estimated costs.

Sec. 59.8 How is a grant awarded?

(a) The notice of grant award specifies how long HHS intends to support the project without requiring the project to re compete for funds. This period, called the project period, will usually be for three to five years.

(b) Generally the grant will initially be for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of such awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by HHS that continued funding is in the best interest of the government.

(c) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

Sec. 59.9 For what purpose may grant funds be used?

Any funds granted under this subpart shall be expended solely for the purpose for which the funds were granted in accordance with the

approved application and budget, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed in 45 CFR Part 74 or Part 92, as applicable.

Sec. 59.10 What other HHS regulations apply to grants under this subpart?

Attention is drawn to the following HHS Department-wide regulations which apply to grants under this subpart. These include:

37 CFR Part 401--Rights to inventions made by nonprofit organizations and small business firms under government grants, contracts, and cooperative agreements  
42 CFR Part 50, Subpart D--Public Health Service grant appeals procedure  
45 CFR Part 16--Procedures of the Departmental Grant Appeals Board  
45 CFR Part 74--Uniform administrative requirements for awards and subawards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations; and certain grants and agreements with states, local governments and Indian tribal governments  
45 CFR Part 80--Nondiscrimination under programs receiving Federal assistance through the Department of Health and

[[Page 412]]

Human Services effectuation of Title VI of the Civil Rights Act of 1964  
45 CFR Part 81--Practice and procedure for hearings under Part 80 of this Title  
45 CFR Part 84--Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance  
45 CFR Part 91--Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance  
45 CFR Part 92--Uniform administrative requirements for grants and cooperative agreements to state and local governments

Sec. 59.11 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff about individuals receiving services must be held confidential and must not be disclosed without the individual's documented consent, except as may be necessary to provide services to the patient or as required by law, with appropriate safeguards for confidentiality. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

Sec. 59.12 Additional conditions.

The Secretary may, with respect to any grant, impose additional conditions prior to or at the time of any award, when in the Department's judgment these conditions are necessary to assure or protect advancement of the approved program, the interests of public health, or the proper use of grant funds.

[65 FR 41278, July 3, 2000; 65 FR 49057, Aug. 10, 2000]

Subpart B [Reserved]

Subpart C--Grants for Family Planning Service Training

Authority: Sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a-4; sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a-1.

Source: 37 FR 7093, Apr. 8, 1972, unless otherwise noted.

Sec. 59.201 Applicability.

The regulations in this subpart are applicable to the award of grants pursuant to section 1003 of the Public Health Service Act (42 U.S.C. 300a-1) to provide the training for personnel to carry out family planning service programs described in sections 1001 and 1002 of the Public Health Service Act (42 U.S.C. 300, 300a).

Sec. 59.202 Definitions.

As used in this subpart:

(a) Act means the Public Health Service Act.

(b) State means one of the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

(c) Nonprofit private entity means a private entity no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(d) Secretary means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

(e) Training means job-specific skill development, the purpose of which is to promote and improve the delivery of family planning services.

Sec. 59.203 Eligibility.

(a) Eligible applicants. Any public or nonprofit private entity located in a State is eligible to apply for a grant under this subpart.

(b) Eligible projects. Grants pursuant to section 1003 of the Act and this subpart may be made to eligible applicants for the purpose of providing programs, not to exceed three months in duration, for training family planning or other health services delivery personnel in the skills, knowledge, and attitudes necessary for the effective delivery of family planning services: Provided, That the Secretary may in particular cases approve support of a program whose duration is longer than three months where he determines (1) that such program is consistent with the purposes of this subpart and (2) that the program's objectives cannot be accomplished within three months because of the unusually complex or specialized nature of the training to be undertaken.

[37 FR 7093, Apr. 8, 1972, as amended at 40 FR 17991, Apr. 24, 1975]

[[Page 413]]

Sec. 59.204 Application for a grant.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe. \1\ The application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements

of this subpart, and a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

---

\1\ Applications and instructions may be obtained from the Program Director, Family Planning Services, at the Regional Office of the Department of Health and Human Services for the region in which the project is to be conducted, or the Office of Family Planning, Office of the Assistant Secretary for Health, Washington, DC 20201.

---

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the regulations of this subpart and any additional conditions of the grant.

(Sec. 6(c), Public Health Service Act, 84 Stat. 1506 and 1507 (42 U.S.C. 300, 300a-1, and 300a-4))

[37 FR 7093, Apr. 8, 1972, as amended at 49 FR 38116, Sept. 27, 1984]

Sec. 59.205 Project requirements.

An approvable application must contain each of the following unless the Secretary determines that the applicant has established good cause for its omission:

(a) Assurances that:

(1) No portion of the Federal funds will be used to train personnel for programs where abortion is a method of family planning.

(2) No portion of the Federal funds will be used to provide professional training to any student as part of his education in pursuit of an academic degree.

(3) No project personnel or trainees shall on the grounds of sex, religion, or creed be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the project.

(b) Provision of a methodology to assess the particular training (e.g., skills, attitudes, or knowledge) that prospective trainees in the area to be served need to improve their delivery of family planning services.

(c) Provision of a methodology to define the objectives of the training program in light of the particular needs of trainees defined pursuant to paragraph (b) of this section.

(d) Provision of a method for development of the training curriculum and any attendant training materials and resources.

(e) Provision of a method for implementation of the needed training.

(f) Provision of an evaluation methodology, including the manner in which such methodology will be employed, to measure the achievement of the objectives of the training program.

(g) Provision of a method and criteria by which trainees will be selected.

