



Suicide Mortality Review Cooperative Agreement Terms and Conditions

This Cooperative Agreement is between the Department of Veterans Affairs (VA) and the SMR Recipient organization. In accepting the assistance award, the SMR Recipient organization assumes legal, financial, administrative, and programmatic responsibility for administering the award in accordance with any provisions included in the award, as well as the laws, rules, regulations, Notice of Funding Opportunity (NOFO) requirements, Executive Orders governing assistance awards, and these general terms and conditions, all of which are hereby incorporated into this award by reference. These general terms and conditions will also be posted on VA's Suicide Mortality Review website at <https://www.mentalhealth.va.gov/smr/>. The SMR Recipient also agrees to the substantial involvement of VA in the project as described in the NOFO. While VA may provide SMR Recipients with reminder notices regarding award requirements, the absence of receiving such notice does not relieve SMR Recipients of their responsibility to meet all applicable award requirements. Under this agreement, the SMR Recipient agrees to provide what is outlined in this Cooperative Agreement, the award notification, and the approved application along with any modifications that have occurred or will occur as a result of official changes approved by VA.

1. As outlined in the NOFO, the population focus for this funding opportunity is all people at risk of suicide in a given jurisdiction, where Veterans must be included as a population of focus. Under Focus Area 1, recipients will prioritize planning and establishing Suicide Mortality Review Committees (SMRC). Focus Area 1 recipients must conduct community outreach to educate key community organizations about the importance of SMRCs to secure participation in the work and must also provide SMRC training for its members. Recipients under Focus Area 2, which will include entities with existing SMRCs, will identify suicide deaths, (including deaths of Veterans), conduct vital records quality assurance checks, enter data into a standard case reporting system, conduct multidisciplinary reviews by committees, and enter committee findings and recommendations into the agreed upon case reporting system. The appropriate case reporting system will be determined between VA and the recipients. Focus Area 2 recipients must analyze data and share findings to inform prevention strategies that reduce suicide deaths at the local, State, Tribal, and national levels. Focus Areas 1 and 2 recipients must engage in community education and awareness around lethal means safety. All recipients are required to achieve the period of performance outcomes outlined in the NOFO for their respective Focus Area.

For Focus Area 1, this includes:



- a) Establish a SMRC and committee structure.
- b) Train SMRC members on SMRs.
- c) Establish additional goals for SMRC where applicable.
- d) Develop and document processes, procedures, and policies for SMRC.
- e) Develop or identify culturally appropriate LMS tools and resources to be used for community outreach and training efforts.
- f) By the end of the award period, conduct at least one community outreach and one training event highlighting the importance of LMS.

For Focus Area 2, this includes:

- a) Increase timeliness, accuracy, and standardization of information available about suicide deaths, and specifically Veteran suicide data.
 - b) Increase availability of recommendations of SMRCs among communities, clinicians, and policymakers.
 - c) Increase networking and cooperation between SMRCs and communities to share information from data on suicide deaths.
 - d) Develop a culturally appropriate community outreach and training plan for LMS and develop or identify culturally appropriate LMS tools and resources to be used for community outreach and training efforts.
 - e) Within 180 days of award, conduct at least one Veteran specific SMR.
 - f) At a minimum, beginning within 90 days of award, conduct one Veteran-focused community outreach and one training event each subsequent quarter (for a total of 6 events for the award period) highlighting the importance of LMS.
2. The SMR Recipient agrees that it assumes responsibility for the use of award funds provided by VA. In accordance with 2 C.F.R. § 200.339, Remedies for Noncompliance, VA may terminate this award or take other action if the SMR Recipient materially fails to comply with any one of the terms and conditions of this award, whether stated in a Federal statute, regulation, assurance, application, or notice of award.
 3. This award is also subject to the termination provisions in 2 C.F.R. § 200.340; this award may be terminated in whole or in part:



