

**Kansas Board of Regents**

**Adult Education**

Continuation Funding Application

July 1, 2021 – June 30, 2022

**Due Date: April 23, 2021**

|  |  |
| --- | --- |
| **Organization Information** | |
| Legal Name of Applicant (Organization Name): |  |
| Address with Zip+4 code: |  |
| Phone Number & Email: |  |
| Federal DUNS Number: |  |
| **Identified Official with Authority to Sign** | |
| Name and Title: |  |
| Address with Zip+4 code: |  |
| Phone Number & Email: |  |
| **Program Contact Information** | |
| Name and Title: |  |
| Address: |  |
| Phone Number & Email: |  |
| **Business Manager/Finance Contact Information** | |
| Name: |  |
| Address: |  |
| Phone Number & Email: |  |
| **Submission Checklist** | |
| |  |  |  |  | | --- | --- | --- | --- | |  | Completed Part 2 |  | Completed Application Narrative | |  | Signed and Completed Budget |  | List of Sites Included on Drug-Free Workplace Certification (Page 10) | |  | President/Superintendent Signature on Certifications (Page 10) |  | Date on Contractual Provisions Attachment (Page 11) | |  | Application Signature (Page 1) |  |  | | |

## Part 1: Application Cover Sheet

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_

President or Superintendent Signature

**STATE USE ONLY – DO NOT WRITE BELOW THIS LINE**

\_\_\_\_\_\_\_\_\_\_\_ Approved Grant Award Amount

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_

Authorized KBOR Representative

## Part 2: Provider(s)

|  |  |
| --- | --- |
| **Identify all members.** | |
| **Provider Name(s)** | |
| 1. |  |
| 2. |  |
| 3. |  |
| 4. |  |
| 5. |  |

Add additional lines, where necessary.

|  |  |  |  |
| --- | --- | --- | --- |
| **Indicate the counties where adult education services are provided.** | | | |
| **County** | | **Local Area** | **Adult Education Services Provided (indicate number from list below)** |
| 1. |  |  |  |
| 2. |  |  |  |
| 3. |  |  |  |
| 4. |  |  |  |
| 5. |  |  |  |
| 6. |  |  |  |
| 7. |  |  |  |
| 8. |  |  |  |
| 9. |  |  |  |
| 10. |  |  |  |

Add additional lines, where necessary.

### ADULT EDUCATION ALLOWABLE ACTIVITIES (34 CFR § 436.30.a-h):

Adult Education and Literacy activities are programs, activities, and services that include:

1. Adult education; [(29 USC § 3272.1)](https://www.law.cornell.edu/uscode/text/29/3272)
2. Literacy; [(29 USC § 3272.13)](https://www.law.cornell.edu/uscode/text/29/3272)
3. Workplace adult education and literacy activities; [(29 USC § 3272.16)](https://www.law.cornell.edu/uscode/text/29/3272)
4. Family literacy activities; [(29 USC § 3272.9)](https://www.law.cornell.edu/uscode/text/29/3272)
5. English language acquisition activities; [(34 CFR § 436.31)](https://www.law.cornell.edu/cfr/text/34/463.31)
6. Integrated English literacy and civics education; [(34 CFR § 436.33)](https://www.law.cornell.edu/cfr/text/34/463.33)
7. Workforce preparation activities; or [(34 CFR § 436.34)](https://www.law.cornell.edu/cfr/text/34/463.34)
8. Integrated education and training. [(34 CFR § 436.35)](https://www.law.cornell.edu/cfr/text/34/463.35)

Applicants must operate programs that provide one or more of these activities concurrently.

**Adult Education Allowable Activity Definitions**

1. Adult education; [(29 USC § 3272.1)](https://www.law.cornell.edu/uscode/text/29/3272)

The term “adult education” means academic instruction and education services below the postsecondary level that increase an individual’s ability to

1. read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;
2. transition to postsecondary education and training; and
3. obtain employment.
4. Literacy; [(29 USC § 3272.13)](https://www.law.cornell.edu/uscode/text/29/3272)

The term “literacy” means an individual’s ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.

1. Workplace adult education and literacy activities; [(29 USC § 3272.16)](https://www.law.cornell.edu/uscode/text/29/3272)

The term “workplace adult education and literacy activities” means adult education and literacy activities offered by an eligible provider in collaboration with an employer or employee organization at a workplace or an off-site location that is designed to improve the productivity of the workforce.

