

SMART

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GRANTS

MANAGEMENT

2015

Uniform Guidance:
Introduction, Application, and Pre-Award
Requirements



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Why This Session Is Needed

First consolidation in many years.

Changes in the Guidance and DOL exceptions.

New definitions & pre-award requirements.

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Lesson Overview & Module Objectives (1 of 2)

Genesis

Uniform Guidance Structure

- Discuss the rationale for grant management reform and overall new organization of the grant management requirements into the Uniform Guidance
- Review organizational structure and applicability of the Uniform Guidance
- Define DOL exceptions and technical corrections approved by OMB

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Lesson Overview & Module
Objectives (2 of 2)

Definitions

Pre-Award
Requirements

Implementation

- Review key changes in definitions and noteworthy deletions
- List the key pre-award provisions related to awarding of grants and sub-grants.
- Discuss available implementation options for DOL-ETA recipients and their subrecipients

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4

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Knowledge Check

On a scale of 1 (lowest) to 5 (highest), rate your knowledge and understanding of the following by circling the appropriate number in the middle column of the sheet, labeled Pre-Training, for each of the statements.

?

☐ I am fully aware of the various OMB Circulars that are impacted by the issuance of the Uniform Guidance.

☐ I understand the new structure of the Uniform Guidance.

☐ I know where to find additional resources to assist in my understanding of the Uniform Guidance.

☐ I understand the options available for implementation.

☐ I am fully aware of the new pre-award requirements.

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5

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Genesis

Learning objectives for
this section

- Discuss the rationale for grant management reform and overall new organization of the Uniform Guidance

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6

How Did the Uniform Guidance Come About?

Council on Financial Assistance Reform (COFAR)

Conflicts between the OMB guidance and Federal agency regulations.

Created on October 27, 2011
Composition
- 9 Federal awarding agencies

Why Develop the Uniform Guidance?

Reduce administrative burden and fraud, waste, and abuse

Desire for uniform guidance in grant community

Need to leverage technology

Focus audits & monitoring on high risk areas

Before Uniform Guidance

Department of Labor - ETA Grantees				
	OMB Circulars and DOL Regulations BEFORE 12/26/2014			Uniform Guidance After 12/26/2014
Nature of Grantee/Subgrantee	Federal Audit Requirements	Federal Cost Principles	Uniform Administrative Requirements	
State/Local, & Indian Tribal Governments	A-133 Revised 9/27/03 (effective 12/31/03)	2 CFR 225 (formerly A-87) Revised 05/10/04	A-102 Amended 9/29/97	2 CFR 200 2 CFR 2900
Institutions of Higher Education	29 CFR Parts 96 and 99	2 CFR 220 (formerly A-21) Revised 05/10/04	29 CFR Part 97	
Non-Profits		2 CFR 230 (formerly A-122) Amended 05/10/04	29 CFR Part 95	
For-Profits	Per program or grant agreement	48 CFR Part 31 (FAR)	Per program or grant agreement	



10

Status Check

Are the statements true or false?

- ? The COFAR was formed to develop Uniform Guidance.
- ? The Uniform Guidance consolidates requirements from 8 different OMB Circulars.
- ? The sections of the Uniform Guidance contain consolidated requirements that apply separately to type of organization.
- ? The Uniform Guidance emphasizes accountability and performance

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11

Uniform Guidance Structure

Learning objectives for this section

- Review organizational structure and applicability of the Uniform Guidance
- Define DOL exceptions and technical corrections approved by OMB

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12



Structure (1 of 5)

2 CFR Part 200 and 2 CFR Part 2900

- **Acronyms & Definitions**
 - Subpart A: New and updated terms
- **General Provisions**
 - Subpart B: Effective dates
- **Pre-Federal Award Requirements**
 - Subpart C
 - Appendix I : Full Text of Notice of Funding Opportunity

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13



Structure (2 of 5)

2 CFR Part 200 and 2 CFR Part 2900

- **Post Federal Award Requirements**
 - Subpart D
 - Appendix II : Contract Provisions
- **Cost Provisions**
 - Subpart E & 7 Appendices
- **Audit Requirements**
 - Subpart F & 2 Appendices

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14



Structure (3 of 5)

