

Economic and Employment Services  
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Phyllis Gilmore, Secretary

Sam Brownback, Governor

September 20, 2012

Mr. Nick St. Angelo, Director  
Division of Energy Assistance  
Office of Community Services/ACF/HHS  
370 L'Enfant Promenade, S.W.  
Washington, DC 20447

Dear Mr. St. Angelo:

Enclosed is the 2013 LIHEAP State Plan for the State of Kansas. This year's plan is being submitted using the abbreviated full format. Included in the submission is a letter from Governor Brownback making a new designation for our authorized representative.

Please contact me if you have any questions regarding this submission.

Closing,

A handwritten signature in cursive script that reads "Winona Dickson".

Winona Dickson  
LIEAP Program Manager  
Economic and Employment Support  
Kansas Department for Children & Families

Enclosure

Capitol Building  
Room 241-South  
300 SW 10th Street  
Topeka, KS 66612



Phone: (785) 296-3232  
Fax: (785) 368-8788  
governor@ks.gov

Sam Brownback, Governor

August 7, 2012

Mr. Nick St. Angelo, Director  
Division of Energy Assistance  
Office of Community Services, ACF, HHS  
370 L'Enfant Promenade, S.W.  
Washington, DC 20447

Dear Mr. St. Angelo:

I hereby designate Phyllis Gilmore, Secretary of the Department of Social and Rehabilitation Services, as the State's authorized representative to make assurance certifications on behalf of the Governor necessary to execute documents and implement the Low Income Home Energy Assistance Program until further notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Brownback". The signature is stylized and written over a horizontal line.

Sam Brownback  
Governor

**ATTACHMENT 3**

**LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

**DETAILED MODEL PLAN**

**PUBLIC LAW 97-35, AS AMENDED**

**FISCAL YEAR (FY) 2013**

**GRANTEE** State of Kansas

**EIN:** 48-1124839

**ADDRESS** 915 SW Harrison, Suite 580

Docking State Office Building

Topeka, KS 66612

**NAME OF LIHEAP COORDINATOR** Winona Dickson

**EMAIL:** Winona.Dickson@def.ks.gov

**TELEPHONE:** 785-368-8122 **FAX:** 785-296-6960

**PLEASE CHECK ONE: TRIBE**  **STATE**  **INSULAR AREA**

**Department of Health and Human Services  
Administration for Children and Families  
Office of Community Services  
Washington, DC 20447**

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01

**OMB Approval No. 0970-0075**

**Expiration Date: 04/30/2014**

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The Kansas Department for Children and Families agrees to:  
(Grantee Name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) \* beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

**\* This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.\* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.\*\*

Signature: Shyllia Gilmore

Title: Secretary

Date: 9/20/12

**\* Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**\*\* If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

**\*\*\* HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.



statutory references

2605(a)  
 2605(b)(1) → Please check which components you will operate under the LIHEAP program.  
 (Note: You must provide information for each component designated here as requested elsewhere in this plan.)

|                | <u>Dates of Operation</u>            |                                   |
|----------------|--------------------------------------|-----------------------------------|
| (use of funds) | <u> X </u> heating assistance        | January 14, 2013 – March 29, 2013 |
|                | <u> </u> cooling assistance          | _____                             |
|                | <u> X </u> crisis assistance         | January 14, 2013 – March 29, 2013 |
|                | <u> X </u> weatherization assistance | April - March                     |

2605(c)(1)(C) → Please estimate what amount of available LIHEAP funds will be used for each component that you will operate: **The total of all percentages must add up to 100%.**

|                |   |
|----------------|---|
| (use of funds) | <u> 65 </u> % heating assistance  |
|                | <u> </u> % cooling assistance   |
|                | <u> 10 </u> % crisis assistance   |
| 2605(k)(1)     | <u> 15 </u> % weatherization assistance   |
|                | <u> </u> % carryover to the following fiscal year   |
| 2605(b)(9)     | <u> 10 </u> % administrative and planning costs   |
| 2605(b)(16)    | <u> </u> % services to reduce home energy needs including needs assessment (assurance 16)   |
|                | <u> </u> % used to develop and implement leveraging activities (limited to the greater of 0.08% or \$35,000 for States, the greater of 2% or \$100 for territories, tribes and tribal organizations). |
|                | <u> 100 </u> <b>TOTAL</b>   |

statutory references

2605(c)(1)(C)