- a) By VA, if the SMR Recipient fails to comply with the terms and conditions of a Federal award;
 - b) By VA, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
 - c) By VA with the consent of the SMR Recipient, in which case the two parties must agree upon the termination conditions, including effective date and, in the case of partial termination, the portion to be terminated; or
 - d) By the SMR Recipient upon sending VA written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if VA determines in the case of partial termination that the reduced or modified portion of the Federal award will not accomplish the purposes for which the Federal award was made, VA may terminate the Federal award in its entirety.
4. The SMR Recipient agrees to comply with the organizational audit requirements of 2 C.F.R. Part 200, Subpart F, Audit Requirements, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) resulting from 2 C.F.R. Part 200, Subpart F audit requirements (or any other audits of VA award funds) are not promptly and satisfactorily addressed.
 5. Award funds may be used only for the purposes in the SMR Recipient's approved application and allocated as directed in 2 C.F.R. Part 200, Subpart E. The SMR Recipient shall not undertake any work or activities that are not described in the award application, and that use staff, equipment, or other goods or services paid for with VA award funds, without prior written approval from VA.
 6. The SMR Recipient agrees to comply with applicable requirements regarding System for Award Management (SAM) and applicable restrictions on subawards to first tier sub-Recipients that do not acquire and provide a Unique Entity Identification (UEI) number. The SMR Recipient will ensure that all of the sub Recipients have current UEI numbers in the SAM. The details of the SMR Recipient's obligations are posted on SAM.gov. Helpful resources are available at www.FSD.gov. SAM and Universal Identifier Requirements are hereby incorporated by reference into this grant agreement. For details, see 2 C.F.R. Part 25, Appendix A.
 7. The SMR Recipient agrees to comply with applicable requirements to report first tier subawards of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the SMR



Recipient and first tier sub Recipients of award funds. For details, see 2 C.F.R. Part 170, Appendix A. Bonuses to any individuals utilizing Federal funds must conform to Title 2 C.F.R. and be approved in advance by the agency in writing. The details of SMR Recipient's obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA, as amended), are posted on the FFATA Subaward Reporting System (FSRS) website at <https://www.fsrs.gov/>.

8. The SMR Recipient will comply with Federal laws and regulations applicable to awards and SMR Recipients, including applicable provisions of 2 C.F.R. Part 200. The SMR Recipient will provide source documentation of all administrative costs (direct and indirect). The SMR Recipient must be able to provide invoices, payroll, time and attendance records, and other financial documents to support administrative costs, when requested.

9. Standard Requirements for Financial Management Systems

Standards for financial management systems prescribe an SMR Recipient's system that controls and accounts for Federal funds and cost sharing under the award and produces financial reports.

The financial management system must enable SMR Recipients to meet all Office of Management and Budget (OMB) requirements:

- a) Financial Reporting. For financial reports required by the award, SMR Recipients must provide accurate, current, and complete financial information about the Federally assisted activities. If subawards are executed under the award, SMR Recipients must have reasonable procedures in place to ensure each sub Recipient submits its financial reports to the SMR Recipient providing sufficient time for the SMR Recipient to prepare its reports.
- b) Accounting Records. SMR Recipients must maintain records that adequately identify the sources of funds for Federally assisted activities and the purposes for which those funds are to be used. The records must contain information about the award and any subaward, including authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and any program income. The accounting records must be supported by source documentation, such as cancelled checks, paid bills, payroll ledgers, and time and attendance records.
- c) Internal Control. SMR Recipients must maintain effective control over and accountability for all cash, real and personal property, and other assets under the award. SMR Recipients must adequately safeguard all these assets and ensure that they are used only for authorized purposes.



- d) Budget Control. SMR Recipients must be able to compare actual expenditures or outlays with the approved budget.
- e) Allowable Costs. SMR Recipients must have established procedures for determining the reasonableness, allocability, and allowability of costs in accordance with the applicable Federal cost principles, program regulations, or other OMB requirements.
- f) Cash Management. SMR Recipients must have procedures for minimizing the time elapsing between the transfer of any advance payments of funds under the award and disbursement of the funds for direct program costs and the proportionate share of any allowable indirect or facilities and administrative costs. SMR Recipients must ensure that the timing and amount of any payments to sub-Recipients under the award conform to this standard.
- g) Requirement for Performance Data. In comparing actual expenditures or outlays with budget amounts, as required, SMR Recipients must relate financial information to performance data. For this purpose, VA will accept estimates based on available documentation.
- h) Review of Financial Management System. VA may review the SMR Recipient's financial management system at any time to determine whether it complies with the requirements of this provision.