2 CFR Part 200 and 2 CFR Part 2900

Cost Provisions: Subpart E & 7 Appendices

- Appendix III — Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)
- Appendix IV — Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations
- Appendix V — State/Local Government- wide Central Service Cost Allocation Plans
- Appendix VI — Public Assistance Cost Allocation Plans

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15



Structure (4 of 5)

2 CFR Part 200 and 2 CFR Part 2900

Cost Provisions: Subpart E & 7 Appendices

- **Appendix VII** — State, Local Government, and Indian Tribe Indirect Cost Proposals
- **Appendix VIII** — Nonprofit Organizations Exempted From Subpart E — Cost Principles of Part 200
- **Appendix IX** to Part 200—Hospital Cost Principles

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16



Structure (5 of 5)

2 CFR Part 200 and 2 CFR Part 2900

Audit Requirements

Subpart F & 2 Appendices

- **Appendix X** — Data Collection Form (Form SF–SAC)
- **Appendix XI** — Compliance Supplement
 - 2015 Edition released June 2015

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17



Technical Corrections

Federal Register published December 19, 2014

 Procurement Standard	 Modified Total Direct Costs
 Unique Entity Identifier	 Clarification on Payments
 Cost Sharing or Matching	 Prior Approvals
 Program Income	 Should vs. Must

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18

DOL Exceptions (1 of 2)

2900.2
Non-Federal Entity

2900.7
Payment

Multiple Provisions
Concerning Budget

2900.14
Financial reporting

2900.5
Federal awarding
agency review of merit
of proposals

2900.15
Closeout

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19

DOL Exceptions (2 of 2)

2900.13
Intangible property

2900.17
Adjustment of negotiated IDC rates

2900.18
Contingency provisions

Subpart F – Audit
Requirements (2900.20-.22)

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20

Major Definitions: Uniform Guidance
Subpart A

Learning objectives
for this section

- Review key changes in definitions and noteworthy deletions

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21

Definitions

Subpart A of the Uniform Guidance

- Consolidates, updates, and clarifies
- Adds a number of new definitions
 - Also renames or deletes a number of definitions

DOL Exceptions

- Budget
- Non-Federal entity
- Questioned costs

Resource #1
(Definition comparison)

etasmarttraining.org

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22

Definitions and New Items

Important additions or changes

- Conflict of Interest
- Procurement Methods
- Support for Indirect Cost rates
- De Minimis Rate
- Computing Devices
- Internal Controls
- Improper Payments
- COSO

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23

New Definitions (1 of 2)

- 200.8 Budget
 - DOL clarification at 2 CFR 2900.1
- 200.23 Contractor
- 200.45 Fixed Amount Awards
- 200.61 Internal Controls

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24

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New Definitions (2 of 2)

- 200.67 Micro-Purchase
- 200.68 Modified Total Direct Cost (MTDC)
- 200.69 Non-Federal Entity
- 200.79 PII and Protected PII
- 200.88 Simplified Acquisition Threshold
- 200.74 Pass-through Entity
- 200.92 Subaward

NEW

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Status Check

Are the statements true or false?

?

The Uniform Guidance is divided into 6 subparts.

?

Subpart B contains all the definitions.

?

The simplified acquisition threshold is currently \$150,000.

?

Internal Controls are now defined as a system of oversight.

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Pre-Award Requirements Uniform Guidance Subpart C

Learning objectives for this section

- List the key pre-award provisions related to awarding of grants and sub-grants.

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Notices of Funding Opportunity
(1 of 2)

2 CFR 200.203 Notices of Funding Opportunities

Must be written in English and provide timely notification to public

Link funds to a CFDA number, authorization, and type of assistance (formula or discretionary)

Describe program purpose, goals, measurement, and eligibility requirements

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28

Notices of Funding Opportunity
(2 of 2)

2 CFR 200.203 Notices of Funding Opportunities

Applicability of Single Audit requirements

Reference to merit review process

ETA term is "Funding Opportunity Announcement"

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29

Merit Review vs.
Risk Assessment Process (1 of 2)

Merit Review

- Specifies the criteria that the Federal awarding agency will use to evaluate all grant applications
- Appendix I of the Uniform Guidance provides additional detail

Applies to ETA discretionary awards

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30



Merit Review vs. Risk Assessment Process (2 of 2)

