DELAWARE HUMANITIES
CARES Recover Grant Agreement

In accepting this Delaware Humanities (hereinafter referred to as "Grantor") CARES Recover Grant (this "Agreement") in the amount of $5,027.00, Overfalls Foundation (hereinafter referred to as "Grantee") agrees:

1. To follow the grant provisions, procedures, and legal requirements. The grant provisions, procedures, and legal requirements described on the following pages are binding for all recipients of funding from Delaware Humanities and apply to all Delaware Humanities CARES Recover Grants awarded from June 2020 until the date of subsequent revisions.
2. To not seek or receive additional funds for the same expenditures incurred in connection with this grant.
3. Agrees to expend funds only on Federally allowable expenses and expenses in accordance with the terms and conditions of Grantee's approved grant application (the "Approved Grant Application"). The Approved Grant Application is incorporated herein by reference and constitutes a part of this Agreement. If any terms or conditions of this Agreement are inconsistent with those of the Approved Grant Application, the terms and conditions of this Agreement shall control. The identifying number for this grant is 19CAR2018.

Acknowledgement of Support

Recipients of the Delaware Humanities CARES Recover Grant must acknowledge Delaware Humanities and the National Endowment for the Humanities (NEH) as donors in their current fiscal year in all printed and electronic materials per their organization's donor recognition policy.

Links to the Delaware Humanities and NEH logos can be found on the Foundant grant portal where this signed grant agreement is to be uploaded. They can also be found on the NEH’s website (https://www.neh.gov/brand-materials) and Delaware Humanities’ website (https://dehumanities.org/wp-content/uploads/2017/11/DE-Hu-Logo-CMYK-compressor.jpg).

In written and promotional materials, please use the following language:
Funding has been provided from the National Endowment for the Humanities (NEH) and Delaware Humanities as part of the 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020.

For further information or questions on crediting the NEH, please visit the Acknowledgement and Publicity Requirements for NEH Awards: https://www.neh.gov/grants/manage/acknowledgment-and-publicity-requirements-neh-awards.

Reports and Payments

Grantee must submit a Cash Request form with the signed Grant Agreement within seven (7) days of notification of grant award. Cash Request may not exceed ninety percent (90%) of the total grant funds.

Photographs for this grant shall be submitted via Foundant by June 22, 2020. The Final Report shall be submitted via Foundant by September 30, 2020. The final Cash Request for the remaining ten percent (10%) can be made only upon submission of the Photographs and the Final Report.

A Cash Request form submitted via Foundant must be completed for each request made. Allow fifteen (15) working days for receipt of funds.

Grant Requirements and Limitations
Any addition and/or change from the Approved Grant Application, including plans, personnel or schedule requires written authorization in advance from Grantor. Total Grant Funds will not be released if unauthorized changes are instituted.

Grantee agrees that Grantor, its independent auditor and its agents, and the NEH and its agents shall, until three (3) years after the final payment under this grant, have access to and the right to examine any books, documents, papers and records relating to such grant. Grantee shall retain all such books, documents, papers and records and shall keep Grantor informed as to their location at all times. This provision shall be included in all contracts entered into by Grantee relating to this Agreement.

This Agreement, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C.A. §§ 327-334), is subject to all applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor there under.

Grant Termination

If this Agreement has not been signed and returned by Grantee by (7 days after notification of funding) it becomes null and void and has no force and effect.

This grant may be terminated by either party with thirty (30) days prior written notice to the other party. Such termination shall not affect any commitments which, in the judgment of Grantor, have become final prior to the effective date of the grant termination. Grantee agrees to furnish Grantor by the date of grant termination, an itemized accounting of funds expended, committed, and remaining under the grant. Grantee also agrees to remit within thirty (30) days of the receipt of a written request from Grantor any Total Grant Funds not expended by Grantee or, in the judgment of Grantor, committed by Grantee, at the date of the grant termination.

Indemnification

Grantee shall hold Grantor, its directors, officers, agents, and employees harmless and defend and indemnify them against any and all claims, actions, liabilities, damages, losses and expenses arising from any acts or omissions of Grantee, its directors, officers, employees, agents or subcontractors in connection with this Agreement.