➔ The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

(alternate use of crisis assistance funds)

- heating assistance
- cooling assistance
- weatherization assistance
- Other(specify):

➔ Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes  No

2605(b)(2)  
2605(c)(1)(A)

➔ What are your maximum eligibility limits?  
(Please check the components to which they apply.)  
**Current year guidelines must be used.**

(eligibility)

- 150% of the poverty guidelines:  
heating  cooling  crisis  wx
- 125% of the poverty guidelines:  
heating  cooling  crisis  wx
- 110% of the poverty guidelines:  
heating  cooling  crisis  wx
- 60% of the State's median income:  
heating  cooling  crisis  wx
- Other (specify for each component)

130% of the poverty guidelines for heating, crisis, and weatherization

Households automatically eligible if one person is receiving  
 TANF,  SSI,  Food Stamps,  Certain means-tested veterans programs (heating  cooling  crisis  wx )

statutory  
references

2605(c)(1)(A)  
2605(b)(2)  
(eligibility)

→Do you have additional eligibility requirements for:  
**HEATING ASSISTANCE**  X  Yes   No)

|              |            |            |
|--------------|------------|------------|
| →Do you use: | <u>Yes</u> | <u>No</u>  |
| Assets test? | <u> </u>   | <u> X </u> |

|  |          |            |
|--|----------|------------|
| →Do you give priority in eligibility to: |          |            |
| Elderly?                                 | <u> </u> | <u> X </u> |
| Disabled?                                | <u> </u> | <u> X </u> |
| Young children?                          | <u> </u> | <u> X </u> |
| Other:<br>(If Yes, please describe)      | <u> </u> | <u> X </u> |

An adult household member must be personally responsible for purchasing fuel costs incurred at the current residence, payable either to the landlord or to the fuel vendor.

The household must meet citizenship or lawful residency requirements.

The household must meet application requirements.

statutory  
references

2605(c)(1)(A)  
2605(b)(2)

→Do you have additional eligibility requirements for:  
**COOLING ASSISTANCE** (      Yes   X   No)

(eligibility)

| →Do you use:                             | <u>Yes</u>        | <u>No</u>         |
|--|-------------------|-------------------|
| Assets test?                             | <u>          </u> | <u>          </u> |
| →Do you give priority in eligibility to: |                   |                   |
| Elderly?                                 | <u>          </u> | <u>          </u> |
| Disabled?                                | <u>          </u> | <u>          </u> |
| Young children?                          | <u>          </u> | <u>          </u> |
| Other:<br>(If Yes, please describe)      | <u>          </u> | <u>          </u> |

statutory  
references

2604(c)  
2605(c)(1)(A)

→ Do you have additional eligibility requirements for:  
**CRISIS ASSISTANCE** ( Yes  No)

(eligibility)

|   | <u>Yes</u>       | <u>No</u>        |
|---|------------------|------------------|
| → Do you use:   |                  |                  |
| Assets test?  | _____            | ___ <u>X</u> ___ |
| Must the household have received a shut-off notice or have an empty tank? | ___ <u>X</u> ___ | _____            |
| Must the household have exhausted regular benefit?                        | _____            | ___ <u>X</u> ___ |
| Must the household have received a rent eviction notice?                  | _____            | ___ <u>X</u> ___ |
| Must heating/cooling be medically necessary?                              | ___ <u>X</u> ___ | _____            |
| Other (Please explain):   | _____            | ___ <u>X</u> ___ |

→ What constitutes a crisis? (Please describe)

Household has no heating fuel or no energy to operate the primary heating system.

statutory  
references

2605(c)(1)(A) →Do you have additional eligibility requirements for:  
**WEATHERIZATION** ( X Yes \_\_\_ No)

(eligibility)

→Do you use: Yes No

Assets test? \_\_\_ X

Priority groups? (Please list) X \_\_\_

Elderly, Disabled, and Children

→Are you using Department of Energy (DOE) Low  
Income Weatherization Assistance Program  
(LIWAP) rules to establish eligibility or to establish  
priority eligibility for households with certain  
characteristics? X \_\_\_

→If Yes, are there exceptions? X \_\_\_  
Please list below.