Risk Assessment Process

- Conducted after the merit review but before Federal award is made
- Considers the following factors:
 - Financial stability
 - Quality of management systems
 - History of performance
 - Reports and Findings including Audits and Monitoring Reports
 - Ability to effectively implement requirements
 - FAPIIS and SAM—for debarment or Do Not Pay listing

Applies to ETA discretionary awards

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31



Federal Award Instruments

2 CFR 200.201

Use of grant agreements, cooperative agreements, and contracts

- Grant Agreement
 - Formula Grants
 - Discretionary Grants
 - Including Fixed Amount Awards
 - Not used in ETA grants
- Cooperative Agreement
- Contract
 - Is not a Federal award of assistance



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32



Notice of Award Structure (1 of 2)



Requirements found at 2 CR 200.210



Standardized Elements

- Recipient name, period of performance, CFDA #, unique entity identifier, and more
- Budget
- Performance Goals
- Terms and Conditions
- Indirect cost rate including 10% de minimis rate
- Match or cost sharing requirements
- National policy requirements

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33



Notice of Award Structure (2 of 2)

Additional Elements



- Requirements found at 200.208 & 200.113
- Certifications and Disclosures
 - To be submitted annually unless otherwise noted
 - Including written disclosure of all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

ETA's "Standard Terms and Conditions" can be found at www.doleta.gov/grants/resources.cfm

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34



Status Check

Are the statements true or false?

?

The pre-award requirements apply to both recipients and the Federal awarding agency.

?

Performance is an integral part of the merit review process.

?

ETA uses the term "Funding Opportunity Announcement" for all award solicitations. As issued, they will be available through grants.gov.

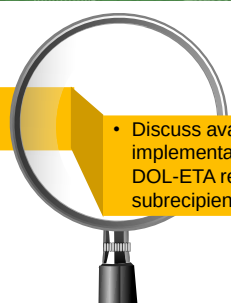
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35



Uniform Guidance Applicability and Implementation

Learning objectives for this section



- Discuss available implementation options for DOL-ETA recipients and their subrecipients

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36

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Implementation (1 of 2)

Training Employment Guidance Letter TEGL 15-14

- All new grant awards or grant modifications released on or after December 26, 2014 MUST adhere to the Uniform Guidance
- Options A and B require grant modification



Formula (Option A)

- Formula recipients may request authorization to apply the Uniform Guidance to existing or grants awarded before December 26, 2014

Discretionary (Option B)

- Discretionary recipients may request authorization to apply the Uniform Guidance to existing grant awards

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37

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Implementation (2 of 2)

Training Employment Guidance Letter TEGL 15-14

- **Selection - Options A and B**
 - Submit modification request in writing to your Federal Project Officer
 - Include a list of grants (by grant number) for which the Uniform Guidance will be applicable

- **Selection – Neither Option A nor B**
 - Uniform Guidance applies to all new grant awards or funding released on or after December 26, 2014
 - Previously awarded funds must follow terms of their grant agreement
 - This may mean maintaining two sets of policies and procedures!

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38

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Grace Period for Procurement Standards Only

Procurement Standards

- Effective date for implementation is revised
 - 200.110
- Allows a grace period of two fiscal year to implement 200.317 through 200.336

December 19, 2014 Federal Register

- Provides additional detail



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39

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Resources

UNIFORM GUIDANCE

US DEPARTMENT OF LABOR GRANT RECIPIENTS

ADMINISTRATIVE REQUIREMENTS

AFTER December 26, 2014

2 CFR Part 200 and 2 CFR Part 2900*

US DEPARTMENT OF LABOR GRANT RECIPIENTS

ADMINISTRATIVE REQUIREMENTS

BEFORE December 26, 2014

USEFUL LINKS

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Key Concepts (1 of 2)

Look to both
Federal Registers
December 26, 2013
December 19, 2014

Train your staff
and share
information
with
subrecipients

For specific
guidance related
to the DOL
Exceptions or
grants
contact your
ETA Regional
Office

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Key Concepts (2 of 2)

Be aware of
requirements for
the awarding of
grants

Be aware of 'new'
requirements for
the awarding of
'Federal' grants

Uniform Guidance: Introduction, Application and Pre-Award Requirements 42

Knowledge Check

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- I understand the options available for implementation.
- I am fully aware of the new pre-award requirements.

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43



“There is no ignorance, there is knowledge.”

-The Jedi Code

Thank You!

Please complete your evaluations