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards contained in 2 CFR part 200 apply to all award recipients.

Funds from this award of Federal money cannot be used for activities that promote a particular political, religious or ideological point of view; advocacy of a particular program of social or political action; support of specific public policies or legislation; lobbying; programming that falls outside of the humanities; purchase of land or facilities, construction or renovation; purchase of food or beverages (including alcohol); archival acquisitions; prizes, awards or scholarships; foreign travel; fundraising; endowment contributions; and regranting of funds (see 2 CFR 200, Subpart E – Cost Principles).

Please refer to Addendum I for highlights of specific Uniform Administrative Requirements, Cost Principles, and Audit Requirements pertinent to this award.

Federally-mandated Legal Requirements

Please refer to Addendum II for Federally-mandated legal requirements pertinent to this award.
Additional Restrictions and/or Specifications for Use of Funds for Grant #

The following is a list of additional restrictions or specifications placed on the execution of this grant made by Delaware Humanities:
CARES funding as stipulated by the NEH cannot go towards restoration, preservation, or renovation projects. Funding may go towards monthly rent, bookkeeper, and operating equipment/supplies.

I have read, understand, and acknowledge receipt of the above Agreement on this day. This Agreement is executed by a person (Projector Director or Executive Director) signing below who warrants that they have the authority to execute this Grant Agreement. This Agreement is binding on our successors and assigns.

<table>
<thead>
<tr>
<th>Name (Printed)</th>
<th>Robert Bay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name (Signed)</td>
<td>Amy</td>
</tr>
<tr>
<td>Title</td>
<td>Treasurer</td>
</tr>
<tr>
<td>Date</td>
<td>6/7/20</td>
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</table>

| DUNS Number    | 967714680          |
| Federal EIN Number | 51-0404500         |
ADDENDUM I
UNIFORM ADMINISTRATIVE REQUIREMENTS,
COST PRINCIPLES, AND AUDIT REQUIREMENTS
FOR FEDERAL AWARDS

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards contained in 2 CFR part 200 apply to award recipients.

1. Financial Management Standards (2 CFR §200.302)

The financial management systems of the award recipients must meet the requirements set forth in 2 CFR §200.302 Financial management and the following standards:

A. Accounting Records. Award recipients must maintain records that adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to obligations, unobligated balances, assets, liabilities, expenditures, and income.

Each award recipient shall have a double entry accounting system that is maintained according to generally accepted accounting principles that are applied on a consistent basis. The system should provide for a general ledger, a cash receipts journal, a cash disbursements journal, and a general journal.

B. Internal Control. Effective control and accountability must be maintained for all cash, real and personal property, and other assets. Award recipients must adequately safeguard all such property and must provide assurance that it is used solely for authorized purposes.

C. Allowable Costs. 2 CFR §200, Subpart E - Cost Principles, the General Terms and Conditions for General Support Grants to State Humanities Councils, and the terms and conditions of this grant award will be followed in determining the reasonableness, allowability, and allocability of costs.

D. Source Documentation. Accounting records must be supported by such source documentation as canceled checks, bank statements, invoices, paid bills, donor letters, time and attendance records, activity reports, travel reports, contractual and consultant agreements, and subaward documentation. All supporting documentation should be clearly identified with the award identification number and name of the general ledger accounts that are to be charged or credited.

Formal agreements with independent contractors, such as consultants, must include a description of the services to be performed, the period of performance, the fee and method of payment, an itemization of travel and other costs that are chargeable to the agreement, and the signatures of both the contractor and an appropriate official of the council.

2. Interest Earned on Advances (2 CFR §200.305)

Recipients of National Endowment for the Humanities funds are required to maintain advances of Federal funds in interest bearing accounts unless they receive less than $120,000 in Federal awards during their fiscal year. If a grantee chooses to deposit these funds in an interest bearing account, it may retain the first $500 in interest earned each fiscal year. Interest earned in excess of this amount on funds advanced by Delaware Humanities shall be forwarded to Delaware Humanities and returned to the National Endowment for the Humanities, as detailed in 2 CFR §200.305 (9).