Reporting: Recipients should be aware of the following:

- i. Upon execution of a cooperative agreement with VA, recipients will have a liaison appointed by VA's Suicide Prevention Program Office who will provide oversight and monitor the use of funds.
- ii. Monitoring will also include the submittal of periodic and annual financial and performance reports by the recipient in accordance with 2 C.F.R. Part 200. Performance reports submitted quarterly or semi quarterly are due no later than 30 calendar days after the reporting period per 2 C.F.R. § 200.329(c)(1) (or successor regulations, for all subsequent references). Performance reports submitted annually are due no later than 90 calendar days after the reporting period pursuant to 2 C.F.R. § 200.329(c)(1). The recipients must submit their Final Report no later than 120 calendar days after the conclusion of the period of performance per 2 C.F.R. § 200.344(b) (or successor regulations). The recipient will be expected to demonstrate adherence to the proposed program concept, as described in the recipient's application.
- iii. Entities receiving more than \$500,000 in awards must adhere to all post award reporting requirements reflected in 2 C.F.R. Part 200, Appendix XII.



10. Award Monitoring and Compliance

- a) The purpose of program monitoring and compliance is to ensure progress is being made towards achieving program goals and is in line with Federal requirements,
- b) As part of the program monitoring and compliance, recipients must input data monthly (at a minimum) into VA's web-based management system. VA will ensure recipients have access to the data they need to gather and summarize program impacts and lessons learned on the implementation of the program criteria.
- c) Monitoring and compliance activities may include:
 - i. Regular (for example, approximately every 8 weeks) virtual meetings with the recipient
 - ii. Regular review of financial data and reporting
 - iii. Reviewing recipient annual priority performance measures
 - iv. Reviewing recipient annual work plans and annual progress reports
 - v. Virtual or in-person observations of SMRC processes
 - vi. Discussion and observation of an SMRC meeting during a technical assistance site visit
 - vii. VA examinations of de-identified recipient case-reporting data (Focus Area 2 only) on a routine basis
 - viii. VA has the right, at all reasonable times, to make onsite visits to all recipient locations and have virtual meetings where a recipient is using cooperative agreement funds to review the recipient's accomplishments and management control systems to determine compliance with the provisions of these cooperative agreements.

Training and technical assistance will be provided by VA, which will coordinate with subject matter experts to provide various trainings including the use of measures and metrics required for this program.

11. Period of Availability of Funds

The project and budget periods for this award are indicated on the award cover sheet. The SMR Recipient may charge to the award only allowable costs resulting from obligations incurred during the budget period. Expenditures for staff costs that are obligated during the award budget period may not be charged to the award after a 120-day period following the award expiration date. Award monies are available for closeout activities, which is limited to the preparation of final reports. No other staff costs may be obligated and expended for closeout activities.



12. Publication

The SMR Recipient will not use VA's name or any of its components, except in factual publicity and with the prior approval of VA, which approval shall not be unreasonably withheld. Such factual publicity shall not imply that the involvement of VA serves as an endorsement of the general policies, activities, or products of the SMR Recipient. Where the publicity references VA, publicity will be accompanied by a disclaimer to the effect that no VA endorsement is intended. Any publicity (meaning any efforts to communicate broadly to the public for any purpose) released by the SMR Recipient concerning this agreement shall be subject to prior approval by VA. The SMR Recipient shall not publish any data arising under the Suicide Mortality Review Cooperative Agreement without the prior written consent of VA.

13. Data rights

The SMR Recipient will deliver to VA all data, meaning products such as, but not limited to, suicide prevention recommendations, reports, and training, outreach, and presentation materials, first produced under this agreement with unlimited rights, in accordance with 2 C.F.R. § 200.315(d). The other provisions in 2 C.F.R. § 200.315 shall also apply.

14. Use of VA's logo, seals, flags, and other symbols

The SMR Recipient may not use VA's logo, seals, flags, and other symbols without a written determination by VA that the proposed use by the SMR Recipient advances the aims, purposes, and mission of VA. VA approval is not guaranteed but will not be unreasonably withheld.

