

*Missouri Department of*  
**SOCIAL SERVICES**

*Your Potential. Our Support.*

JEREMIAH W. (JAY) NIXON, GOVERNOR • BRIAN KINKADE, ACTING DIRECTOR

P.O. BOX 1527 • BROADWAY STATE OFFICE BUILDING • JEFFERSON CITY, MO 65102-1527  
WWW.DSS.MO.GOV • 573-751-4815 • 573-751-3203 TALK

August 28, 2013

Lauren Christopher, Interim Director  
Division of Energy Assistance  
Office of Community Services/ACF/HHS  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Dear Ms. Christopher:

Attached, for your review and consideration, is Missouri's Low Income Home Energy Assistance Program (LIHEAP) Abbreviated Model State Plan, submitted in accordance with requirements stipulated in LIHEAP-IM-2013-01 dated April 4, 2013. The required 2013 LIHEAP Household Report is also included in the plan.

We believe our Abbreviated Model State Plan meets current statutory requirements and would appreciate your review of our plan at your earliest convenience. If you have any questions or need clarification of any item contained in this plan, please do not hesitate to contact Heather Jones.

Thank you for your consideration and assistance in this review process.

Sincerely,



Brian Kinkade  
Acting Director

Enclosure

RELAY MISSOURI  
FOR HEARING AND SPEECH IMPAIRED  
1-800-735-2466 VOICE • 1-800-735-2966 TEXT PHONE

*An Equal Opportunity Employer, services provided on a nondiscriminatory basis.*

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

ABBREVIATED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2014

GRANTEE: MISSOURI

EIN: 1-446000987-B6

ADDRESS: DEPARTMENT OF SOCIAL SERVICES/FAMILY SUPPORT DIVISION  
PO BOX 2320

JEFFERSON CITY, MISSOURI 65109

NAME OF LIHEAP COORDINATOR: HEATHER JONES

EMAIL: Heather.Jones@dss.mo.gov

TELEPHONE: (573) 751-6789 FAX: (573) 522-9557

LAST DETAILED MODEL PLAN FILED: FY 2012

PLEASE CHECK ONE: TRIBE  STATE  INSULAR AREA

Department of Health and Human Services  
Administration for Children and Families  
Office of Community Services  
Washington, D.C. 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 a grantee is not required to use the detailed model plan. Public reporting burden for this collection of information is estimated to average 20 minutes 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 State of Missouri \_\_\_\_\_ 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 vendored 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 not transferred pursuant to section 2604(f) for use under another block grant; 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. Territories with annual allotments of \$200,000 or less and Indian tribes/tribal organizations are not 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: 

Title: Acting Director, Department of Social Services

Date: 8/28/13

\* 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.

Modified LIHEAP FY 2014 Application

Please list all changes made from your most recent detailed plan.

<u>Page</u>	<u>Subject</u>	<u>Modification</u>
Seven (7)	Use of Funds	<u>55% heating assistance</u> <u>24% crisis assistance</u> <u>01% weatherization assistance</u> <u>10% carryover to the following fiscal year</u> <u>10% administrative and planning costs</u> <u>100% Total</u>

Please specify whether you are using calendar year 2013 poverty level or FY 2014 median income estimates in determining eligibility:

2013 poverty level 135 %

OR

FY 2014 median income \_\_\_\_\_ %

Please describe how you obtained public participation in the development of your 2014 plan. (For States, please also provide information on your public hearings.):

*Committee to Keep Missourians Warm holds monthly meetings which include representation from the Department of Social Services, Department of Natural Resources, contracted LIHEAP providers, Public Service Commission, public and private service agencies, and home energy suppliers;*

*Posting of FFY 2012 detailed model state plan, FFY 2013 abbreviated model state plan and draft FFY 2014 abbreviated model state plan on the LIHEAP website and initiated feedback from Missouri's contracted LIHEAP providers, home energy suppliers, and other public social service agencies;*

*LIHEAP Focus Group meetings which include representation from the Family Support Division LIHEAP and contracted LIHEAP providers held March 12, 2013 and on-going to discuss the LIHEAP program, enhancements, and changes;*

*Feedback from LIHEAP customers through customer contact to discuss the LIHEAP program, enhancements, and changes;*



*Notices for a public hearing on June 24, 2013 were placed in the St. Louis Post Dispatch, Kansas City Star, Columbia Daily Tribune, News Tribune, and Springfield News Leader;*

*Notices were posted on the bulletin boards at 615 Howerton Court, Jefferson City, Missouri, Missouri House and Senate Chambers, and all media boxes at the Missouri State Capitol; and*