3. Allowable and Unallowable Costs

The allowability of costs and cost allocation methods for work performed under a National Endowment for the Humanities grant shall be determined in accordance with 2 CFR 200, Subpart E - Cost Principles.
In accordance with Public Law 111-88 Sec. 427, none of the funds made available under this award may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

4. **Fundraising**

Fundraising costs may not be charged as expenditures under this award.

5. **Lobbying Activities (2 CFR §200.450)**

Award recipients are prohibited by The Byrd Anti-Lobbying Amendment (31 U.S.C. 1352), “Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,” from using appropriated National Endowment for the Humanities funds to pay any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress with respect to the award, extension, continuation, renewal, amendment, or modification of any of these instruments. While non-Federal funds may be used for such activities, they may not be included in your budget, and their use must be disclosed to Delaware Humanities. These requirements are implemented by the National Endowment for the Humanities in 45 CFR part 1168. Also see 2 CFR §200.450 Lobbying, that provides additional information regarding the lobbying prohibitions and describes types of activities, such as legislative liaison activities and professional and technical services that are not subject to this prohibition.

Therefore, any costs associated with lobbying activities must be recorded separately in an award recipient’s books to ensure that they are not charged to this grant.

Delaware Humanities and the National Endowment for the Humanities are required by the provisions of its appropriations act to include the text of 18 U.S.C. 1913 in all of its award, cooperative agreement, and contract documents.

Text of 18 U.S.C. 1913:

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counterintelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of title 31.


The standards contained in this section do not relieve the award recipients of the responsibilities arising under its contracts. The award recipient is the responsible authority, without recourse to Delaware Humanities or the National Endowment for the Humanities, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of an award or other agreement. Matters concerning the violation of a statute are to be referred to such Federal, state, or local authority as may have proper jurisdiction.

7. Auditor Requirements

Delaware Humanities may inspect or audit your financial accounts and records or may assign a qualified person to do so. Inspection and audit may include visits to the grantee before grant payments are made to make sure that the grantee’s accounting system is adequate. The National Endowment for the Humanities may also conduct an inspection or audit. The Federal Government has the right to audit third party accounts related to the grants.

Award recipients shall have audits performed that meet the requirements of the Single Audit Act Amendments of 1996 (31 USC 7501-7507) as implemented by 2 CFR 200, Subpart F - Audit Requirements. Award recipients that expend more than $750,000 in Federal funds from all sources during their fiscal year are subject to the Single Audit (formerly known as the A-133 audit).

This grant provided by Delaware Humanities is a re-grant of money received from the National Endowment for the Humanities, a Federal agency. This means that the funds awarded through this grant are Federal funds (45.129 Promotion of the Humanities_Federal-State Partnership) and that grantees must comply with any Federal, state, or local laws, rules, or regulations that may pertain.

8. Misapplied Funds

If Delaware Humanities determines that you have misapplied any of your grant funds, Delaware Humanities has an ownership interest in any money or property acquired through the use of the misapplied funds. You must also repay misapplied funds to Delaware Humanities.

9. Uncommitted Funds

If you have funds left over at the end of your grant award period that have not been committed for budgeted goods or services, you must return these funds to Delaware Humanities.

10. Record Retention (2 CFR §§200.333 – 335)

Financial records, supporting documentation, statistical records, and all other records pertinent to the award shall be retained by the award recipient for three years following the award recipient’s submission of their final report to Delaware Humanities. Records for real property and equipment acquired with National Endowment for the Humanities funds must be retained for three years after final disposition.

If the three-year retention period is extended because of audits, appeals, litigation, or the settlement of claims arising out of performance, the records shall be retained by the award recipient until such audits, appeals, litigation, or claims are resolved.

Delaware Humanities, the National Endowment for the Humanities, the Comptroller General of the United States, and any of their duly authorized representatives shall have access to any pertinent books, documents, papers, and records of the award recipient to make audits, examinations, excerpts, transcripts, and copies. See 2 CFR §§200.336 – 337 for additional information.

