



ADMINISTRATION FOR
CHILDREN & FAMILIES
370 L'Enfant Promenade, S.W. Washington DC 20447

ADMINISTRATION FOR CHILDREN AND FAMILIES OFFICE OF GRANTS MANAGEMENT

CHILD CARE AND DEVELOPMENT FUND CONSTRUCTION OR MAJOR RENOVATION FUNDING

TERMS AND CONDITIONS

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) amended the Child Care and Development Block Grant (CCDBG) Act of 1990 to allow Tribal Lead Agencies, upon requesting and receiving approval from the Administration for Children and Families (ACF), to use Child Care and Development Fund (CCDF) funds for construction or renovation of child care facilities.

By acceptance of this award, the Tribe agrees to comply with the terms and conditions detailed below. Failure to comply with these terms and conditions may result in the loss of Federal funds and may be considered grounds for the suspension or termination of this grant. These terms and conditions stand alone and referring to the General Terms and Conditions for program operation is not necessary.

This award is subject to the following terms, conditions and provisions:

1. These terms and conditions apply to funds for construction or major renovation. "Construction" means the building of a child care facility which does not currently exist. "Major Renovation" involves structural changes to the foundation, roof, floor, exterior or load-bearing walls of a facility, or the extension of a facility to increase its floor area. "Major Renovation" also includes any extensive alteration of a facility such as to significantly change its function and purpose, even if such renovation does not include any structural change.
2. These funds cannot be expended for construction or major renovation costs until ACF provides separate approval of the Tribe's construction or renovation application.

3. The Tribal Lead Agency must administer these funds in accordance with its construction/renovation application as approved by ACF and in accordance with the requirements of 45 CFR 98.84 and Program Instruction CCDF-ACF-PI-2013-01, dated April 1, 2013.
4. These funds must be obligated and liquidated by September 30, 2014. They are 100% Federal funds and no Tribal match is required to use these funds.
5. Funds, from the Tribal Lead Agency's CCDF grant award, have been transferred to this separate grant award to be used for construction and renovation activities up to the amount of this award and may be used for construction and renovation. The balance, if any, must be used for allowable CCDF activities. If the Tribal Lead Agency determines that all or part of these funds are not needed for construction or renovation, it must submit a written request to ACF and obtain approval before it uses the funds for other allowable CCDF activities. The written request must i) specify the amount of funds that will be used for CCDF activities other than construction or renovation, ii) provide an explanation as to why the full Construction award will not be spent and iii) include documentation of construction plans.
6. The Tribe cannot use other CCDF funds (beyond the approved amount) for construction or major renovation activities. In order to make any material changes in the scope, nature, or projected costs of the project, the Tribe must submit an amended application that describes the proposed changes. ACF must approve the amended application before the Tribe can implement the changes.
7. The CCDF funds for construction or renovation are approved to pay the following costs: (1) allowable planning costs; (2) labor, materials and services necessary for the functioning of the facility; and (3) initial equipment for the facility (i.e., items which are tangible, nonexpendable personal property having a useful life of more than five years).
8. CCDF funds used to pay for planning or consultant costs related to construction or major renovation must come from this grant award (i.e., the separate construction and renovation grant award). Prior to ACF approval of its construction/renovation application, a Tribal Lead Agency may use CCDF funds from its general Tribal Mandatory or Discretionary grant award for planning or consultation costs; however, once ACF approves the application, a retroactive adjustment must be made to charge these costs to the separate construction and renovation grant award.
9. Funds cannot be used to purchase an existing building or facility.
10. Funds may be used to pay for the costs of constructing or renovating a modular unit, including the costs of buying and installing the unit, if such costs were included in the Tribal Lead Agency's construction/renovation application that has

been approved by ACF. A "modular unit" is a portable structure made at another location and moved to a site for use by a Tribe to carry out a CCDF program.

11. Tribal Lead Agencies must submit annual financial status reports (form ACF-696T) of expenditures within 90 days after the end each fiscal year.
12. In addition, the Tribe must comply with ACF administrative procedures for construction and renovation projects, including submitting necessary information and documents after the application is approved as well as after the construction/renovation project is completed, as required by Program Instruction. This documentation includes a final inspection report, submitted upon completion of the construction or renovation, that demonstrates the structural soundness and safety of the facility. The report must be submitted to the ACF Regional Office within 30 calendar days of the substantial completion of the construction or renovation.
13. The Federal government assumes no liability for projects constructed or renovated with CCDF funds.
14. These grant funds may not be used to meet the matching requirements of other Federal grant programs.
15. The expenditure of funds under this program is subject to the annual audit requirements under the Single Audit Act of 1984 (P.L. 98-502) and the Office of Management and Budget Circular A-133.
16. Tribal Lead Agencies must comply with Public Law 103-227, Part C - Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994. This Act requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State and local governments. Federal programs include grants, cooperative agreements, loans or loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug and alcohol treatment.

The Tribal Lead Agency further agrees that the above language will be included in any sub-awards which contain provisions for children's services and that all subgrantees shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1,000 per day.

17. As stated in HHS appropriations law, it is the sense of Congress, that, to the extent practicable, all equipment and products purchased with funds made available in this award should be American made.
18. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, the grantee receiving Federal funds shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage or dollar amount of total costs of the project or program that will be financed by nongovernmental sources.

The U.S. General Accounting Office maintains a toll free telephone number, (800) 424-5454, for receiving information concerning fraud, waste or abuse under grants and cooperative agreements. Such reports are kept confidential, and callers may decline to give their names if they choose to remain anonymous.