Sec. 59.206 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to assist in the establishment and operation of those projects which will in his judgment best promote the purposes of section 1003 of the Act, taking into account:

(1) The extent to which a training program will increase the

delivery of services to people, particularly low-income groups, with a high percentage of unmet need for family planning services;

(2) The extent to which the training program promises to fulfill the family planning services delivery needs of the area to be served, which may include, among other things:

(i) Development of a capability within family planning service projects to provide pre- and in-service training to their own staffs;

(ii) Improvement of the family planning services delivery skills of family planning and health services personnel;

(iii) Improvement in the utilization and career development of paraprofessional and paramedical manpower in family planning services;

(iv) Expansion of family planning services, particularly in rural areas, through new or improved approaches to

[[Page 414]]

program planning and deployment of resources;

(3) The capacity of the applicant to make rapid and effective use of such assistance;

(4) The administrative and management capability and competence of the applicant;

(5) The competence of the project staff in relation to the services to be provided; and

(6) The degree to which the project plan adequately provides for the requirements set forth in Sec. 59.205.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either: (1) On the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as travel or supply costs) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) Allowability of costs shall be in conformance with the applicable cost principles prescribed by Subpart Q of 35 CFR part 74.

(d) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which support is recommended.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

[37 FR 7093, Apr. 8, 1972, as amended at 38 FR 26199, Sept. 19, 1973]

Sec. 59.207 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

Sec. 59.208 Use of project funds.

(a) Any funds granted pursuant to this subpart as well as other funds to be used in performance of the approved project shall be expended solely for carrying out the approved project in accordance with the statute, the regulations of this subpart, the terms and conditions of the award, and, except as may otherwise be provided in this subpart, the applicable cost principles prescribed by subpart Q of 45 CFR part 74.

(b) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

(c) The Secretary may approve the payment of grant funds to trainees for:

(1) Return travel to the trainee's point of origin.

(2) Per diem during the training program, and during travel to and from the program, at the prevailing institutional or governmental rate, whichever is lower.

[37 FR 7093, Apr. 8, 1972, as amended at 38 FR 26199, Sept. 19, 1973]

Sec. 59.209 Civil rights.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that 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 subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary of Health and Human Services with the

[[Page 415]]

approval of the President (45 CFR part 80).

Sec. 59.210 Inventions or discoveries.

Any grant award pursuant to Sec. 59.206 is subject to the regulations of the Department of Health and Human Services as set forth in 45 CFR parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

Sec. 59.211 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any

publications, films or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

Sec. 59.212 Grantee accountability.

(a) Accounting for grant award payments. All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: Provided, however, That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) [Reserved]

(c) Accounting for grant-related income--(1) Interest. Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

(d) Grant closeout--(1) Date of final accounting. A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) Final settlement. There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (c)(1) of this section;

(iii) Any other amounts due pursuant to subparts F, M, and O of 45 CFR part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or

[[Page 416]]

assignees by setoff or other action as provided by law.

[36 FR 18465, Sept. 15, 1971, as amended at 38 FR 26199, Sept. 19, 1973]

Sec. 59.213 [Reserved]

Sec. 59.214 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

Sec. 59.215 Applicability of 45 CFR part 74.

The provisions of 45 CFR part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in subpart A of that part 74. The relevant provisions of the following subparts of part 74 shall also apply to grants to all other grantee organizations under this subpart.

45 CFR Part 74

Subpart:

- A General.
- B Cash Depositories.
- C Bonding and Insurance.
- D Retention and Custodial Requirements for Records.
- F Grant-Related Income.
- G Matching and Cost Sharing.
- K Grant Payment Requirements.
- L Budget Revision Procedures.
- M Grant Closeout, Suspension, and Termination.
- O Property.
- Q Cost Principles.

[38 FR 26199, Sept. 19, 1973]

## NEBRASKA INFERTILITY PREVENTION PROJECT

### CHLAMYDIA SCREENING GUIDELINES

(Tests sent to Nebraska Public Health Lab)

-For-

**FAMILY PLANNING SITES, COMMUNITY HEALTH CENTERS,  
STUDENT HEALTH CLINICS,  
PRIVATE PHYSICIANS & LOCAL HEALTH DEPTS.**

**Women 10-30 Years of age**

**Women 31-35 Years Old with ONE of the following Risk Factors:**

- **New Partner or Multiple Partners in Last 90 days**
- **Recent Contact to a partner with Urethritis, Known Chlamydia or other STD**
- **Clinical signs suggestive of Chlamydia Infection: Cervicitis , Mucopus, Cervical Friability, PID**

*A test of cure is not recommended. If you suspect reinfection; you must wait for at least three weeks after treatment is completed before retesting.*



Nebraska Department of Health

and Human Services

402-471-3724

6/08

**Subgrant Terms and Assurances**  
**Nebraska Department of Health and Human Services (DHHS)**  
**Division of Public Health**  
**Subgrant of Nebraska Title X Family Planning and Title V/MCH Block Grant Funds**  
**Project Period: June 29, 2010 - June 30, 2011**  
**Budget Period: June 29, 2010 - June 30, 2011**

The Nebraska Department of Health and Human Services (DHHS) is the prime recipient of federal financial assistance, and the pass-through entity for those funds it subgrants to eligible entities based on Requests for Applications (RFA). Applicants awarded federal financial assistance passed through DHHS become known as Subrecipients. By accepting this Subgrant, the Subrecipient acknowledges its understanding of and agrees to comply with the general terms and assurances described herein.

Subrecipient must perform Subgrant activities in compliance with the following documents governing the particular award.