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ADDENDUM II
LEGAL REQUIREMENTS

1. Civil Rights and Non-Discrimination

Organizations and public agencies receiving funding from Delaware Humanities must comply with Federal laws governing Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1991, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, the Americans with Disabilities Act (ADA) of 1990, and any other applicable Federal, state, and local laws. Under these laws, no person shall be excluded on the grounds of race, color, handicap, age, sex, or national origin from participation in, be denied the benefits of, or be otherwise subjected to discrimination under a program funded by Delaware Humanities.

Title VI of the Civil Rights Act of 1964, as amended, provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. 2000d et seq.) Title VI also extends protection to persons with limited English proficiency. Please note that the National Endowment for the Humanities has issued policy guidance for recipients on “Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency.”

Title IX of the Education Amendments of 1972 provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance. (20 U.S.C. 1681 et seq.)

Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual with a disability in the United States, shall, solely by reason of his/her disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (29 U.S.C.794)

The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. 6101 et seq.)

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability in employment (Title I), state and local government services (Title II), places of public accommodation and commercial facilities (Title III). (42 U.S.C.12101 12213)

2. Labor Standards Assurances – Employment of Professional Performers

Award recipients that employ professional performers and related or supporting professional personnel under an award (including but not limited to scriptwriters, actors, extras, musicians, stage hands, scenery designers, technicians, electricians, and cinematographers) are subject to the labor standards set forth in 29 CFR Part 505, “Labor Standards on Projects or Productions Assisted by Awards from the National Endowments for the Arts and Humanities.” Award recipients are required to provide assurance that:

1) these employees will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined in accordance with 29 CFR 505.3 to be the prevailing minimum compensation for persons employed to perform similar activities (for example, union or guild rates), and

2) no part of any project or production which is financed in whole or in part under a National Endowment for the Humanities award will be performed or engaged in under working conditions that are
unsanitary, hazardous, or dangerous to the health and safety of the employee engaged in such project or production.

These regulations apply to faculty and staff employed by educational institutions only if such employees are hired primarily to engage in or to assist in performance activities. Regular faculty or staff hired primarily to teach are excluded even though their teaching activities may include performing or assisting in a performance.

Additional information is available by contacting the U.S. Department of Labor, Wage and Hour Division, Division of Contract Standards and Operations, 200 Constitution Avenue, NW, Washington DC 20210, or from the "Davis-Bacon and Related Acts Home Page".

3. Code of Ethics for Projects Related to Native Americans

Award recipients have the responsibility of ensuring that researchers and scholars working on National Endowment for the Humanities-sponsored projects related to Native Americans, Aleut, Eskimo, or Native Hawaiian peoples will adhere to certain provisions protecting the rights of native communities and peoples as detailed in the Code of Ethics for Projects Related to Native Americans.


The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) provides protection of Native American graves and items, that is, human remains, funerary objects, and sacred objects. NAGPRA applies to any organization which controls or possesses Native American human remains and associated funerary objects and which receives Federal funding, even for a purpose unrelated to the Act. More information may be found on the National Park Service website.

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CARES RECOVER CASH REQUEST FORM

Initial cash requests cannot exceed 90% of the total Delaware Humanities grant funds. A Cash Request Form must be completed for each request. The initial request can be submitted with the signed Grant Agreement.

After the signed Grant Agreement and the first Cash Request have been received, grantees will receive an email from bill.com to create an account with Delaware Humanities. The bill.com email will go to the organization’s email address given in Foundant. Account creation must be completed before payment can be processed. Please allow fifteen days for processing of funds.

The request for the final 10% of the award can be made only when Delaware Humanities receives the CARES Act Recovers Grant Photographs and the CARES ACT Recovers Grant Final Report.

<table>
<thead>
<tr>
<th>Organization:</th>
<th>Overfalls Foundation</th>
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<tr>
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<tr>
<td>Funds Received from DH to date ($0 if this is the initial cash request for the CARES Recover Grant):</td>
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<tr>
<td>Amount Requested:</td>
<td>$5,000.00</td>
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<tr>
<td>Total Amount Awarded:</td>
<td>$5,000.00</td>
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Project Director's Name (Printed): Robert J Berry
Project Director's Name (Signed):
Date: 6/7/20

OFFICE USE ONLY
Date Received:
Request 1