*Distributed to the Public Service Commission's Consumer Division and Executive Directors of Missouri's LIHEAP providers.*

*Public hearing held for comment(s) on June 24, 2013 at the Governor's Office Building Jefferson City, Missouri.*

*The following comments, summarized below, were made at the June 24, 2013 LIHEAP Public Hearing:*

*Written testimony received from Melinda Smith, Weatherization and Housing Director. Also signed by David Miller, Executive Director, and Mary Mullins, Information Systems Administrator representing Missouri Ozarks Community Action, Inc. (MOCA), address PO Box 69, Richland, MO 65556.*

*Missouri Ozarks Community Action Inc. (MOCA) would like to recommend that Department of Social Services increase the transfer of 1% to a minimum of 5% up to 15% of the State's LIHEAP funding for FFY 2014 to the Department of Economic Development, Division of Energy Low Income Weatherization Assistance Program. MOCA works daily to help low-income families who are in crisis status. We understand the need and importance for emergency services as we serve thousands of families each year with energy assistance. What happens when we they have exhausted their limits in emergency funds? They face uncertain times and struggle to find additional resources to help them with their utility bills. The Weatherization Program is a long term solution to the energy burdens of low income families. It provides an opportunity for savings in utility bills long term. Our agency serves many families with LIHEAP year after year as demonstrated in the Management Information System. They receive assistance, but we are not really doing anything to fix the problem, which could include an inefficient heating system, or a gas leak. Weatherization just makes sense. Why wouldn't we want to use funds where we will get a return investment on our money? For every \$1 invested in the program, Weatherization returns \$2.51 to the household and society. This is not only an investment in our families, but our communities. As agencies who receive federal and state funding to help low-income families, it is not only our civil duty, but our ethical duty to be good stewards of tax payer dollars.*

*MOCA would also recommend and encourage the Department of Social Services to adopt this transfer of LIHEAP funding recommendation for future years as a permanent solution in helping families reduce their energy burden.*

*MOCA would also recommend that the LIHEAP Crisis Assistance Program be funded at 40% of the total LIHEAP budget. It is imperative that crisis assistance continues to have a high priority in the State of Missouri LIHEAP budget each year.*

*MOCA agrees with Governor Nixon's Executive Order 13-03 transferring the Division of Energy from Department of Natural Resources and assign's it, and all responsibilities and functions, to the Department of Economic Development. The Division of Energy is responsible for promoting energy efficiency and security through policy development, research and educational outreach.*

*Written testimony received from Todd Steinmann, Weatherization Director. Also signed by Carl Rosenkranz, Executive Director, and Tommie Trammel, LIHEAP Director representing Ozarks Area Community Action Corporation (OACAC), address 2643 W. College Road, Springfield, MO 65802.*

- 1. The Ozarks Area Community Action Corporation (OACAC) recommends that the Department of Social Services increase the weatherization transfer from 1% to 15% of the State's LIHEAP funding for FFY 2014 to the Department of Economic Development, Division of Energy to weatherize income eligible homes in the State of Missouri after October 1, 2013. The goal of such an increase in funding is to eliminate or reduce the need for families, who receive the weatherization services, to request LIHEAP funding in the years to come.*
- 2. OACAC would also like to encourage the Department of Social Services to adopt this recommendation for future years of LIHEAP funding as a permanent solution to reducing the energy costs for income eligible families in Missouri and not just as a temporary solution to their energy costs.*
- 3. OACAC would also recommend that the LIHEAP Crisis Assistance part of the Program be funded at 40% of the total LIHEAP budget. Crisis Assistance needs to continue to have a priority in the State of Missouri LIHEAP budget each year.*

*Written testimony received from Carla Potts representing North East Community Action Corporation (NECAC)), address 16 N Court, Bowling Green, MO 63334.*

- 1. North East Community Action Corporation (NECAC) would like to recommend that the Department of Social Services increase the transfer of 1% to 15% of the State's LIHEAP funding for FFY 2014 to the Department of Economic Dev, Division of Energy Weatherization Program. The Weatherization Program is vital to the needs of many low income working families as well as elderly households who live in homes that are energy inefficient and cost the households in excessive fuel bills as well as medical costs for weather related illnesses.*
- 2. NECAC would like to recommend that the Department of Social Services adopt this transfer of 15% to Weatherization as a permanent transfer leading to a long-term solution for Missouri families in energy conservation leading to lower demand for our utility companies.*
- 3. This transfer makes sense on many levels and provides the following benefits for Missouri and our families and communities:*

