

State Small Business Credit Initiative (SSBCI) Investing in America Small Business Opportunity Program (SBOP) Applicant Certifications

U.S. Department of the Treasury

Directions: These certifications are required by the U.S. Department of the Treasury (Treasury) to be submitted in connection with each application to Treasury for financial assistance under the SSBCI Investing in America SBOP grant program before receipt of award funding. The certifications shall be treated as a material representation of fact upon which reliance will be placed when Treasury makes award determinations under the SSBCI Investing in America SBOP. The certifications must be signed by an authorized official of the applicant who can legally bind the entity and has oversight for the administration and use of SSBCI Investing in America SBOP financial assistance.

A. Certification Regarding Debarment, Suspension, and Other Responsibility Matters — Primary Covered Transactions: Instructions for Certification

1. By signing and submitting the application, the prospective primary participant (the applicant is providing the certification set out below.
2. The applicant shall submit an explanation of why it cannot provide any certification set out below. The certification or explanation will be considered in connection with Treasury’s approval of the proposed application. However, failure of the applicant to furnish a certification or an explanation shall disqualify such person/entity from participation in this transaction.
3. This certification is a material representation of fact upon which reliance is placed when Treasury determines to enter into this transaction. If it is later determined that the applicant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, Treasury may terminate this transaction for cause or default.
4. The applicant shall provide immediate written notice to Treasury if at any time the Applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms “covered transactions,” “debarred,” “suspended,” “ineligible,” “lower tier covered

- transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal”, and “voluntarily excluded,” as used in this clause (certification), have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact Treasury for assistance in obtaining a copy of those regulations (31 CFR Part 19).
6. The applicant agrees by submitting an application under the SSBCI Investing in America SBOP 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 debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by Treasury.
 7. The applicant further agrees by submitting an application that it will not award any contract or subaward to any entity on the government-wide Excluded Parties List System (EPLS) found in the System for Award Management (SAM).
 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 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.
 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 suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, subject to all other remedies available to the Federal Government, and Treasury may terminate this transaction for cause or default.

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

1. Pursuant to Treasury's regulations on nonprocurement debarment and suspension implemented at 31 CFR Part 19, the prospective primary participant (the applicant) in a primary tier "covered transaction," as defined at 31 CFR § 19.200(a) certifies to the best of its knowledge and belief that neither it nor any of its principals:

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) has within a three-year period preceding this application been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, Tribal, or local) or private agreement or transaction; violation of federal or State antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects its (or its principals') present responsibility;

(c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this subsection in the certification; and/or

(d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

2. Where the applicant is unable to certify to any of the statements in this certification, the applicant shall attach an explanation to this Certification form and submit it to SSBCI_Information@Treasury.gov.

C. Certification Regarding Drug-Free Workplace Requirements

As required by the Drug-Free Workplace Act of 1988, as implemented at 31 CFR Part 20, Subpart F, for recipients, as defined at 31 CFR § 20.650:

1. The applicant certifies and assures 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 its workplace and specifying the actions that will be taken against the employees for violations of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(i) The dangers of drug abuse in the workplace;

(ii) The applicant's policy of maintaining a drug-free workplace;

(iii) Any available drug counseling, rehabilitation, and employee assistance program; and

(iv) 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 award 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 in such grant, the employee will:

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

(ii) Notify the employer in writing of the employee's conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying Treasury, in writing, within ten calendar days after receiving notice of a conviction under paragraph (d)(ii) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of any such convicted employee to Treasury at SSBCI_Information@treasury.gov.

(f) Taking one of the following actions, within 30 days of receiving notice under paragraph (d)(ii), with respect to any employee who is so convicted:

(i) 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

(ii) 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; and

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) through (f).

D. Certification Regarding Lobbying

1. As required by 31 U.S.C. § 1352, as implemented by 31 CFR Part 21, the applicant certifies and assures, to the best of its knowledge and belief that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the applicant, 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 making of any Federal grant, and the extension, continuation, renewal, amendment, or modification of any Federal grant.

(b) 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 grant application, the undersigned shall complete and submit the Form SF-LLL, "Disclosure of Lobbying Activities" in accordance with its instructions; and

(c) The applicant shall require that the language of this certification be included in the award documents for all its subawards at all tiers and contracts (including, their subcontracts) and ensure that all subrecipients, contractors, and subcontractors shall certify and disclose accordingly.

2. This certification regarding lobbying is a material representation of fact upon which reliance is placed when this transaction is made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. 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.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution, and also may be subject me and the applicant to civil penalties and administrative remedies for false claims under Federal law.

Signature of SSBCI Investing in America SBOP Authorized Official:

Name:

Date:

Title:

Name of Applicant:

PAPERWORK REDUCTION ACT NOTICE

The information collections discussed in this application will be submitted to the Office of Management and Budget (OMB) under OMB control number 1505-0227 in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). OMB approval for this information collection is forthcoming and the information will be collected following OMB approval. This document will be updated to reflect that approval.

The information collected in this application will be used by the U.S. Department of the Treasury to determine whether to approve an applicant for grant funding under the SSBCI Investing in America SBOP. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget (OMB). The estimated burden associated with this collection of information is 6 hours per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency, and Records, U.S. Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send this application form to this address.

PRIVACY ACT STATEMENT

The Privacy Act of 1974 (Privacy Act) protects certain information that the federal government has about “individuals” (United States citizens and lawfully admitted permanent residents). The Privacy Act does not generally apply to businesses, but some federal courts have found that this law applies to sole proprietors (they are deemed “individuals” under the Privacy Act).

AUTHORITY: Small Business Jobs Act of 2010 (SBJA), Title III, 12 U.S.C. § 5701 et seq., as amended by the American Rescue Plan Act of 2021 (ARPA), section 3301.

PURPOSE: This information is being collected and maintained by Treasury so that it can review and make funding decisions regarding applications submitted for grant funding under the SSBCI Investing in America SBOP established under the SBJA, as amended by ARPA, and communicate with applicant contacts, and otherwise carry out the program.

ROUTINE USE: The information you furnish may be shared in accordance with the routine uses outlined in Treasury .013, Department of the Treasury Civil Rights Complaints, Compliance Reviews, and Fairness in Federal Programs Files System of Records Notice (SORN); Treasury .015, General Information Technology Access Account Records, 85 Fed. Reg. 73353; and Treasury .017, Correspondence and Contact Information, 81 Fed. Reg.

78266. For example, one routine use under Treasury .017 allows the disclosure of information to international, federal, state, local, tribal, or private entities for the purpose of the regular exchange of business contact information in order to facilitate collaboration for official business. More information about this and other routine uses can be found in the System of Records Notices (SORNs) listed above, which are posted on Treasury's website.

DISCLOSURE: Providing this information is voluntary. However, failure to furnish the requested information may result in the denial of your application.