LIHEAP rules are used to determine income eligibility.

statutory  
references

2605(b)(3) → Please check the outreach activities that you  
2605(c)(3)(A) conduct that are designed to assure that eligible households are made  
(outreach) aware of all LIHEAP assistance available:

X provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).

X place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.

X publish articles in local newspapers or broadcast media announcements.

X include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.

X make mass mailing to past recipients of LIHEAP.

X inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

X execute interagency agreements with other low-income program offices to perform outreach to target groups.

X other (Please specify):

A toll-free number is available for consumers. DCF also provides to weatherization a list of all applicants for LIHEAP to target services to those with potential need. DCF has an online application process to allow consumers to access many of our benefit programs through the internet including LIHEAP

statutory  
references

2605(b)(4) → Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.  
(coordination)

Up to 15% of the LIHEAP block grant may be allocated to the low-income weatherization assistance program. LIHEAP applicant's name, address, and energy consumption data is shared with the weatherization program. LIHEAP eligibility information is shared with federal, state and local governments, utilities, vendors, and non-profit organizations. Agreements are entered into with local agencies for the provision of voluntary outreach and intake services. LIHEAP applications are sent to prior year LIHEAP recipients at the beginning of the application period.

2605(b)(5) → The statute requires that there be no difference in the treatment  
2605(b)(2) of households eligible because of their income and those eligible  
2605(b)(8A) because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.  
(benefit  
levels)

For heating and crisis assistance, the State will provide, in a manner consistent with the efficient and timely payment of benefits, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs in relation to income, recognizing that the State may not differentiate between households in clauses (2)(A) and (2)(B) of this subsection. This assurance will be met by benefits which consider the following factors: energy type, local utility cost of energy type, and the income of all residents sharing the same heated space. Benefits are not contingent upon other forms of assistance the household receives. Timely and efficient payment of benefits will be assured by making an eligibility determination on each application in no more than 45 days after the date of receipt of the complete application.

Weatherization benefits are based upon automated energy audits conducted on each dwelling.



statutory  
references

**HEATING COMPONENT**

2605(b)(5) → Please check the variables you use to determine your benefit levels (check all that apply):

(determination  
of benefits)

- income
- family (household) size
- home energy cost or need
  - fuel type
  - climate/region
  - individual bill
  - dwelling type
  - energy burden  
(% of income spent on home energy)
  - energy need
  - other (describe)

2605(b)(5)  
2605(c)(1)(B) → Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size.  
(benefit levels) Please describe benefit levels or attach a copy of your payment matrix.

The Kansas LIHEAP benefit matrix considers several factors in determining the household benefit. The maximum benefit received by a household is based upon the costs of their local utility. In explanation, the cost of a common energy unit for each utility receiving a payment on behalf of a LIHEAP client are recorded from annual survey's conducted by the department. The utility costs are then ranked into deciles. The household's base benefit is the midpoint of the cost decile into which their utility falls. Large households, defined as five or more persons, receive an approximate 22 percent increase in the base benefit, while smaller households receive approximately 98 percent of the base benefit. The resulting combination of utility cost and household size produces the maximum benefit available to a household. Household income is the next factor considered. Four income groups are determined, ranging from low (Group 1) to high (Group 4).

→ Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

Yes  No If Yes, please describe.

statutory  
references

2605(b)(5)  
2605(c)(1)(B)

(determination  
of benefits)

**COOLING COMPONENT**

➔ Please check the variables you use to determine your benefit levels  
(check all that apply):

- income
- family (household) size
- home energy cost or need
  - fuel type
  - climate/region
  - individual bill
  - dwelling type
  - energy burden  
(% of income spent on home energy)
  - energy need
  - other (describe)

2605(b)(5)  
2605(c)(1)(B)

(benefit  
levels)

➔ Describe how you will assure that the highest  
benefits will go to households with the lowest  
incomes and the highest energy costs or needs  
in relation to income, taking into account family size. Please describe  
benefit levels or attach a copy of your payment matrix.

➔ Do you provide in-kind (e.g. fans) and/or other forms of benefits?

Yes  No If Yes, please describe.

statutory  
references

2605(b)(5)  
2605(c)(1)(B)

**CRISIS COMPONENT**

(determination  
of benefits)

→ How do you handle crisis situations?

\_\_\_\_\_ separate component  X  other (please explain)

The same factors used for heating assistance determine eligibility for crisis assistance during the LIHEAP heating season except that crisis applications are given priority in processing.

→ If you have a separate component, how do you determine crisis assistance benefits?

\_\_\_\_\_ amount to resolve crisis, up to maximum

\_\_\_\_\_ other (please describe)

(benefit  
levels)

→ Please indicate the maximum benefit for each type of crisis assistance offered.

heating \$ as per regular matrix maximum benefit

cooling \$ \_\_\_\_\_ maximum benefit

year-round \$ \_\_\_\_\_ maximum benefit

→ Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

Yes  X  No If Yes, please describe.

statutory references

2605(b)(5)  
2605(c)(1)  
(B) & (D)

**WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS**

➔What LIHEAP weatherization services/materials do you provide? (Check all categories that apply.)

(types of assistance)

- Weatherization needs assessments/audits.
- Caulking, insulation, storm windows, etc.
- Furnace/heating system modifications/repairs
- Furnace replacement
- Cooling efficiency mods/repairs/replacement
- Other (Please describe) Health and safety items, indoor air quality, and incidental repairs as they relate to energy efficiency upgrades.

(benefit levels)

➔Do you have a maximum LIHEAP weatherization benefit/expenditure per household? \_\_\_\_\_ Yes  No

If Yes, what is the maximum amount? \$ \_\_\_\_\_

➔Under what rules do you administer LIHEAP weatherization? (Check only one.)

(types of rules)

- Entirely under LIHEAP (not DOE) rules
- Entirely under DOE LIWAP rules
- Mostly under LIHEAP rules with the following DOE LIWAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply):
  - Weatherize buildings if at least 66% of units (50% in 2- & 4-unit buildings) are eligible units or will become eligible within 180 days
  - Weatherize shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).
  - Other (Please describe)
- Mostly under DOE LIWAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply.)
  - Weatherization not subject to DOE LIWAP maximum statewide average cost per dwelling unit.
  - Other (Please describe.)

- Re-weatherization of a home is possible as long as no part of the costs were through use of DOE funds.

- DOE average cost per unit is used along with consideration of special allowances (through written request by the sub-grantee) if there is a need to do certain measures. Those measures include small (measured by cost) amounts of repair that in normal instances would require the sub-grantee to “walk away” from the home until those minor repairs are completed.
- LIHEAP rules are used to determine income eligibility.
- LIHEAP funds may be used by weatherization agencies to purchase temporary electric space heaters for emergency “no heats.”
- LIHEAP automatic qualifiers are used in place of DOE automatic qualifiers including automatic eligibility if the applicant received LIHEAP assistance within the same calendar year.
- LIHEAP funds may be used to install duct work after all other funding possibilities have been eliminated.

2605(b)(6) The state or tribe administers LIHEAP through the following local agencies:

- (agency designation)
- county welfare offices
  - community action agencies (weatherization component only)
  - community action agencies (heating, cooling or crisis)
  - charitable organizations
  - not applicable (i.e. state energy office)
  - tribal office
  - other, describe:

→ Have you changed local administering agencies from last year?  
 Yes  No

If Yes, please describe how you selected them.

