

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.

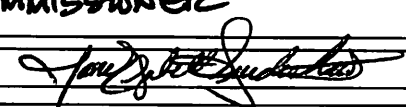
(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this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

* APPLICANT'S ORGANIZATION	
ALABAMA DEPT. OF REHABILITATION SERVICES	
* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
Prefix: <input type="text"/>	* First Name: JANE ELIZABETH Middle Name: <input type="text"/>
* Last Name: BURDESHAN	Suffix: <input type="text"/>
* Title: COMMISSIONER	
* SIGNATURE: 	* DATE: 05/04/2021

REHABILITATION SERVICES ADMINISTRATION
Randolph-Sheppard Financial Relief and Restoration Payments (FRRP) Appropriation
ASSURANCES and USE of FRRP FUNDS

Name of State licensing agency (SLA): **AL Dept. of Rehabilitation Services**
DUNS: **958175390-9637**

A. Assurances

The State licensing agency (SLA), responsible for administering the Randolph-Sheppard Act program in the State, assures it will (check if yes):

- (1) cooperate with the Secretary in applying the requirements of the Randolph-Sheppard Act in a uniform manner when administering the FRRP, pursuant to 34 C.F.R. § 395.3(a)(11)(i), and will comply with all applicable Federal statutory and regulatory requirements for Federal recipients, as well as the terms and conditions of the grant award;
- (2) use all funds received under the FRRP in accordance with the terms of the Consolidated Appropriations Act of 2021, PL 116-260, Division H, Title III, section 318, specifically for the purposes of:
- offsetting losses of blind vendors that occurred during calendar year 2020, to the extent that such losses were not otherwise compensated; and
 - other purposes authorized under 34 C.F.R. § 395.9 for set-aside funds, but only to the extent any funds remain available after offsetting losses that were incurred by blind vendors during calendar year 2020.
- (3) actively participate with the State Elected Committee of Blind Vendors in developing for RSA approval how it will use the FRRP funds, consistent with the information required by Part B of this document, pursuant to 34 C.F.R. §§ 395.3(a)(2), 395.3(a)(6), 395.3(a)(11)(iii), 395.4(a), and 395.14, and Technical Assistance Circular RSA-TAC-21-01. The SLA understands that this information in Part B is required since receipt and use of the FRRP funds represent a change in the SLA's procedures covering the operation of vending facilities in accordance with Federal laws and its sources of funds for the administration of the program;
- (4) expend all FRRP funds, including for administrative purposes, in a manner that is allowable, reasonable, and allocable as required by 2 C.F.R. §§ 200.403 through 200.405;
- (5) not use Vocational Rehabilitation (VR) program funds, either Federal or non-Federal, to cover the administration of the FRRP funds unless such costs are also allowable under the VR program in accordance with section 103(b)(1) of the Rehabilitation Act of 1973 (Rehabilitation Act) and 34 C.F.R. § 361.49(a)(5) (*i.e.*, "financial relief and restoration payments to offset losses of blind vendors that occurred during calendar year 2020" are

not allowable expenses under the VR program), and allocable to that program in accordance with the Federal cost principles at 2 C.F.R. §§ 200.403 through 200.405. In the unusual event an activity under the FRRP funds is also authorized under the VR program and the SLA wants to use VR program funds, either Federal or non-Federal, to pay the administrative costs, the SLA assures it will allocate those costs proportionately across all benefitting programs in accordance with 2 C.F.R. §§ 200.403 through 200.405;

- (6) not use expenditures paid with these FRRP funds to meet the non-Federal share of the VR program, because these are Federal – not non-Federal – funds; and
- (7) satisfy all applicable requirements under the Randolph-Sheppard Vending Facility Program, including those set forth at 34 C.F.R. § 395.3(a)(11) (viii) and (ix), as well as those of 2 C.F.R. part 200, including those governing internal controls (§ 200.302), financial management (§ 200.303), financial reporting (§ 200.328), performance reporting and monitoring (§ 200.329), and grant closeout (§ 200.344).

B. Use of FRRP Funds

- 1. Explain briefly how the SLA will distribute the FRRP funds to blind vendors to offset losses incurred during the 2020 calendar year (*e.g.*, proportional to losses incurred, based on losses due to vendor’s spoiled or expired stock, etc.).

See Attached.

- 2. Does the SLA anticipate using any of the FRRP funds to cover administrative costs?

Yes No

- 3. If yes, what percentage of the FRRP funds do you anticipate expending on administrative costs? _____ percent

N/A

- 4. How will the SLA ensure blind vendor losses were not previously compensated (*e.g.*, attestation, financial reports, inventory reports, documentation of losses due to spoilage, etc.)?

It will be the responsibility of the blind vendor to fully disclose through a signed report any items in which they have been compensated and are not required to pay back which was received to assist their business through the pandemic. SLA will additionally ensure blind vendor losses were not previously compensated through accounting records and documentation provided by partner agencies for those items which they can provide.