- 1) **Subgrant Terms and Assurances**, and its appendices:
  - **Delegate Reporting Requirements** (Attachment 5, Exhibit 1);
  - **Program Specific Requirements** (Attachment 5, Exhibit 2);
  - **Administrative and Audit Guidance for Subgrants** (Attachment 5, Exhibit 3);
  - **DHHS Audit Requirement Certification** and the applicable **Federal Certifications** (Attachment 5, Exhibit 4).
- 2) **Request for Applications (RFA)** (for competitive funds), and **Guidelines for Requesting Continuation Funds** (for non-competitive funds) as issued by DHHS;
- 3) **Subgrant Application** in response to RFA, and **Request for Continuation Funding** in response to Guidelines for Requesting Continuation Funds as submitted by Subrecipient;
- 4) **Letter of award** issued by DHHS which includes the award period, amount of funds awarded, and any contingencies to the Subgrant award.

GENERAL TERMS AND ASSURANCES

A. Access to Records and Audit Liability. All Subrecipient books, records, and documents relating to work performed or monies received under this Subgrant shall be subject to audit at any reasonable time upon the provision of reasonable notice by DHHS. The Subrecipient must maintain these records for a period of six (6) full years from the date of final payment, or until all issues related to an audit, litigation or other action are resolved, whichever is longer. All records shall be maintained in accordance with generally accepted accounting practices.

The Subrecipient agrees to provide to DHHS any and all written communications received by the Subrecipient from an auditor related to Subrecipient's internal control over financial reporting requirements and communication with those charged with governance, **including those** in compliance with or related to Statement of Auditing Standards (SAS) 112 *Communicating Internal Control related Matters Identified in an Audit* and SAS 114 *The Auditor's Communication with Those Charged With Governance*. The Subrecipient agrees to provide DHHS with a copy of all such written communications immediately upon receipt or instruct any auditor it employs to deliver copies of such written communication to DHHS at the same time copies are delivered to the Subrecipient, in which case the Subrecipient agrees to verify that DHHS has received a copy.

In addition to, and in no way in limitation of any obligation in this Subgrant, the Subrecipient shall agree that it will be held liable for audit exceptions, and shall return to DHHS all payments made under this Subgrant for which an exception

has been taken or which has been disallowed because of such an exception. The Subrecipient agrees to correct immediately any material weakness or condition reported to DHHS in the course of an audit.

B. Authorized Official. A person authorized by the Subrecipient to sign legally-binding documents. By submitting the signed Application Cover Sheet and the Subgrant Terms and Assurances, the Applicant agrees that if a Subgrant is awarded, it will operate the grant-funded activities as described in the Application and in accordance with the Subgrant Terms and Assurances.

C. Availability of Funding. Due to possible future reductions in appropriations, DHHS cannot guarantee the continued availability of funding for this Subgrant. In the event funds to finance this Subgrant become unavailable either in full or in part due to such reductions in appropriations, DHHS may terminate the Subgrant or reduce the award upon notice in writing to the Subrecipient. Said notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. DHHS shall be the final authority as to the availability of funds. The effective date of such Subgrant termination or reduction in the award shall be specified in the notice as the date of service of said notice or the actual effective date of the funding reduction, whichever is later. Provided that reductions shall not apply to payments made for services satisfactorily completed prior to said effective date. In the event of a reduction in the award, the Subrecipient may cancel this Subgrant as of the effective date of the proposed reduction upon provision of advance written notice to DHHS.

D. Budget Changes. The Subrecipient is permitted to reassign funds from one line item to another line item within the approved budget. If funds are reassigned between line items, prior approval from DHHS is required for cumulative budget transfer requests for allowable costs, allocable to the Subgrant exceeding ten percent (10%) of the current total approved budget. Budget revision requests shall be submitted in writing to DHHS. DHHS will provide written notification of approval or disapproval of the request within 30 days of its receipt.

E. Data Ownership and Copyright. All data collected as a result of this project shall be the property of DHHS. The Subrecipient, or other entities with which it enters into legal agreement with, may copyright any of the copyrightable material produced in conjunction with the performance required under this Subgrant. DHHS hereby reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the copyrightable material for State purposes.

F. Documents Incorporated by Reference. All laws, rules, regulations, guidelines, directives and documents, attachments, and appendices referred to in these terms and assurances shall be deemed incorporated by this reference and made a part of this Subgrant as though fully set forth herein.

G. Drug-Free Work-Place Policy. The Subrecipient hereby assures DHHS that it will operate a drug-free workplace in accordance with state and federal guidelines and has implemented a drug-free workplace policy which is available to DHHS upon request.

H. Federal Governing Requirements. Subrecipient must perform Subgrant activities, expend funds, and report financial and program activities in accordance with Federal grants administration regulations, U.S. Office of Management and Budget (OMB) Circulars governing cost principles and audits (Appendix 3), OMB Circulars governing administrative requirements, and to comply with the certifications attached hereto.

I. Independent Legal Entity. The Subrecipient is an independent legal entity and neither it nor any of its employees shall be deemed employees of DHHS for any purpose. The Subrecipient shall employ and direct such personnel as it requires to perform its obligations under this Subgrant, shall exercise full authority over its personnel, and shall comply with all worker's compensation, employer's liability, and other federal, state, county, and municipal laws, ordinances, rules, and regulations required of an employer providing services as contemplated by this Subgrant.

J. Monitoring. Subrecipient shall facilitate DHHS's monitoring and oversight activities of Subrecipient to include: (1) fiscal and program review using monitoring mechanisms including but not limited to, progress reports, site visits, financial reports, independent (third party) financial audits, and/or internal (State-conducted) financial audits to ensure compliance with program and fiscal requirements; and (2) ensuring that Subrecipient receives a Single Audit if it meets the annual threshold under OMB Circular A-133.