Kansas planned and reported in the 2012 State Plan the administration for 2012 LIHEAP would be through a contractual agreement with an outside entity, but optioned to return the administration to the State just prior to the start of the 2012 application period.

→ What components are affected by the change?

None

2605(c)(1)(E) → Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. **(This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)**

(targeting of assistance)

statutory  
references

2605(b)(7) → Do you make payments directly to home energy suppliers?

(energy  
suppliers)Heating  Yes  NoCooling  Yes  NoCrisis  Yes  NoIf Yes, are there exceptions?  Yes  No

If Yes, please describe.

Small utilities and vendors are paid using checks payable to the vendor f/b/o the household. In addition, households whose heating costs are included in their rent or in their landlord's name are issued a one party check.

2605(b)(7)(A) → If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

A notice of eligibility is sent directly to the client indicating benefit level. The vendor also notes LIHEAP benefit paid on the customer's next monthly billing statement.

2605(b)(7)  
(B) & (C)

→ How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

Vendor agreements identify expectations and procedures to be followed for heating and crisis assistance. Communication is ongoing between LIHEAP staff and energy suppliers throughout the program.

statutory  
references

2605(b)(8)(B)

➔ Is there any difference in the way owners and renters are treated? If Yes, please describe.

(owners  
and  
renters)

**HEATING ASSISTANCE**

\_\_\_\_\_ Yes  X  No

**COOLING ASSISTANCE**

\_\_\_\_\_ Yes \_\_\_\_\_ No

**CRISIS ASSISTANCE**

\_\_\_\_\_ Yes  X  No

**WEATHERIZATION**

X  Yes \_\_\_\_\_ No

The weatherization program will not weatherize any rental property. Weatherization of rental property is solely the responsibility of the landlord.



statutory  
references

2605(b)(10)

→How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

(program,  
Fiscal  
monitoring,  
and audit)

The State has established fiscal controls and fund accounting procedures in coordination with accounting and fiscal operations necessary to ensure the proper disbursement of, and accounting for, LIHEAP funds, including program expenditures and amounts transferred to carry out the purposes of this program. Monitoring for the assistance provided is being tracked through our eligibility data system, as well as through fiscal operations. Batch benefit printouts are monitored by the LIHEAP Program Manager on a regular basis.

→How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

Procedures are in place to monitor the eligibility and benefit determinations, and to necessary case records. The State utilizes its existing data processing systems, fiscal, research and statistical models and procedures to monitor the disbursement of funds and accounting of Federal funds, including the assistance provided under LIHEAP. The State will contract for independent audits of funding received and expended. The State will also require weatherization sub-grantees to obtain annual audits.

→How is your LIHEAP program audited?

Under the Single Audit Act?  Yes  No

If not, please describe:

For States and Territories:

→Is there an annual audit of local administering agencies?  Yes  No  
If not, please explain.

N/A since administered by State

statutory  
references

2605(b)(12)

➔How did you get timely and meaningful public participation in the development of the plan? (Please describe.)

(timely and  
meaningful  
public  
partici-  
pation)

A public hearing was held on August 28, 2012, to solicit public input regarding the administration of the LIHEAP program in Kansas. Any member of the general public, advocate, community service agency, etc. is encouraged to provide input at this time.

2605(a)(2)

➔Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?

Yes  No

**(Not required for Tribes and tribal organizations)**

(public  
hearings)

August 28, 2012  
Docking State Office Building, 915 SW Harrison, 6<sup>th</sup> Floor Board Room,  
Topeka, KS 66612

statutory  
references

2605(b)(13) → Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?  
  
(fair  
hearings)

→ Denials

The State will provide all applicants and recipients opportunity for fair hearing. Applicants are informed of appeal rights on the application and also on the notice of action. Request for fair hearing must be submitted in writing. Fair hearing is held by teleconference or the applicant or recipient may elect to appear in person at the Administrative Hearing Office. Appellant may describe in writing and/or verbally the concern or objection. Decisions by an administrative hearing officer are made in writing and mailed to client.