15. Post-award Requirements for Closeout

VA will provide each SMR Recipient with information regarding final report due dates and where to send the final reports. VA will notify the SMR Recipient in writing of any changes to the reporting requirements before the project period end date. VA will provide any required forms and instructions for their completion to each SMR Recipient.

SMR Recipients must submit all final financial, performance, and other reports as required by the terms and conditions of the award within 120 calendar days after the project period end date of the award. VA may approve written requests for extensions submitted by the SMR Recipient.



Unless VA authorizes an extension, an SMR Recipient must liquidate all obligations incurred under the award not later than 120 calendar days after the project period end date.

VA must make prompt payments to SMR Recipients for allowable reimbursable costs under the award being closed out. The SMR Recipient must promptly refund any balances of unobligated cash that VA has advanced or paid and that is not authorized to be retained by the SMR Recipient for use in other projects. OMB Circular A-129 governs unreturned amounts that become delinquent debts.

When authorized by the award, VA must make a settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received, not to exceed the amount of the award, unless otherwise prohibited by statute or regulation.

The SMR Recipient must account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with applicable rules, regulations, and laws.

In the event a final audit has not been performed before the closeout of the award, VA will retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

12. Periodic Progress Reports

The SMR Recipient shall submit periodic progress reports, as requested. These reports will include detailed information about the project(s) funded, including, but not limited to, the number of SMR cases reviewed, including Veteran cases, administrative expenses, information about how the funds were actually used, data to support statements of progress, and data concerning results and outcomes of funded projects reflecting project successes and impacts.

13. Annual Federal Financial Report

The SMR Recipient agrees to complete the Federal Financial Report (FFR) or (SF-425). SMR Recipient must complete this report within the U.S. Department of Health and Human Services Payment Management System. The annual financial status report shall be submitted not later than 90 days following the end of the award period. Failure to provide this report may result in the de-obligation of award funds and the project to be closed at the discretion of the Government.

14. Retention and Access Requirements for Records



The SMR Recipient must maintain financial records, supporting documents, statistical records, and all other records pertinent to an award for a period of three years from the date of submission of the final expenditure report. Awards that are renewed quarterly or annually are authorized by VA as of the date of the submission of the quarterly or annual financial report as authorized by VA. The only exceptions are the following:

- a) If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
- b) Records for real property and equipment acquired with Federal funds must be retained for three years after final disposition.
- c) When records are transferred to or maintained by VA, the three-year retention requirement is not applicable to the SMR Recipient.

15. Inspection, Auditing, and Timely and Unrestricted Access, and Protection from Retaliation

- a) VA, the VA Office of Inspector General (OIG), Comptroller General, or any of their duly authorized representatives have the right of timely and unrestricted access to any books, documents, papers, or other records of SMR Recipients and sub-Recipients that are pertinent to the award, in order to make audits, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to SMR Recipients' and sub-Recipients' personnel for the purpose of interview and discussion related to such documents. The rights of access in this paragraph are not limited to the required retention period but must last as long as records are retained.
- b) Employees of SMR Recipients are protected from retaliation for making a protected disclosure related to certain types of wrongdoing. 41 U.S.C. § 4712. The SMR Recipient shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. § 4712. Among other entities, OIG is authorized to receive such disclosures. The OIG maintains a toll-free number (1-800-488-8244) for receiving disclosures, including those concerning gross mismanagement of a Federal contract or award, fraud, waste of Federal funds, abuse of authority under awards and cooperative agreements, substantial and specific danger to public health and safety, or violations of any law, rule or regulation related to a Federal contract or award. Information also may be submitted by web form on the OIG Hotline website at <https://www.va.gov/oig/hotline> or by mail to VA Inspector General Hotline (53H),



810 Vermont Ave., NW, Washington, DC 20420. Such reports are treated as sensitive material, and submitters may decline to give their names if they choose to remain anonymous.

- c) Except for Federally required restrictions on lobbying, the SMR Recipient may not place any restrictions on sub-Recipients that limit the right or ability of the sub-Recipients or their agents to contract or otherwise conduct business with the Federal Government.