- 5. Does the SLA anticipate having any FRRP funds remaining after distributing funds to the blind vendors to cover losses incurred in calendar year 2020? Yes No
- 6. If yes, please identify for which authorized set aside purposes under 34 C.F.R. § 395.9 the SLA anticipates using the funds (check all that apply):

N/A

- | | |
|--------------------------------|--|
| _____ purchase of equipment | _____ fair minimum return to vendors |
| _____ maintenance of equipment | _____ establishment and maintenance of |
| _____ management services | _____ retirement or pension funds* |
| _____ paid sick leave* | _____ health insurance contributions* |
| _____ paid vacation time* | |

*Use of funds for these purposes would also require a majority vote of the blind vendors licensed by the SLA in accordance with 34 C.F.R. § 395.9(b)(5).

7. Explain briefly how the SLA actively participated with the State’s Elected Committee of Blind Vendors to develop the Use of FRRP funds under Part B of this document and the result of their active participation (e.g., was there consensus on the use of the funds). Documentation, such as meeting minutes when the use of FRRP funds was discussed, must be available upon request.

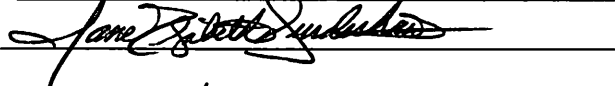
The SLA and the Executive Committee of Blind Vendors held 4 separate conference call meetings to discuss the FRRP funds and how they (Executive Committee) could design a plan to help the most vendors. These meetings on average lasted 2 hours. The EC of Blind Vendors provided their input as to how they wanted to see the funds expended and the SLA worked to gather the information needed. After the information was gathered and the Executive Committee reviewed the information and created a plan on how to expend the fund, a 5th conference call meeting was held with all of the Elected Committee members, where they voted unanimously to accept the plan that was presented to them by the Executive Committee of Blind Vendors. The SLA supports their request.

8. Please identify the date by which the SLA anticipates obligating all FRRP funds, making sure all funds will be obligated by September 30, 2022.

SLA will obligate all FRRP funds by September 30, 2022.

C. Certification

As a duly authorized representative of the applicant, I hereby certify that the applicant will comply with the Assurances in Part A. I also attest that the information provided in Part B regarding the Use of FRRP Funds is true and accurate.

Printed name and title of authorized representative: JANE ELIZABETH BURDESHAW
 Signature: 
 Date: 05/04/2021

Paperwork Burden Statement: According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1820-0698. Public reporting burden for this collection of information is estimated to average 1 hour

per response, including time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. The Department is requiring States to respond to this collection to obtain or retain benefit pursuant to 34 C.F.R. §§ 395.3, 395.4(a), and 395.14, and consistent with the requirement of 2 C.F.R. § 200.207. If you have any comments concerning the accuracy of the time estimate, suggestions for improving this information collection, or if you have comments or concerns regarding your individual form, application, or survey, please contact Jesse Hartle, U.S. Department of Education, 550 12th Street, SW, Washington, DC 20202-5176, Jesse.Hartle@ed.gov, directly. Note: Please do not return the completed form to this address.

This form should be emailed to: randolph-sheppardvfprestationfunds@ed.gov.

Attachment 1

As voted on by the State Blind Vendor Elected Committee, and agreed to by the State Licensing Agency (SLA), the Randolph-Sheppard Financial Relief and Restoration Payments will be disbursed based on a tiered system with amounts determined on the individual net loss of each blind vendor up to \$34,804.29 after comparing the individual blind vendor's 2020 net profit or loss to prior year financial reports and deducting any amounts otherwise compensated as described below from their total net loss. This would fully cover all blind vendor losses except for seven who had a loss greater than \$34,804.29 and two vendors who chose not to take a distribution. The seven vendors who had a loss greater than the \$34,804.29 would only receive a payment of \$34,804.29.

In their calculations, the SLA utilized the submitted 2020 calendar year BEP-1E, Facility Monthly Sales and Escrow Report, that calculates individual blind vendors net profit or loss used to submit RSA-15 data and calculate Program Asset Fund (Set-Aside) payments due. Those reports were compared to 2018 and 2019 Vendor BEP-1E reports to ensure that seasonal shutdowns of certain locations and other factors that could affect the overall calculated loss were considered for each individual blind vendor. All vendors selected which year they wanted SLA to compare 2020 net profit or loss with. Of those, the SLA adjusted six to ensure that each blind vendor maximized the amount available to them.

Included in the amounts otherwise compensated, Blind Vendors reported to the SLA forgiven Paycheck Protection Program loans authorized under the Coronavirus Aid, Relief, and Economic Security (CARES) Act Title I, Keeping American Workers Paid and Employed Act; Revive Plus Grants administered by the State of Alabama Governor's Office utilizing CARES Act, Title V- Coronavirus Relief Funds; additional vacation checks issued in 2020; and unemployment compensation related to their BEP business income received above the \$10,200 non-taxable threshold per the American Rescue Plan enacted March 11, 2021 after voted on by the State Blind Vendor Elected Committee.