K. Nondiscrimination. The Subrecipient warrants and assures that it complies, as applicable, with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of

1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and the Nebraska Fair Employment Practice Act, to the effect that no person shall, on the grounds of race, color, national origin, sex, pregnancy, marital status, age, religion, or disability, be excluded from participation in, denied benefits of, or otherwise be subjected to discrimination under any program or activity of the Subrecipient. This provision shall include, but not be limited to, employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Subrecipient further agrees to insert similar nondiscrimination provisions in all subcontracts utilized in the performance of this grant.

L. Notices. All notices given under the terms of this Subgrant shall be sent by certified mail, postage prepaid, addressed to the respective party at the address set forth below, or to such other addresses as the parties shall designate in writing from time to time. Notice by Subrecipient to DHHS shall be addressed to Nebraska Health and Human Services, Division of Public Health, P.O. Box 95026, Lincoln, NE 68509-5026, Attn: [Nebraska Reproductive Health].

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Subrecipient name and address]

M. Programmatic changes. The Subrecipient shall request in writing DHHS approval for programmatic changes. DHHS shall send a written determination regarding the request to the Subrecipient within 30 days of its receipt.

N. Public Counsel. In the event the Subrecipient provides health and human services to individuals on behalf of DHHS under the terms of this Subgrant, Subrecipient shall submit to the jurisdiction of the Public Counsel under Neb. Rev. Stat. §§81-8,240 to 81-8,254 with respect to the provision of services under this Subgrant. This clause shall not apply to grants or contracts between DHHS and long-term care facilities subject to the jurisdiction of the state long-term care ombudsman pursuant to the Long-Term Care Ombudsman Act.

O. Publications, Publicity, Conferences or Training and Acknowledgment of Support. Subrecipient shall submit a copy of all presentations, writings and materials developed as a result of activities funded through this Subgrant for purposes of review and comment. Publicity, presentations and written materials concerning activities supported under this Subgrant shall acknowledge the financial support of DHHS and the federal granting agency by including a statement therein (see Appendix 2)

P. Payment. DHHS will make payments subject to Subrecipient's submission of reports according to the Subrecipient Reporting Requirements [Appendix 1], pursuant to the Nebraska Prompt Payment Act, Neb. Rev. Stat. §81-2401 et seq., and will be a cost reimbursement unless otherwise specified as an advance payment in Appendix 2.

Q. Release and Indemnity. The Subrecipient shall assume all risk of loss and hold DHHS, its employees, agents, assignees and legal representatives harmless from all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments and all expenses incident thereto, for injuries to persons and for loss of, damage to, or destruction of property arising out of or in connection with this grant, and proximately caused by the negligent or intentional acts or omissions of the Subrecipient, its officers, employees or agents; for any losses caused by failure by the Subrecipient to comply with terms and conditions of the grant; and, for any losses caused by other parties which have entered into agreements with the Subrecipient.

R. Religious Activities. The Subrecipient is prohibited from engaging in inherently religious activities like worship, religious instruction, or proselytization financed with federal financial assistance.

S. Reports. The Subrecipient must submit data, program, and financial reports according to the reporting requirements (Appendix 1). Extensions for the submission of reports and reimbursement must be submitted in writing to DHHS for approval to prevent withholding of payment.

T. Subcontracting or Subgranting. The Subrecipient agrees that subcontractors and/or subgrantees will not be utilized in the performance of this Subgrant without prior written authorization from DHHS.

U. Subgrant Close-out. Upon the expiration or notice of termination of this Subgrant, the following procedures shall apply for close-out of the Subgrant:

- 1) Upon request from Subrecipient, any allowable reimbursable cost not covered by previous payments shall be paid by DHHS.
- 2) The Subrecipient will not incur new obligations after the termination or expiration of the Subgrant, and shall cancel as many outstanding obligations as possible. DHHS shall give full credit to Subrecipient for the federal share of non-cancelable obligations properly incurred by Subrecipient prior to termination, and costs incurred on, or prior to, the termination or expiration date.
- 3) Subrecipient shall immediately return to DHHS any unobligated balance of cash advanced or shall manage such balance in accordance with DHHS instructions.
- 4) Within a maximum of 90 days following the date of expiration or termination, Subrecipient shall submit all financial, performance, and related reports required by the Subrecipient Reporting Requirements (Appendix 1). DHHS reserves the right to extend the due date for any report and may waive, in writing, any report it considers to be unnecessary.
- 5) DHHS shall make any necessary adjustments upward or downward in the federal share of costs.
- 6) The Subrecipient shall assist and cooperate in the orderly transition and transfer of Subgrant activities and operations with the objective of preventing disruption of services.
- 7) Close-out of this Subgrant shall not affect the retention period for, or state or federal rights of access to, Subrecipient records, or Subrecipient's responsibilities regarding property or with respect to any program income for which Subrecipient is still accountable under this Subgrant. If no final audit is conducted prior to close-out, DHHS reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted at a later time.

V. Subrecipient Procurement. Subrecipient shall be responsible for the settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into by it in connection with the Subgrant, without recourse to DHHS. Such issues include, but are not limited to, disputes, claims, protests of award, source evaluation and other matters of a contractual nature. DHHS is not a party to any other legal agreement entered into between the Subrecipient arising out of this Subgrant award.

W. Technical Assistance. DHHS will provide training and materials, procedures, assistance with quality assurance procedures, and site visits by representatives of DHHS and the federal granting agency in order to review program accomplishments, and other technical assistance as needed or requested.