16. Federal Debt Status

SMR Recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefits that were overpaid (OMB Circular A-129). The SMR Recipient must notify VA immediately if the SMR Recipient becomes delinquent during the SMR Recipient project period. VA cannot release SMR Recipient award funds until the SMR Recipient provides documentation showing a repayment plan has been accepted by the Internal Revenue Service and payments have been made.

17. Nondiscrimination Policies

The SMR Recipient must execute the SMR Recipient project (for example, productions, workshops, programs, and so forth) in accordance with the following laws, where applicable.

- a) Title VI of the Civil Rights Act of 1964, as amended, 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 benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with limited English proficiency (42 U.S.C. § 2000d, et seq.).
- b) Title IX of the Education Amendments Act of 1972 provides that no person in the United States shall, on the basis of sex or blindness or visual impairment, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance (20 U.S.C. § 1681 and 1684, et seq.).
- c) Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual with a disability in the United States, shall, solely by reason of his/her disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (29 U.S.C. § 794).



- d) The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. § 6101, et seq.).
- e) The Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination on the basis of disability in employment (Title I), State and local government services (Title II), and places of public accommodation and commercial facilities (Title III) (42 U.S.C. § 12101-12213).

18. Environmental and Preservation Policies

- a) The National Environmental Policy Act of 1969 (NEPA), as amended, applies to any Federal funds that would support an activity that may have environmental implications. If the recipients funded SMR program or related endeavors includes activities that may impact the environment, VA may ask SMR Recipient to respond to specific questions or provide additional information in accordance with the NEPA.
- b) The National Historic Preservation Act of 1966, as amended, applies to any Federal funds that would support either the planning or major renovation of any structure eligible for or on the National Register of Historic Places, in accordance with 54 U.S.C. § 306108. This law also applies to project activities, such as new construction, that would affect such properties. If the recipient's funded SMR program or related endeavors permits activities such as renovation or construction of structures, VA will consult with SMR Recipient's State Historic Preservation Officer, and other consulting parties as appropriate, to address potential impacts to historic properties. Any design, renovation, or construction plans must be submitted to VA's Suicide Mortality Review team for review and approval prior to undertaking any such activities. The SMR Recipient may be asked to provide additional information on the SMR Recipient's project to ensure compliance with the Act (54 U.S.C. § 300101 et seq).

19. Debarment and Suspension. The SMR Recipient must comply with requirements regarding debarment and suspension in 2 C.F.R. Part 180.

There are circumstances under which VA may receive information concerning the SMR Recipient's fitness to carry out a project and administer Federal funds, for instance:

- a) Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, or making false statements.



- b) Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the SMR Recipient's present responsibility; and/or
- c) Any other cause of so serious or compelling a nature that it affects the SMR Recipient's present responsibility.

In these circumstances, VA may need to act quickly to protect the interest of the Government by suspending SMR Recipient funding while VA undertakes an investigation of the specific facts. VA may coordinate our suspension actions with other Federal agencies that have an interest in our findings. A suspension may result in the SMR Recipient's debarment from receiving Federal funding Governmentwide for up to three years.

20. The Drug Free Workplace Act requires the SMR Recipient to publish a statement about the SMR Recipient's drug free workplace program. The SMR Recipient must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out.

The SMR Recipient must maintain on file the place(s) where work is being performed under this award (i.e., street address, city, State, and zip code). The SMR Recipient must notify VA of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. (41 U.S.C. § 8101 et seq. and 38 C.F.R. Part 48).

21. Lobbying. The SMR Recipient may not conduct political lobbying, as defined in the statutes, regulations, and OMB Circulars cited below, within the SMR Recipient's Federally-supported project. In addition, the SMR Recipient may not use Federal funds for lobbying specifically to obtain awards. For definitions and other information on these restrictions, refer to the following:

- a) "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they



deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities." (18 U.S.C. § 1913, Lobbying with appropriated moneys).