- a. *Weatherization is a green energy conservation program and reduces the strain on our current utilities demand;*
- b. *The Weatherization Program retains jobs as well as creates jobs; for communities, it is a win-win; jobs are created and retained both in the installation of energy materials as well as for suppliers and contractors;*
- c. *By reducing bills, families have more disposable income to use for other necessities;*
- d. *The weatherization program addresses health and safety making homes more environmentally healthy;*
- e. *The Weatherization Program is a win-win increasing home values as well as making homes safe*
- f. *The Weatherization Program has proven return on investment; for every \$1 invested, there is a return to the family and to the local economy of \$2.51; this program is an investment not only for today's families but for future generations*

*Written testimony received from Bryan Adcock, Executive Director. Also signed by Terry Sanders, Housing Division Director, and Lisa Roark, CSBG Director representing Ozark Action, Inc. (OAI), address 710 East Main Street, West Plains, MO 65775.*

*Ozark Action Inc. (OAI) would like to recommend that The Department of Social Services increase the transfer from 1% to 15% of the State's LIHEAP funding to the Missouri Low Income Weatherization Assistance Program to weatherize income eligible homes in the State of Missouri. We suggest that this transfer include specific language to assure that all funds are allocated to weatherization subgrantees utilizing the same allocation basis as all other LIHEAP funds. These funds would be subject to the same oversight and monitoring as all other weatherization funding to assure maximize the benefit to low-income Missourians.*

*OAI would also like to encourage the Department of Social Services to adopt this recommendation for future years of LIHEAP funding as a permanent solution to the energy cost to the income eligible families of the State of Missouri and not just a temporary solution to their energy cost. We further believe that this is good public policy and maximizes the effectiveness of both the LIHEAP and LIWAP programs in Missouri.*

*Approximately 85% of all states already provide a transfer from LIHEAP to the Weatherization Assistance Program, with the majority of those states transferring 15% of the LIHEAP funds to Weatherization Assistance Program.*

*Benefits to Missourians from a LIHEAP transfer to Weatherization (in Missouri)*

- 1. The household energy burden for low-income households is typically 17% of their total household income, as compared to 4% for higher income households.*
- 2. LIHEAP energy assistance helps low-income families pay high energy expenses. Weatherization permanently reduces a households energy burden by making homes more energy efficient. Using 15% of LIHEAP funds for weatherization each year maximizes the long term benefit to the recipients and all Missourians.*
- 3. The energy conservation resulting from Weatherization helps reduce our country's dependence on foreign oil and decrease the cost of energy for families in need.*
- 4. Weatherization improves the health and safety of Missouri homes by testing gas appliances and systems for combustion safety, carbon monoxide, efficiency and gas leaks.*
- 5. Weatherization improves energy efficiency, reduces the demand on the power grid which, in turn, reduces the need to build more power plants and benefits all Missourians.*
- 6. Each year, approximately 85% of all states already provide a direct transfer from LIHEAP to the Weatherization Assistance Program. All states surrounding Missouri include a direct transfer to weatherization.*
- 7. Studies have shown that the Weatherization Assistance Program has a high return on investment for individuals, communities, and states, with an average annual energy savings per low-income household of \$437 and a return of \$2.51 to the household and local economy for every dollar invested.*

*Written testimony received from Ronda Wickham, Weatherization/Housing Director. Also signed by Pam LaFrenz, Executive Director and Melanie Corporon, Community Development Director representing Missouri Valley Community Action Agency (MVCAA), address 1415 S. Odell, Marshall, MO 65340.*

- 1. The Missouri Valley Community Action Agency (MVCAA) would like to recommend that the Department of Social Services increase the transfer of funds to the Weatherization program through the Department of Economic Development, Division of Energy from 1% to 15% for FFY 2014 to weatherize income eligible homes in Missouri after October 1, 2013. The ultimate goal of this transfer would be to reduce the future need for LIHEAP money for families who have had weatherization services on their homes.*
- 2. MVCAA would also like to urge the Department of Social Services to adopt this recommendation for any future years of LIHEAP funding as a more permanent solution to reducing energy costs for income eligible families in Missouri and not just as a temporary solution to their monthly or immediate energy costs.*

3. *MVCAA would also like to suggest that the LIHEAP Crisis Assistance part of the program be funded at 40% of the total LIHEAP budget. Crisis Assistance needs to continue to have a high priority in the state of Missouri LIHEAP budget each year.*

*Written testimony received from Darin Preis, Executive Director representing Central Missouri Community Action (CMCA), address 807-B North Providence Road, Columbia, MO 65203.*