The request must be made within 30 days of the eligibility notice if the issue is regarding denial or benefits. If a hearing is granted, a decision must be issued and resulting action carried out within 90 days after the written request for fair hearing has been submitted.

The State will assure that no persons shall, on grounds of race, color, national origin, religion, handicap, politics, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activity receiving Federal financial assistance. If any person feels he/she has been discrimination against on these grounds, he/she may make a complaint in writing to the Department for Children and Families regarding energy assistance or to the sub-grantee for weatherization services.

→ Applications Not Acted On In a Timely Manner

Applications not acted on in a timely manner, for heating and crisis assistance, have the same right to appeal as stated above, but the request for a hearing must be made within 90 days of the LIHEAP application date.

statutory  
references

2605(b)(15)

**For States and Puerto Rico only** (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):

➔ Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate  
outreach

**HEATING ASSISTANCE**

Yes  No

If Yes, describe alternate process for outreach and intake:

Applications are mailed to all prior year recipients at the beginning of the application period. Cash, SNAP, Medicaid, and MediKan recipients, not living in known non-energy vulnerable housing are mailed information about the program, application period, and application methods. Other interested persons may obtain an application, receive information, or assistance in completing an application by calling the program's toll-free number, utilize the online application process or by calling or visiting a local DCF office or any participating helping agencies throughout the State.

**COOLING ASSISTANCE**

Yes  No

If Yes, describe alternate process for outreach and intake:

**CRISIS ASSISTANCE**

Yes  No

If Yes, describe alternate process for outreach and intake:

In addition to the above, additional outreach and intake agencies are provided for heating and crisis assistance by many volunteer agencies statewide. (e.g. Salvation Army, American Red Cross, Area Agencies on Aging, county health departments, local housing agencies, etc.)

statutory  
references

2605(b)(16)

→ Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

Yes  No

If Yes, please describe these activities.

If Yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

statutory  
references

2607A

(leveraging)

→ Please describe leveraging activities planned for the fiscal year. **(This entry is optional.)\*** Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

- (1) Identify and described each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

\* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

statutory  
references

2605(b)  
(performance)  
goals and  
measures)

➔ Please describe performance goals and measures planned for the fiscal year. **(This entry is optional.)**

## ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- \* **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT.)**
- \* **Debarment and suspension certification**, which must be filed by all grantees.
- \* **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: \_\_\_\_\_
- \* One of the requirements included in the 1994 reauthorization of the statute is that state grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

**All Tribes and those territories with allotments of less than \$200,000** need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.

- \* Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.





U.S. Department of Health and Human Services

Administration for Children Families

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## CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

### Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

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 application, or upon award, if there is no application, the grantee must keep the identity of the workplace(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 change(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. Grantees' 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 CFR 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 workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on 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)

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 --
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs;  
and

(4) 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 --

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) 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)(2), with respect to any employee who is so convicted --

(1) 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

(2) 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).

(B) 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)

915 SW Harrison St

402 State Ave

Topeka, Shawnee, KS 66612

Kansas City, Wyandotte, KS 66101

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

Alternate II. (Grantees Who Are Individuals)

(a) 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;

(b) 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.

[55 FR 21690, 21702, May 25, 1990]



## CERTIFICATION REGARDING LOBBYING

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### Statement for Loan Guarantees and Loan Insurance

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

If any 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement 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 statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Phyllis Helmore  
Signature  
Secretary  
Title  
DCF  
Organization



## CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

### Certification Regarding Debarment, Suspension, and Other Responsibility Matters-- Primary Covered Transactions

#### Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. 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 the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary 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 entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. 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.

9. 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.

10. Except for transactions authorized under paragraph 6 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 may terminate this transaction for cause or default.

\*\*\*\*\*

#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters-- Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal



offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

### Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- -Lower Tier Covered Transactions

#### Instructions for Certification

1. By signing and submitting this 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 had 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 meaning 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, [[Page 33043]] 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 covered transactions, 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 an Voluntary Exclusion-- Lower Tier Covered Transactions

(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.