1. Family literacy activities; [(29 USC § 3272.9)](https://www.law.cornell.edu/uscode/text/29/3272)

*Special Rule: Subgrantees  shall not use any funds made available under title II for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not eligible individuals described in section 203(4), except that subgrantee may use such funds if the programs, services, or activities are related to family literacy activities. In providing family literacy activities under title II, the subgrantee shall attempt to coordinate with non-AEFLA programs and services prior to using AEFLA funds for these programs, services, or activities.*

The term “family literacy activities” means activities that are of sufficient intensity and quality, to make sustainable improvements in the economic prospects for a family and that better enable parents or family members to support their children’s learning needs, and that integrate all the following activities:

1. Parent or family adult education and literacy activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.
2. Interactive literacy activities between parents or family members and their children.
3. Training for parents or family members regarding how to be the primary teacher for their children and full partners in the education of their children.
4. An age-appropriate education to prepare children for success in school and life experiences.
5. English language acquisition activities; [(34 CFR § 436.31)](https://www.law.cornell.edu/cfr/text/34/463.31)

The term “English language acquisition program” means a program of instruction -

1. That is designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language; and
2. That leads to -

(1) Attainment of a secondary school diploma or its recognized equivalent; and

(2) Transition to postsecondary education and training; or

(3) Employment.

1. Integrated English literacy and civics education; [(34 CFR § 436.33)](https://www.law.cornell.edu/cfr/text/34/463.33)
2. Integrated English literacy and civics education services are education services provided to English language learners who are adults, including professionals with degrees or credentials in their native countries, that enable such adults to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens in the United States.
3. Integrated English literacy and civics education services must include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation and may include workforce training.
4. Workforce preparation activities; or [(34 CFR § 436.34)](https://www.law.cornell.edu/cfr/text/34/463.34)

Workforce preparation activities include activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in:

1. Utilizing resources;
2. Using information;
3. Working with others;
4. Understanding systems;
5. Skills necessary for successful transition into and completion of postsecondary education or training, or employment; and
6. Other employability skills that increase an individual's preparation for the workforce.
7. Integrated education and training. [(34 CFR § 436.35)](https://www.law.cornell.edu/cfr/text/34/463.35)

The term “integrated education and training” refers to a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

## Part 3: State Imposed Requirements

The Kansas Board of Regents has implemented the following policies that are not imposed under federal law:

**State Imposed Requirement 1:** Local programs must provide a minimum **50% local match** to federal funds. Required grantee contributions may be provided in cash or in-kind (fairly evaluated). Local match shall include only non-federal funds that are used for adult education and literacy activities. Funded providers must maintain a level of local support that, at a minimum, is equivalent to the local support provided in the previous fiscal year.

**State Imposed Requirement 2:** All instructional and/or administrative leadership staff hired after July 1, 2013 must hold a bachelor’s degree or higher.

## Instructions for Part 4

**Section 1: Substantive Changes**

A substantive change is a significant modification or expansion in the nature and scope of the activities provided as it relates to the original grant application. These changes may include, but are not limited to, adding or ceasing operations in any given location and adding or ceasing the delivery of allowable activities as described on page two. If there are no substantive changes to the grant activities as originally submitted, this section may remain blank.

**Section 2: Performance Data Analysis**

Provide a clear assessment of the program’s performance during the previous fiscal year. As succinctly as possible, describe: 1) How the program performed; 2) How the program used data to adjust during the year; and 3) How the program plans to increase future performance.

**Section 3: Integration with One-Stop Partners**

This section should provide a frank description of the relationship the program has with its one-stop partners and provide a detailed description of the career services (as defined by law) that the program is providing as part of the one-stop system. Part B should detail how the program is meeting the requirement to the one-stop infrastructure costs. This should include what the program is providing, and the value of the goods and services provided.

**Section 4: Ensuring Equitable Access and Participation**

This section should include the program and/or institution’s GEPA Statement. This statement is a requirement, not just for Adult Education, but for any new grant awards from the U.S. Department of Education.

**This statement is not a non-discrimination statement.**

A GEPA statement should describe the **actions** the program will take to ensure equitable access to, and participation in, the program. Stating that your program accepts students from all races, genders, cultures, etc. **is not** an **action** that will ensure equitable access and participation.

The difficulty with GEPA statements it that they can be unique to an institution. Therefore, crafting your GEPA statement will require some reflection about your program, institution, and community. An example of what constitutes **part** of an acceptable GEPA statement is:

|  |  |
| --- | --- |
| Barrier | Our community has a large population of immigrants from Spanish speaking countries who may lack the language skills to access our program’s services. |
| Action | Our program will advertise in Spanish, translate enrollment documents into Spanish, and make a translator available during orientation. |

## Part 4: Narrative

Please address the following narrative sections for the continuation funding application

## Section 1: Substantive Changes (Maximum 1 Page)

This component of the application should briefly describe any substantive changes or deviations from the program’s original application, if applicable.