X. Termination. This Subgrant is subject to termination in the following conditions:

- 1) Termination by DHHS due to unavailability of funding.
- 2) Termination by Mutual Consent: This Subgrant may be terminated in whole or in part, prior to the completion of the Subrecipient's project activities, when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The parties must agree on the termination conditions, including effective date and the portion to be terminated.
- 3) Termination for Cause: In the event of a default or violation of the terms of this Subgrant by the Subrecipient or failure to use the Subgrant for only those purposes set forth, DHHS may take the following action:
  - (a) Suspension - After notice to the Subrecipient, suspend the Subgrant and withhold any further disbursement or prohibit the Subrecipient from incurring additional obligations of Subgrant funds, pending corrective action by the Subrecipient.
  - (b) Termination - Terminate the Subgrant in whole, or in part, at any time before the date of completion, whenever it is determined that the Subrecipient has failed to comply with the terms and conditions of the Subgrant. DHHS will promptly notify the Subrecipient in writing of the determination and the reasons for the termination, together with the effective date.

Payments made to the Subrecipient or recoveries by DHHS under this subsection, will be in accordance with the legal rights and liabilities of the parties.

Payments and recoveries may include, but are not limited to, payments allowed for costs determined to be not in compliance with the terms of this Subgrant up to the date of termination. The Subrecipient will return to DHHS all unencumbered funds. Further, any costs previously paid by DHHS which are subsequently determined to be unallowable through audit and close-out procedures may be recovered pursuant to the closeout procedures herein.

- 4) **Recovery of Funds:** In the event of default, failure to complete the project, or violation of the terms of this Subgrant by the Subrecipient, DHHS may institute such action as necessary to reduce, withdraw, or recover all or part of the project funds from the Subrecipient.

If a Subgrant is awarded, Subrecipient agrees it will operate the activities as described in the Application (or Request for Continuation Funds) and in accordance with these Subgrant Terms and Assurances, with Appendices 1, 2, 3, and 4.

\_\_\_\_\_  
[Name Organization]

By: \_\_\_\_\_  
Signature of Authorized Official

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

Nebraska Title X Delegate Reporting Requirements

Report	Date Due	Period Covered
Delegate Status Report	The 30 <sup>th</sup> of the month following the previous two months activities. July - Aug due Sept. 30 Sept - Oct due Nov. 30 Nov - Dec due Jan. 30 Jan - Feb due March 30 March - April due May 30 May - June Due July 30	Previous two months
Community Education Report		
Expenditure Report (6 Reports/Year)		
Board Meeting Minutes	Attach to Delegate Status Report prior to next scheduled Board Meeting	
Revised Policies and Procedures	Throughout the year With Delegate Status Report	
New Employee Resumé and Contact Information	Following employment with Delegate Status Report	
Audit Report	Within 9 months of the end of the agency fiscal year or 30 days after the audit has been completed	Agency Fiscal Year
(FPAR) OPA Title X FP/Program Data Report	Approximately January 25	January - December
Narrative Progress Report of Title X Priorities	January Report on Title X Priorities, Mandates and Workplan Achievements	12 months

**Program Specific Requirements  
Nebraska Reproductive Health**

**I. Compliance with Program Laws and Regulations Governing Title X Family Planning Grant**

The Subrecipient agrees to provide all services pursuant to the DHHS BCHS Family Planning Guidelines; the Nebraska Reproductive Health Program Medical Policy and Procedure Manual and Administrative Policies and Procedures; Title X of the Public Health Services Act, 42 U.S.C. §300, et seq., Title X regulations, 42 CFR Part 59; Section 504 of Title V of the Social Security Act, 42 U.S.C. §704; and any amendments thereto issued during the term of the subgrant.

**II. Compliance with Title V MCH Block Grant**

The Delegate acknowledges that it may not use amounts paid to it for:

1. inpatient services, other than inpatient services provided to children with special health care needs or to high-risk pregnant women and infants and such other inpatient services as the secretary may approve;
2. cash payments to intended recipients of health services;
3. the purchase or improvement of land, the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility, or the purchase of major medical equipment;
4. satisfying any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds;
5. providing funds for research or training to any entity other than a public or nonprofit private entity; or
6. payment for any item or service (other than an emergency item or service) furnished --
  - a. by an individual or entity during the period when such individual or entity is excluded from providing service under the Maternal and Child Health Act or Title XVIII (Medicare), Title XIX (Medicaid) or Title XX (Services for Families, Children, Aged or Disabled) of the Social Security Act pursuant to section 42 U.S.C. 1320a-7, 42 U.S.C. 1320a-7a, 42 U.S.C. 1320c-5, or 42 U.S.C. 1395u(j)(2) of the Social Security Act; or

- b. at the medical direction or on the prescription of a physician during the period when the physician is excluded from providing services in the Maternal and Child Health program or Title XVIII (Medicare), Title XIX (Medicaid) or Title XX (Services for Families, Children, Aged and Disabled) of the Social Security Act pursuant to 42 U.S.C. Section 1320a-7, 42 U.S.C. Section 1320a-7a, 42 U.S.C. Section 1320-5, or 42 U.S.C. 1395u(j)(2) of the Social Security Act and when the person furnishing such item or service knew or had reason to know of the exclusion (after a reasonable time period after reasonable notice has been furnished to the person).

### **III. Payment: Title X and Title V Funds**

- A. Allocation of Federal Funds. The Department shall provide funds to the Subrecipient to carry out its obligation under this subgrant. Federal funding shall be subject to the following conditions:
  1. Release of funds by the Department is contingent upon the Subrecipient providing non-federal funds as set forth in the award.
  2. No payments for the operation of the grant will be made in excess of funds awarded by the Department.
  3. Submission of a budget revision following notice of the award.
- B. Distribution of Funds. The Department shall distribute funds every other month or as otherwise agreed upon.
- C. Recovery of Funds. Funds may be recovered from a Subrecipient at any time the Department determines, based on Subrecipient reports of expenditures and operations, that the Subrecipient is not expending funds at a rate commensurate with the amount of funds distributed or provided for expenditures under the approved budget.
- D. Other Local Agencies. The Department reserves the right to fund more than one local agency to serve the same area or special population serviced by the Subrecipient, as long as more than one local agency is necessary to serve the full extent of need in that area of special population.
- E. Reduction in Funding. In the event the Department experiences funding shortages, the dollar amounts specified in the award may be reduced accordingly, and the Subrecipient may be required to reduce benefits to participants.
- F. Reservation of Right. The Department reserves the right to the following provisions:
  1. To reallocate funds among local agencies as needed to insure service to individuals at highest levels of priority.

