

Additional Federal Clauses: Because federal funds were utilized for this purchase, the following additional federal clauses shall also apply:

**AUDIT CLAUSE TO BE USED IN AGREEMENTS WITH ENTITIES RECEIVING
FEDERAL AWARDS FROM THE COMMONWEALTH:
AUDIT REQUIREMENTS**

The contractor must comply with all federal and state audit requirements including: the Single Audit Act, as amended (31 U.S.C 7501 et. seq.); Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments and Non-Profit Organizations, as amended; and any other applicable law or regulation and any amendment to such other applicable law or regulation which may be enacted or promulgated by the federal government. If the contractor is a local government or non-profit organization and expends total federal awards of \$500,000 or more during its fiscal year, received either directly from the federal government or indirectly from a recipient of federal funds, the contractor is required to have an audit made in accordance with the provisions of OMB Circular A-133.

If the contractor is a for-profit organization and expends total federal awards of \$300,000 or more during its fiscal year, received either directly from the federal government or indirectly from a recipient of federal funds, the contractor is required to have a program-specific audit made in accordance with the provisions of OMB Circular A-133, and in accordance with the laws and regulations governing the programs in which it participates.

If the contractor expends total federal awards of less than \$500,000 during its fiscal year, it is exempt from these audit requirements, but is required to maintain auditable records of federal awards and any state funds which supplement such awards, and to provide access to such records by federal and state agencies or their designees.

SUBMISSION OF AUDIT INFORMATION TO THE COMMONWEALTH.

The contractor shall submit copies of the audit report package to the Commonwealth, which shall include:

1. Data collection form.
2. Financial statements and schedule of expenditures of federal awards.
3. Auditor's reports on the financial statements and schedule of expenditures of federal awards, internal control and compliance as well as a schedule of findings and questioned costs.
4. Summary schedule of prior audit findings.
5. Corrective action plan.
6. Management letter comments.

In instances where a federal program-specific audit guide is available, the audit report package for a program-specific audit may be different and should be prepared in accordance with the audit guide and OMB Circular A-133.

The number of copies to be submitted shall equal one for the Bureau of Audits (archival copy) plus one for each Commonwealth agency which provided federal pass-through awards to the entity, as reflected in the entity's Schedule of Expenditures of Federal Awards. The audit report package should be submitted to:

Office of the Budget/Bureau of Audits
Division of Subrecipient Audit Review
Forum Place, 9th Floor
555 Walnut Street

Harrisburg, PA 17101
Phone: (717) 783-0114
FAX: (717) 703-3943

GENERAL AUDIT PROVISIONS.

The contractor is responsible for obtaining the necessary audit and securing the services of a certified public accountant or other independent governmental auditor. Federal regulations preclude public accountants licensed in the Commonwealth of Pennsylvania from performing audits of federal awards.

The Commonwealth reserves the right for federal and state agencies or their authorized representatives to perform additional audits of a financial or performance nature, if deemed necessary by Commonwealth or federal agencies. Any such additional audit work will rely on work already performed by the contractor's auditor, and the costs for any additional work performed by the federal or state agencies will be borne by those agencies at no additional expense to the contractor.

Audit working papers and audit reports shall be retained by the contractor's auditor for a minimum of three years from the date of issuance of the audit report, unless the contractor's auditor is notified in writing by the Commonwealth or the cognizant or oversight federal agency to extend the retention period. Audit working papers shall be made available upon request to authorized representatives of the Commonwealth, the cognizant or oversight agency, the federal funding agency, or the General Accounting Office.

PRO-CHILDREN ACT OF 1994

As required by the Pro-Children Act of 1994, 20 U.S.C. Section 6081 et seq., the Contractor assures that:

1. The Contractor prohibits smoking within any indoor facility owned or leased or contracted for and utilized by the Contractor for the routine or regular kindergarten, elementary, or secondary education or library services to children; and
2. The Contractor prohibits smoking within any indoor facility (or portion thereof) owned or leased or contracted for by the Contractor for the provision by the Contractor of regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of the employees of the Contractor who provide such services, except that this subsection shall not apply to:
 - (a) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
 - (b) any private residence

GUN FREE SCHOOLS CLAUSE

As required by the Gun Free Schools Act of 1994, 20 U.S.C. §8921, et seq., the contractor assures that, as a condition of receiving funds under this contract, it is complying with 24 P.S. §13-1317.2.

FEDERAL ASSURANCE CLAUSE

Contractor's activities under this contract shall be carried out on a nondiscriminatory basis in accordance with 34 CFR Parts 100, 104 and 106 and 45 CFR Part 90 (relating to nondiscrimination on the basis of race, color, national origin, sex, handicap or age), the Civil Rights Act of 1870, as amended (42 U.S.C. §§1981 et seq.) and the Federal Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), and shall be carried out in accordance with the Fair Labor Standards Act (29 U.S.C. §§201-219), Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. §§1437© , 1437(f), 4601, 4602, 4621-4633 and 4655), Equal Pay Act (29 U.S.C. §206), 34 CFR Parts 76, 80, 82, 98 and 99, and Office of Management and Budget Circulars A-87, A-102, A-110, A-128 and A-133, as applicable. Contractor certifies that it is acting in compliance with the provisions of 34 CFR Part 85 (relating to debarment and suspension), 20 U.S. C. §3224 (a) (relating to drug and alcohol abuse prevention programs) and 31 U.S.C. §1352 (relating to lobbying). The above required certification shall be in such manner as required by applicable law. If contractor is a school district, intermediate unit, area vocational-technical school, or other local educational agency or a state or public agency, it further assures that its employees and officials, whose principal employment is in connection with an activity funded with federal grant money, shall not engage in any political activity barred by the Hatch Act, 5 U.S.C. §§1501 et seq

LOBBYING CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The contractor certifies, to the best of its knowledge and belief, that:

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

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

(3) The contractor 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 under 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 such failure.