1. *Central Missouri Community Action (CMCA) recommends that the Department of Social Services increase the weatherization transfer from 1% to 15% of the State's LIHEAP funding for FFY 2014 to the Department of Economic Development, Division of Energy to weatherize income eligible homes in the State of Missouri after October 1, 2013. The goal of such an increase in funding is to eliminate or reduce the need for families, who receive the weatherization services, to request LIHEAP funding in the years to come.*
2. *CMCA would also like to encourage the Department of Social Services to adopt this recommendation for future years of LIHEAP funding as a permanent solution to reducing the energy costs for income eligible families in Missouri and not just as a temporary solution to their energy costs.*

*Written testimony received from Judy Young, Executive Director. Also signed by Todd Richardson, Energy Director, and Ginger Hill, Community Services Director representing South Central Missouri Community Action Agency (SCMCAA), address Old Alton Road Winona, MO 65588.*

1. *The South Central Missouri Community Action Agency (SCMCAA) recommends that the Department of Social Services increase the weatherization transfer from 1% to 15% of the State's LIHEAP funding for FFY 2014 to the Department of Economic Development, Division of Energy to weatherize income eligible homes in the State of Missouri after October 1, 2013. The goal of such an increase in funding is to to eliminate or reduce the need for families, who receive the weatherization services, to request LIHEAP funding in the years to come.*
2. *SCMCAA would also like to encourage the Department of Social Services to adopt this recommendation for future years of LIHEAP funding as a permanent solution to reducing the energy costs for income eligible families in Missouri and not just as a temporary solution to their energy costs.*
3. *SCMCAA would also recommend that the LIHEAP Crisis Assistance part of the Program be funded at 40% of the total LIHEAP budget. Crisis Assistance needs to continue to have a high priority in the State of Missouri LIHEAP budget each year.*

Date Carryover and Reallotment Report submitted: July 30, 2013

Submit Continuation Pages as Necessary

## 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: X
- \* One of the requirements included in the 1994 reauthorization of the statute is that 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.

## **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.

## 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)

Department of Social Services, Family Support Division, 615 Howerton Court, Jefferson City, County of Cole, Missouri 65109

Central Missouri Community Action, 807B North Providence Road, Columbia, County of Boone, Missouri 65203

Community Action Agency of St. Louis County, 2709 Woodson Road, Overland, County of St. Louis, Missouri 63114

Community Action Partnership of Greater St. Joseph, 817 Monterey St, St. Joseph, County of Buchanan, Missouri 64503

Community Services, Incorporated of Northwest Missouri, 1212 B South Main, Maryville, County of Nodaway, Missouri 64468

Delta Area Economic Opportunity Corporation, 99 Skyview Road, Portageville, County of New Madrid, Missouri 63873

East Missouri Action Agency, Incorporated, 403 Parkway Drive, Park Hills, County of St. Francois, Missouri 63601

Economic Security Corporation of Southwest Area, 302 South Joplin Street, Joplin, County of Jasper, Missouri 64802

Green Hills Community Action Agency, 1506 Oklahoma Avenue, Trenton, County of Grundy, Missouri 64683

Urban League of Metropolitan St. Louis, 3701 Grandel Square, St. Louis, City of St. Louis, Missouri 63108

Jefferson-Franklin Community Action Corporation, 2 Merchant Drive, Hillsboro, County of Jefferson, Missouri 63050

Missouri Ozarks Community Action, Incorporated, 306 South Pine, Richland, County of Pulaski, Missouri 65556

Missouri Valley Community Action Agency, 1415 South Odell Street, Marshall, County of Saline, Missouri 65340

North East Community Action Corporation, 16 North Court Street, Bowling Green, County of Pike, Missouri 63334

Northeast Missouri Community Action Agency, 215 North Elson, Kirksville, County of Adair, Missouri 63501

Ozark Action, Incorporated, 710 East Main Street, West Plains, County of Howell, Missouri 65775

Ozarks Area Community Action Corporation, 215 South Barnes, Springfield, County of Greene, Missouri 65802

South Central Missouri Community Action Agency, Old Alton Road, Winona, County of Shannon, Missouri 65588

United Services Community Action Agency, 6323 Manchester Avenue, Kansas City, County of Jackson, Missouri 64133

West Central Missouri Community Action Agency, 106 West Fourth Street, Appleton City, County of St. Clair, Missouri 64724

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.

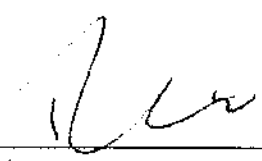
(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this 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.

  
\_\_\_\_\_  
Signature

Acting Director  
\_\_\_\_\_

Title

Department of Social Services  
\_\_\_\_\_

Organization