2. To either terminate or curtail part of the activities in order to best utilize available funding in the event that all or part of the federal or state funds are withheld or are not forthcoming.
3. To suspend the Subrecipient's authority to obligate funds provided by the Department pursuant to this Subgrant pending corrective action by this Subrecipient or a decision to terminate this Subgrant.
4. To terminate immediately this Subgrant, in whole or in part when federal funding is terminated, suspended, not released or otherwise forthcoming.

## Nebraska Department of Health and Human Services Administrative and Audit Guidance

To recipients of state funds and subrecipients of federal funds: *An **independent certified public accountant (CPA) licensed to practice in the state of Nebraska** must prepare and issue **all types of reports**, i.e. review, audit or A-133 reports. **Audit or A-133 reports** for governmental organizations and not-for-profit organizations who receive federal payments are to be **prepared in accordance with Government Auditing Standards** as promulgated by the Comptroller General of the United States.*

Types of Organizations	Federal Authority	Cost Principles	YEAR-END FINANCIAL REPORTING Type of Report by Payment Threshold
Not-for-profit organizations	45 CFR Part 74	A-122	<ul style="list-style-type: none"> <li>▪ If state and federal payments from NDHHS are <i>less than \$75,000</i>, a <u>review report</u> is needed.</li> <li>▪ If state and federal payments from NDHHS are <i>\$75,000 or greater</i>, an <u>audit report</u> is needed.</li> <li>▪ If federal payments from all sources are <i>\$500,000 or greater</i>, <u>A-133 report</u> is needed.</li> </ul>
College or University	45 CFR Part 74	A-21	<ul style="list-style-type: none"> <li>▪ If state and federal payments from NDHHS are <i>less than \$75,000</i>, a <u>review report</u> is needed.</li> <li>▪ If state and federal payments from NDHHS are <i>\$75,000 or greater</i>, an <u>audit report</u> is needed.</li> <li>▪ If federal payments from all sources are <i>\$500,000 or greater</i>, <u>A-133 report</u> is needed.</li> </ul>
State, Local or Tribal Government	45 CFR Part 92	A-87	<ul style="list-style-type: none"> <li>▪ If state and federal payments from NDHHS are <i>less than \$75,000</i>, a <u>review report</u> is needed.</li> <li>▪ If state and federal payments from NDHHS are <i>\$75,000 or greater</i>, an <u>audit report</u> is needed.</li> <li>▪ If federal payments from all sources are <i>\$500,000 or greater</i>, <u>A-133 report</u> is needed.</li> </ul>

AUDIT REQUIREMENT CERTIFICATION  
NEBRASKA HEALTH AND HUMAN SERVICES FINANCE & SUPPORT

Applicants receiving federal funds, directly or indirectly, must complete this certification. In Part I, *select either #1 or #2* as relevant to the applicant. An individual authorized by the applicant must **sign the Certification** in Part II. The Office of Management and Budget (OMB) Circular A-133 "Audits of States, Local Governments and Non-Profit Organizations" is referenced in this document as "OMB Circular A-133".

**Applicant** \_\_\_\_\_

NAME OF GRANT **TITLE X FAMILY PLANNING SERVICES AND TITLE V MCH GRANT**

CFDA\* # **93.217 AND 93.994**

FTIN\*\* \_\_\_\_\_

**Applicant's Fiscal Year** \_\_\_\_\_, 20\_\_ to \_\_\_\_\_ 20\_\_

\* Catalog of Federal Domestic Assistance

\*\* Federal Tax Identification Number

PART I

**#1. [ ]** As the applicant named above, *we will expend less than \$500,000* (for fiscal years ending after December 31, 2003) from all Federal Financial Assistance sources, not just the grant named above, and including commodities in our current fiscal year. **Therefore, we are not subject to the audit requirements of OMB Circular A-133.**

*We are, however, responsible for engaging a Certified Public Accountant (CPA) licensed to practice in Nebraska to conduct and prepare either, a review or audit of our organization's financial statements and a report issued by the CPA. We acknowledge the audit must be completed no later than nine months after the end of our organization's current fiscal year. A copy of the report must be submitted to the Nebraska Health and Human Services Finance and Support address as shown at the end of Part I.*

**#2. [ ]** As the applicant named above, *we will expend \$500,000 or more* (for fiscal years ending after December 31, 2003) from all Federal Financial Assistance sources, not just the grant named above, and including commodities in our current fiscal year. **Therefore we are subject to the single audit requirements of OMB Circular A-133.**

*We will engage a certified public accountant (CPA) licensed to practice in Nebraska to conduct and prepare the audit of our organization's financial statements and components of the single audit pertaining to those financial statements. We acknowledge the audit must be completed no later than nine months after the end of our current fiscal year. (#2 continued on next page)*

**(#2 Continued)**

We further acknowledge, that a single audit performed in accordance with OMB A-133 must be submitted to the Federal Audit Clearinghouse. The reporting package, as evidence the audit was completed, must contain:

- The recipient/subrecipient's financial statements,
- a schedule of Expenditure of Federal Awards,
- a Summary Schedule of Prior Audit Findings (if applicable),
- a corrective action plan (if applicable) and
- the auditor's report(s) which includes an opinion on this recipient/subrecipient's financial statements and Schedule of Expenditures of Federal Awards, a report on this recipient/subrecipient's internal control, a report on this recipient/subrecipient's compliance, and a Schedule of Findings and Questioned Costs.

