



SUPPLEMENTAL TERMS and CONDITIONS

The **General Terms and Conditions** apply to all mandatory grant programs. These Supplemental Terms and Conditions are additional requirements applicable to the program named below.

By acceptance of awards for this award, the Tribe agrees to comply with the requirements included in both the General and Supplemental Terms and Conditions for this program. 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.

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.

The Federal government assumes no liability for projects constructed or renovated with CCDF funds.

Office of Child Care (OCC)

CHILD CARE AND DEVELOPMENT FUND (CCDF) **TRIBAL CONSTRUCTION OR MAJOR RENOVATION**

Catalog of Federal Domestic Assistance (CFDA) Program No. 93.575 and 93.596

APPLICABLE LEGISLATION, STATUTE, REGULATIONS

1. The administration of this program to use CCDF Tribal funds for construction or major renovation of child care facilities is authorized under Section 6580(c)(6) of the Child Care and Development Block Grant (CCDBG) Act.
2. The program is codified at [42 U.S.C. §9858m\(c\)\(6\)](#), as amended.
3. The program-specific implementing regulations are located at [45 CFR §98.83\(g\)](#) and [§98.84](#). In addition, Tribal Lead Agency must administer these funds in accordance with the *Procedures for Requests from Tribal Lead Agencies to Use Child Care and Development Fund (CCDF) Funds for Construction or Major Renovation of Child Care Facilities* Program Instruction (e.g., [CCDF-ACF-PI-2016-05](#) issued on November 29, 2016).
4. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards is located under [45 CFR Part 75](#). In accordance with 45 CFR §75.101(d) Applicability, guidance in subpart C (except for 75.202) and subpart D (except for 75.351 through 75.353), and subpart E do not apply to this program. All other 45 CFR Part 75 subparts, including Subpart F-Audit Requirements, apply to these expenditures.
5. Additional applicable regulations and requirements can be found in the General Terms and Conditions for

Mandatory: Formula, Block and Entitlement Grants.

COST SHARING OR MATCHING (NON-FEDERAL SHARE) OF PROGRAM FUNDING

6. These grant funds have no matching or Maintenance of Effort (MOE) requirements.
7. These grant funds may not be used to meet the matching requirements of other Federal grant programs.

FINANCIAL REPORTING

8. According to [CCDF-ACF-PI-2016-05](#) and [CCDF-ACF-PI-2017-05](#), the OMB approved Financial reporting form for these expenditures is the ACF-696T: Child Care and Development Fund Financial Report. Tribal Lead Agencies must submit the annual ACF- 696T financial report within 90 days after the end each fiscal year (i.e., by December 29).
9. Funding (project), obligation, and liquidation period. In accordance with 45 CFR 98.84(e), all obligated Federal funds awarded under this grant must be liquidated no later than the end of the second fiscal year following the fiscal year for which the grant is awarded. This gives the Tribal Lead Agency up to three years to liquidate funds approved for use on construction or major renovation. Any Federal funds not liquidated by September 30 of the third year will be recouped by this Department. For example, such funds awarded on October 1, 2018 must be liquidated by September 30, 2021.
10. These funds cannot be:
 - a. Used to purchase an existing building or facility. See 42 U.S.C. §9858d(b)(1) and §9858m(c)(6).
 - b. Expended for construction or major renovation costs until ACF provides separate approval of the Tribe's construction or renovation application.
 - c. 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.
11. Federal funds awarded under this grant must be expended for the purposes which they were awarded and within the time period allotted.
 - a. 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. 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.
 - b. 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 tangible, nonexpendable personal property are having a useful life of more than five years).
 - c. 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.

- d. 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.
12. 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.

PROGRAM REPORTING

13. In accordance with [CCDF-ACF-PI-2016-05](#), 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.

REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY REPORTING

14. The OMB approved Real Property and Tangible Personal Property Reporting is the following:
- a. Real Property Reports (SF-429s). The SF-429 Real Property forms are applicable to this program and must be submitted as described in the General Terms and Conditions.
 - i. In accordance with [45 CFR §98.84](#), [45 CFR §75.318](#), [CCDF-ACF-PI-2017-06](#), and [CCDF-ACF-PI-2016-05](#), Tribal Lead Agencies are required to submit, in the Online Data Collection (OLDC) system, the SF-429 Cover Page and SF-429 Attachment A on an annual basis at the same time as the annual ACF-696T financial report is due (i.e., by December 29 each year).
 - b. Tangible Property Report (SF-428s). The SF-428 Tangible Personal Property forms must be submitted as described in the General Terms and Conditions.

EFFECTIVE PERIOD

15. These program-specific Supplemental Terms and Conditions are effective on the date shown in the footer at the bottom of the page and will remain in effect until updated. They will be updated and reissued only as needed whenever a new program-specific statute, regulation or other requirement is enacted or whenever any of the applicable existing Federal statutes, regulations, policies, procedures or restrictions is amended, revised, altered, or repealed.

POINTS OF CONTACT

16. Points of contact for additional information or questions concerning either the operation of the program or related financial or grant matters may be found on the Notice of Award.