1. What substantive changes have occurred, or are proposed for the next program year?
2. Why were the substantive changes made?
3. How will the substantive changes affect students served by the program?

## Section 2: Performance Data Analysis (Maximum 2 Pages)

Describe how the adult education program performed on the core indicators (e.g. Measurable Skill Gains, Credential Attainment, etc.).

1. Discuss how the program used data-driven decision making to improve quality and effectiveness of the program.
2. Discuss any plans to increase performance in future reporting years.

## Section 3: Integration with One-Stop Partners

Describe how the program has integrated with one-stop partners, and what initiatives are either in place or are planned to support further integration.

1. Describe what applicable career services the program provides as a partner in the one-stop system and what future services it plans to provide.
2. Describe how one-stop infrastructure costs are supported by the program.

## Section 4: Ensuring Equitable Access and Participation

The Department of Education's General Education Provisions Act (GEPA) applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

Describe the steps the program has to ensure equitable access to, and equitable participation in, the project. Address the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

## Section 5: Integrated English Literacy and Civics Education (Grantees Only)

Describe the program’s efforts in meeting the requirement to provide IELCE services in combination with integrated education and training activities.

1. Discuss any performance results, challenges, and lessons learned from implementing those program goals.
2. Discuss any plans to further increase performance in future reporting years.

Describe how the program is progressing towards program goals of preparing and placing IELCE program participants in unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency.

1. Discuss any performance results, challenges, and lessons learned from implementing those program goals.
2. Discuss any plans to further increase performance in future reporting years.

Describe how the program is progressing towards program goals of ensuring that IELCE program activities are integrated with the local workforce development system and its functions.

1. Discuss any performance results, challenges, and lessons learned from implementing those program goals.
2. Discuss any plans to further increase performance in future reporting years.

## Section 6 (Optional): Programs for Corrections Education and Other Institutionalized Individuals

Describe how the program has carried out corrections education and education for other institutionalized individuals.

1. Describe how the funds requested for the delivery of corrections education and education for other institutionalized individuals included academic programs for one or more of the following:
   * 1. Adult education and literacy activities;
     2. Special education, as determined by the eligible agency;
     3. Secondary school credit;
     4. Integrated education and training;
     5. Career pathways;
     6. Concurrent enrollment;
     7. Peer tutoring; and
     8. Transition to re-entry initiatives and other post release services with the goal of reducing recidivism.
2. Describe the sustainability plan for the delivery of corrections education and education for other institutionalized individuals.

#### Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters, and Drug-Free Workplace Requirements

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) 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 any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(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 Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. DRUG-FREE WORKPLACE

(GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies 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 the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

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

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

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) 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 grant 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 under the grant, the employee will:

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

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) 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

Be advised that the determinations regarding the distribution of FY 2022 AEFLA funds are an agency action by the Kansas Board of Regents, an agency of the State of Kansas. In accordance with K.S.A. 77-601 et seq., The Kansas Board of Regents is hereby providing final notice that, with respect to the distribution of these funds, the board has taken final agency action. The distribution amount approved by the Board is set forth in this award notice. General Counsel Julene L. Miller is the agency officer who shall receive service on behalf of this office of any subsequent petition for judicial review of this action. Any such petition for judicial review must be filed within 30 days of the notice of award.

(2) 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;

(g) Making a good faith effort to continue to maintain a

drug-free workplace through implementation of paragraphs

(a), (b), (c), (d), (e), and (f).

**B. The grantee may insert in the space provided the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address. city, county, state, zip code)**

**Insert All Adult Education Sites Here\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |  |
| --- | --- |
| **Adult Education and Family Literacy Act Local Grant Program** | |
| **Name of Applicant:** |  |
| **Name and Title of Authorized Representative:** |  |
| **Signature: Date:** | |

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

State of Kansas

Department of Administration DA-146a (Rev. 07-19)

**CONTRACTUAL PROVISIONS ATTACHMENT**

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the day of \_\_\_\_\_\_\_\_\_\_\_ , 2021.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.).*
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.)* and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.)* and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.)* (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) Contractor agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) Contractor agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if is determined that the contractor has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the contract may be canceled, terminated, or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.
6. **Acceptance of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority to Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility for Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.),* the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information: No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq.***
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.