We further acknowledge that the auditor and this recipient/subrecipient must complete and submit with the reporting package a Data Collection Form for Reporting on Audits of States, Local Governments and Non-Profit Organizations (SF-SAC).

We further acknowledge that a copy of this recipient/subrecipient's financial statements, auditor's report and SF-SAC must be submitted to Nebraska Health and Human Services Finance and Support and the Federal Audit Clearinghouse simultaneously. See the Federal Audit Clearinghouse webpage for its submission requirements:

<http://harvester.census.gov/sac/>

For NDHHS, send the audit to:

Nebraska Department of Health and Human Services  
Financial Services - Grants and Cost Management  
P.O. Box 95026  
Lincoln, NE 68509-5026

## PART II

***An individual authorized by the applicant must sign this Audit Certification:***

I hereby certify the information furnished is correct to the best of my knowledge and belief and this subrecipient will comply with the requirements as stated in this certification.

\_\_\_\_\_  
Name and Title of Authorized Individual  
(please print legibly or type)

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**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 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.

---

Organization Name

---

Name and Title of Official Signing for Organization

---

Signature of Official / Date

**CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE**

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law also applies to children’s services that are provided in indoor facilities that are constructed, operated, or maintained with such federal funds. The law does not apply to children’s services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable Federal funds in Medicare or Medicaid; or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing this certification, the applicant/subgrantee certifies that the submitting organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

\_\_\_\_\_  
Signature of authorized official signing on  
behalf of applicant/subgrantee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Organization

**INSTRUCTIONS**  
FOR  
CERTIFICATION REGARDING DEBARMENT,  
SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

1. By signing and submitting the proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**CERTIFICATION REGARDING  
DEBARMENT, *SUSPENSION, INELIGIBILITY AND*  
VOLUNTARY EXCLUSION**

**LOWER TIER COVERED TRANSACTIONS**

*Before completing certification, read instructions on the previous pages.*

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
  
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\_\_\_\_\_  
Name and Title of Authorized Representative

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**INSTRUCTIONS  
FOR  
CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free workplace Act.
3. For grantees other than individuals, Alternate I. applies.
4. For grantees who are individuals, Alternate II. applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of the application, or upon award, if there is no application, the grantee must keep the identity of the workplaces(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the changes(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantee's attention is called in particular, to the following definitions from these rules:

*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation (21 C.F.R. § 1308.11 through §1308.15);

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

*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

*Employee* means the employee of a grantee directly engaged in the performance of work under a grant. Including: (i) All direct charge employees; (ii) all indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include worker not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**  
Alternate I. (Grantees Other Than Individuals)

*Before completing certification, read instructions on the previous pages.*

1. The grantee certifies that it will or will continue to provide a drug-free workplace by:
  - a. 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;
  - b. Establishing an ongoing drug-free awareness program to inform employees about –
    - (i) The dangers of drug abuse in the workplace;
    - (ii) The grantee’s policy of maintaining a drug-free workplace;
    - (iii) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;
  - d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
    - (i) Abide by the terms of the statement; and
    - (ii) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace not later than five calendar days after such conviction;
  - e. Notifying the agency in writing within ten calendar days after receiving notice under paragraph d. (ii) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
  - f. Taking one of the following actions, within 30 calendar days of receiving notice under paragraph d.(ii), with respect to any employee who is so convicted—
    - (i) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended, or
    - (ii) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
2. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (street address, city, county, state, zip code)

---

---

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

---

Name and Title of Authorized Representative (Print)

---

Organization

---

Signature

---

Date

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

Alternate II. (Grantees Who Are Individuals)

1. The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the grant;
2. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

---

Name (Print)

---

Signature

---

Date

TITLE X ASSURANCES OF COMPLIANCE

\_\_\_\_\_ assures that it will:  
(Name of Organization)

- 1. Provide services without subjecting individuals to any coercion to accept services or coercion to employ or not to employ any particular methods of family planning. Acceptance of services must be solely on a voluntary basis and may not be made a prerequisite to eligibility for, or receipt of, any other services.
- 2. Provide services in a manner which protects the dignity of the individual.
- 3. Provide services without regard to religion, race, color, national origin, handicapping condition, age, sex, number of pregnancies, or marital status.
- 4. Not provide abortions as a method of family planning.
- 5. Provide that priority in the provision of services will be given to persons from low income families.

Further: \_\_\_\_\_ certifies that it will:

- 1. Encourage family participation in the decision of the minor seeking family planning services.
- 2. Provide counseling to minors on how to resist coercive attempts to engage in sexual activities.

*From Part 59--Grants for Family Planning Services, Subpart A, Section 59.5 (a) 2,3,4,5, and 6.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_

## **ASSURANCE OF DELEGATE REPORTING REQUIREMENTS**

1. Subgrantee assures that as a condition of the grant, the Nebraska Title X Delegate will submit required reports to the Grantee as specified by the Nebraska Title X Delegate Reporting Requirements (see attached).