- b) 2 C.F.R. § 200.450, "Lobbying," clarifies that lobbying is an unallowable project cost and is governed by relevant statutes and guidance documents as described in 2 C.F.R. § 200.450(a). Costs incurred in attempting to improperly influence either directly or indirectly, an employee or officer of the executive branch of the Federal Government to give consideration or to act regarding a Federal award or a regulatory matter are unallowable. Improper influence means any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a Federal award or regulatory matter on any basis other than the merits of the matter. See 2 C.F.R. § 200.450 for additional restrictions.
- c) Certification Regarding Lobbying to Obtain Awards. Section 1352 of title 31, United States Code, prohibits the use of Federal funds in lobbying Members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal Award, cooperative agreement, contract, or loan. While non-Federal funds may be used for such activities, they may not be included in the SMR Recipient's project budget, and their use must be disclosed to the awarding Federal agency. Disclosure of lobbying activities by long-term employees (employed or expected to be employed for more than 130 days) is, however, not required. In addition, the law exempts from the definition of lobbying certain professional and technical services by applicants and SMR Recipients.

VA strongly advises the SMR Recipient to review these regulations carefully. They are published at 38 C.F.R. Part 45 and can be found at www.ecfr.gov.

22. Site Visits

VA, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and to provide such technical assistance as may be required. If any site visit is made by VA on the premises of the SMR Recipient, a sub-Recipient, or subcontractor, the SMR Recipient shall provide, and shall require its sub-Recipients and subcontractors to provide, all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly interfere with or delay the work.



23. Trafficking in Persons

This Government-wide award term implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104) and 2 C.F.R. Part 175. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the SMR Recipient or a sub-Recipient:

- a) Engages in severe forms of trafficking in persons during the period of time that the award is in effect.
- b) Procures a commercial sex act during the period of time that the award is in effect;
- c) Uses forced labor in the performance of the award or sub-awards under the award; or
- d) Engages in acts that directly support or advance trafficking in persons.

The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference in the terms and conditions of this award.

24. Prompt Payment Act

Federal funds may not be used by the SMR Recipient for the payment of interest penalties to contractors when bills are paid late, nor may interest penalties be used to satisfy cost sharing requirements. Obligations to pay such interest penalties will not be obligations of the United States.

25. Payments

For registered SMR Recipients in the U.S. Department of Health and Human Services Payment Management System (PMS-SMARTLINK), instructions for submitting requests for payment may be found at <https://pms.psc.gov/>. If SMR Recipients submit a payment request electronically, they may submit requests as frequently as required to meet needs to disburse funds for program purposes.

Whenever it is administratively feasible to do so, SMR Recipients are to time each request for an advance so that payments of VA funds are received on the same day of the need to disburse the funds for direct program costs (and the proportionate share of any allowable indirect or facilities and administrative costs). When same day transfers are not feasible, advance payments should not exceed three-days' estimated cash needs. The SMR Recipient will provide source documentation of all administrative costs (direct and indirect to support these requests). The SMR



Recipient must be able to provide invoices, payroll, time and attendance records, and other financial documents to support administrative costs, when requested.

26. VA regularly reviews SMR Recipients' expenditures to ensure that funds are being used in a manner consistent with program goals and regulations. It is expected that SMR Recipient expenditures will be consistent across quarters as significant variance, specifically lower than expected spending, may indicate either a lower demand for services or difficulty in managing funds. If, during the award year, VA determines that SMR Recipient spending is not projected to spend funds by the end of the budget period, VA may elect to recoup projected unused funds and reprogram such funds to provide services in areas with higher need.
28. Financial Guide Compliance

Unless otherwise agreed upon between the SMR Recipient and VA, the SMR Recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the VA Financial Guide for Grant Awardees, which for this SMR initiative, applies equally to Cooperative Agreement Recipients as well. The latest version of the VA financial guide can be viewed and downloaded at [https://department.va.gov/financial-policy-documents/? financial_policy_volumes=volume-x-grants-management](https://department.va.gov/financial-policy-documents/?financial_policy_volumes=volume-x-grants-management).

29. Electronic Signature:

If VA identifies discrepancies or concerns with any electronic or scanned signature provided, VA reserves the right to request that the document be resubmitted with a true ink signature.