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**COVER SHEET**  
**NEBRASKA DEPARTMENT OF HEALTH & HUMAN SERVICES**  
**DIVISION OF PUBLIC HEALTH - LIFESPAN HEALTH SERVICES**  
**TITLE X FAMILY PLANNING SERVICES**  
**June 30, 2010 through June 29, 2011**

**Applicant Organization:** \_\_\_\_\_

**Area Proposing to Serve:** \_\_\_\_\_

**Federal Tax Identification Number:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **City/Zip:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

*By submitting and signing this application, the applicant agrees that, if a subgrant is awarded, it will operate the program as described in the Subgrant Request for Proposal and in accordance with the Subgrant Terms and Assurances.*

Name of Authorized Official (please print): \_\_\_\_\_

Signature of Authorized Official: \_\_\_\_\_

Title: \_\_\_\_\_

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

**Catalog of Federal Domestic Assistance Numbers: 93.994 (Title V) & 93.217 (Title X)**

**Project Director or Contact person:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Financial Officer:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Budget Information**

	Amount	Percentage (%)
<b>A. Title X funds requested</b>	\$ _____	_____
<b>B. Program Income</b>	\$ _____	_____
<b>C. In-Kind</b>	\$ _____	_____
<b>TOTAL PROGRAM BUDGET</b>	<b>\$ _____</b>	<b>100%</b>

(Agency Name) Work Plan FY 2010-2011

**Administrative Goal:**

**I. Outcome Goal:  
(5 year)**

One Year Objective	Activity	Staff	Begin/End	Evaluation

**Clinical Goal:**

**I. Outcome Goal:  
(5 year)**

One Year Objective	Activity	Staff	Begin/End	Evaluation

**Financial Goal:**

**I. Outcome Goal:  
(5 year)**

One Year Objective	Activity	Staff	Begin/End	Evaluation

**Community Education Goal:**

**I. Outcome Goal:  
(5 year)**

One Year Objective	Activity	Staff	Begin/End	Evaluation





Delegate Name: \_\_\_\_\_

**Summary Budget Request  
(Use Whole Numbers)  
FY January 1 - December 31, 2010**

THIS IS A SUMMARY VERSION OF YOUR BUDGET FOR THE PERIOD.	Total Amount Required (sum of column 2-5)	Applicant Funds (complete Row 4a below)	Other Grant Funds (complete Row 4b below)	Program Generated Funds (complete Row 4c below)	Title X/State Funds Requested Family Planning Services (Including HIV & STD services)	
	1	2	3	4	5	
	<b>1. PERSONAL SERVICE</b>					
a. Total Salaries and Wages	\$0	\$0	\$0	\$0	\$0	
b. Fringe Benefits	\$0	\$0	\$0	\$0	\$0	
c. Total Personnel Costs	\$0	\$0	\$0	\$0	\$0	
<b>2. OTHER THAN PERSONNEL SERVICE</b>						
a. Contractual	\$0	\$0	\$0	\$0	\$0	
b. Equipment	\$0	\$0	\$0	\$0	\$0	
c. Staff Development	\$0	\$0	\$0	\$0	\$0	
d. Outreach and Education	\$0	\$0	\$0	\$0	\$0	
e. Other	\$0	\$0	\$0	\$0	\$0	
f. TOTAL OTPS	\$0	\$0	\$0	\$0	\$0	
<b>3. TOTAL DIRECT COSTS<sup>1</sup></b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>4. SOURCE OF APPLICANT FUNDS</b>						
a. Applicant						
i. Unrestricted Funds	\$	-				
ii. In-Kind Contributions	\$	-				
b. Other Grant Funds (Specify)						
	\$	-				
	\$	-				
	\$	-				
c. Program Generated Funds						
I Patient Collections				\$	-	
ii. Patient Donations				\$	-	
iii. Title XIX (Medicaid)				\$	-	
iv. Other Public Ins. (Champus, etc.)				\$	-	
v. Private Insurance				\$	-	
vi. Other				\$	-	
d. Total Applicant and Other Funds	\$	-	\$	-	\$	-

<sup>1</sup>Sum of Total P/S and Total OTPS and Special Project Awards

**Title X Family Planning Funding Formula  
(Currently under revision for FY 2011)**

Definitions

For the purposes of this RFA and the funding formula, these definitions apply for clinic sites.

**Primary Site** - Largest, only, or lead clinical site for a delegate grantee. This may or may not be the center for the delegate's administrative functions. In some cases the administrative functions will exist with a parent organization while with independent non-profit delegates the administrative hub usually exists at the largest clinical site.

**Class I Satellite** - Open daily with a regular clinic schedule, permanent facility, but not the largest or lead clinic site.

**Class 2 Satellite** - Open for clinical services on a limited schedule, often termed "suitcase site".

**Class 3 Satellite** - Same as Class 2 only in communities with < 3000 population.

**Delegate** - a sub-recipient of Title X funding from the Grantee (NE-DHHS). The Grantee is identified by and funded directly from the Office of Population Affairs, U.S. Department of Health and Human Services through a competitive grant process.

Funding Formula - (under revision)

Step 1: A base allocation is made to a delegate agency based on the following amounts:

① Primary Site	\$35,000 year
Class 1 Satellite	\$14,000 year
Class 2 Satellite	\$4,000 year
Class 3 Satellite (population < 3000)	\$1,000 year

Step 2: Funds are further allocated based on the percent of unduplicated Low Income Women (LIW) users to Total Agency Users. The following scale represents the amounts given based on the percent determined:

% of LIW to Total Agency Users	
0 - 35%	= \$0
36 - 45%	= \$5,000 yearly
46 - 55%	= \$10,000 yearly
56 - 65%	= \$15,000 yearly
66 - 75%	= \$20,000 yearly
76 - 85%	= \$25,000 yearly
86 - 95%	= \$30,000 yearly

Step 3: Using a computerized formula delegates are allocated funds based on: Number of unduplicated Low Income Women Users  $\leq$  150% of poverty minus the Medicaid Users.

Step 4: Maternal Child Health (MCH) fund allocation is based on the percent of total allocable Title X funds that a delegate receives. For example, if an agency receives 10% of the total Federal Title X funds available through the funding formula they will receive 10% of the MCH funds available.